

SESSION LAWS

OF THE

STATE OF WYOMING

PASSED BY THE

FIFTY-NINTH STATE LEGISLATURE

2008 BUDGET SESSION

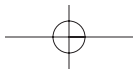
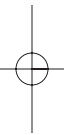
CONVENED AT CHEYENNE, FEBRUARY 11, 2008

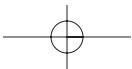
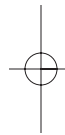
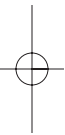
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USERS NOTES

Under W.S. 8-1-105 and 28-8-105, the Legislative Service Office is responsible for providing for the publication of the Wyoming Statutes. This includes conforming statutes which have been amended by more than one chapter of the Session Laws and providing appropriate numbering. For example, two chapters may use the same statute section number when creating a new section. These will be appropriately numbered in the Wyoming Statutes Annotated. The Wyoming Statutes Annotated will also reflect and give effect to amendments to a statute when the amendments are made by more than one chapter of the Session Laws. Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

Legislative Service Office



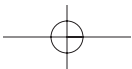
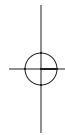
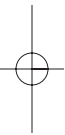


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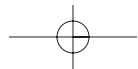
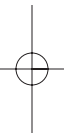
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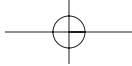


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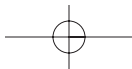
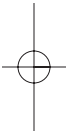
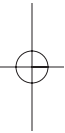


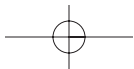
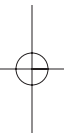
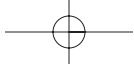
PROPOSED CONSTITUTIONAL AMENDMENT

**PROPOSED CONSTITUTIONAL AMENDMENT NO. B -
 (ORIGINAL HOUSE JOINT RESOLUTION NO. 1.)** A JOINT RESOLUTION proposing to amend the Wyoming Constitution to modify the signature requirement for a petition for an initiative or referendum; changing the requirement from fifteen percent of those resident in at least two-thirds of the counties to at least fifteen percent of those resident in at least two-thirds of the senate districts in the state 421

OTHER SUBJECTS

ORIGINAL HOUSE JOINT RESOLUTION NO. 10 -
 A JOINT RESOLUTION requesting Congress to support the local radio freedom act 421





LAWS
PASSED BY THE
FIFTY-NINTH
WYOMING LEGISLATURE
2008 BUDGET SESSION

Chapter 1

FUEL TAX-DISTRIBUTIONS

Original House Bill No. 5

AN ACT relating to gasoline tax distribution; modifying the sunset on off-road recreational vehicle gasoline tax distributions; repealing the sunset on motorboat gasoline tax distributions; and providing for an effective date.

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

Section 1. W.S. 39-17-111(c)(iii) and (iv) is amended to read:

39-17-111. Distribution.

(c) The department shall certify to the state treasurer amounts to be credited to appropriate accounts based upon deductions from the taxes collected under this article in the following order:

(iii) ~~Until June 30, 2008,~~ Deduct an amount collected on fuel used in motorboats, computed by multiplying the number of motorboats numbered during the current fiscal year under W.S. 41-13-102 and five thousand (5,000) nonresident motorboats times sixteen dollars and twenty-five cents (\$16.25). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve facilities for use by motorboats and motorboat users at state parks and state recreation areas and to provide grants to governmental entities for improvement of publicly owned boating facilities at public parks and recreational facilities;

(iv) Until June 30, ~~2008-2013~~, deduct an amount collected on fuel used in off-road recreational vehicles, computed by multiplying the number of off-road recreational vehicles for which user registration fees have

been paid during the current fiscal year under W.S. 31-2-703(a) times ten dollars and forty cents (\$10.40). The amount computed shall be credited to a separate account to be expended by the department of state parks and cultural resources to improve off-road recreational vehicle trails in Wyoming.

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 2

REAL ESTATE COMMISSION-AUTHORITY

Original House Bill No. 7

AN ACT relating to the real estate commission; correcting a citation in the real estate license act to include additional provisions within the act; and providing for an effective date.

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

Section 1. W.S. 33-28-102(a)(xviii) is amended to read:

33-28-102. Definitions.

(a) As used in this act:

(xviii) "This act" means W.S. 33-28-101 through ~~33-28-206~~ 33-28-401.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2008.

Chapter 3

NURSERY STOCK

Original House Bill No. 14

AN ACT relating to nursery stock; modifying sale restrictions; and providing for an effective date.

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

Section 1. W.S. 11-9-105(b) is amended to read:

11-9-105. Nursery stock for sale; condition generally.

(b) ~~Any~~ All nursery stock to be sold, offered for sale or distributed shall be substantially free or apparently free of any injurious insects, plant diseases, other pests or prohibited, restricted, regulated or designated weeds, ~~and shall not be sold, offered for sale or distributed.~~

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 4

SCHOOL BUILDING PLAN REVIEW EXCEPTION

Original House Bill No. 25

AN ACT relating to fire prevention and electrical safety; authorizing state fire marshal to employ contract personnel; eliminating restriction on plan review fees for school buildings; classifying school buildings as state buildings for purposes of local enforcement; and providing for an effective date.

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

Section 1. W.S. 35-9-107(b)(iv), 35-9-108(r) and 35-9-121(b)(intro) are amended to read:

35-9-107. Duties and powers of state fire marshal.

(b) The state fire marshal may:

(iv) Employ personnel and contract with appropriate personnel as necessary for the efficient performance of assigned duties.

35-9-108. Plan review; procedure; fees.

(r) There shall be no ~~plan review and~~ inspection fees for school buildings.

35-9-121. Local enforcement.

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume joint plan review authority with the state fire marshal, and that entity has sole construction inspection authority on the approved plans, and sole authority for periodic fire and life safety inspections on state owned or leased buildings. For the purpose of this section, school buildings shall ~~not~~ be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 5**MEDICAL SAFETY EVENT REPORTING**

Original House Bill No. 31

AN ACT relating to public health and safety; authorizing the department of health to define safety events for purposes of mandatory reporting by health care facilities as specified; granting rulemaking authority; repealing a list of reportable safety events; and providing for an effective date.

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

Section 1. W.S. 35-2-912(a)(intro) is amended to read:

35-2-912. Mandatory reporting of safety events.

(a) For purposes of this section, "safety event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including: those events identified by rule and regulation of the department using a standard taxonomy generally accepted in the health care industry as indicated by endorsement of the national quality forum or similar health care quality control organization.

Section 2. W.S. 35-2-912(a)(i) through (vi) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 6**FILM INCENTIVE PROGRAM-AUTHORITY**

Original House Bill No. 45

AN ACT relating to film incentives; transferring film industry financial incentive program to the board of tourism; providing a definition; specifying legislative intent; and providing for an effective date.

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

Section 1. W.S. 9-12-402, 9-12-403(a) by creating a new paragraph (vi), 9-12-404(a) and (c), 9-12-405(a), (b)(intro), (iv) and (d)(intro), 9-12-406(a) and (c) and 9-12-1002(a)(iii) and by creating a new paragraph (iv) are amended to read:

9-12-402. Film industry financial incentive program; creation.

There is created the film industry financial incentive program to encourage the use of this state as a site for filming and providing production

services for filmed entertainment. The program shall be administered by the ~~business council~~ Wyoming tourism board.

9-12-403. Film industry financial incentive program; definitions.

(a) As used in this article:

(vi) "Board" means the Wyoming tourism board.

9-12-404. Film industry financial incentive program; reimbursement eligibility; submission of required documentation; payment.

(a) The ~~business council~~ board may contract with the makers of a qualified production to provide a reimbursement of up to fifteen percent (15%) of the production's qualified expenditures if a minimum of five hundred thousand dollars (\$500,000.00) in total qualified expenditures are made.

(c) A qualified production applying for a payment under this section shall submit documentation for claimed qualified expenditures to the ~~council~~ board.

9-12-405. Film industry financial incentive program; contract required; procedure; approval process.

(a) The ~~council~~ board may contract with any entity engaged in this state in producing filmed entertainment for reimbursement of qualified expenditures as provided in this article. The ~~council~~ board shall be provided information required to determine if the production is a qualified production and to determine the qualified expenditures, production costs and other information necessary for the council to determine both eligibility for and the appropriate level of reimbursement. No reimbursement shall be made unless the ~~council~~ board has entered into an agreement which provides for adequate consideration to the state in exchange for the reimbursement provided. No reimbursement of qualified expenditures shall be made by the ~~council~~ board until the qualified production is complete and substantially all contractual commitments made to the ~~council~~ board have been fulfilled. If a qualified production is not completed according to a reasonable schedule, the contract shall be terminated and funds reallocated to other qualified productions.

(b) The ~~council~~ board shall establish a process by which a contract under this article is formulated and executed and reimbursement amounts are determined. The ~~council~~ board shall require information including, but not limited to:

(iv) A signed affidavit by a person authorized to commit the entity that the information provided to the ~~council~~ board has been verified and is correct.

(d) The ~~council~~ board shall not contract with any qualified production for reimbursement of qualified expenditures under this article unless the ~~council~~ board determines that adequate consideration to the state in exchange for the reimbursement will be provided under the contract.

The reimbursement shall not exceed the amount of measurable benefit gained by the state resulting from the qualified production expenditures. The consideration may include but is not limited to:

9-12-406. Film industry financial incentive program; rules and regulations; fraudulent claims; reporting.

(a) The ~~council board~~ may adopt rules and regulations to implement this article, including, but not limited to, requirements for the contract process, requirements for substantial completion of contractual commitments, records required for submission for substantiation of reimbursement and determination of and qualification for reimbursement.

(c) The ~~council shall include in its annual report under W.S. 9-12-112, and board~~ shall report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations interim committee by October 1 each year, expenditures under this article and the return to the state on funds expended pursuant to this article.

9-12-1002. General powers and duties of the board; rulemaking authority.

(a) The board shall be responsible for implementing the tourism program and functions assigned to the Wyoming business council under the Wyoming Economic Development Act, including the expenditure of all funds appropriated for the tourism program and shall:

(iii) Implement programs to promote tourism in Wyoming; and

(iv) Administer the film industry financial incentive program as provided in W.S. 9-12-402 through 9-12-406.

Section 2. W.S. 9-12-104(a)(xxi) is repealed.

Section 3.

(a) It is the intention and direction of the legislature that:

(i) All duties of the business council with respect to the Wyoming film industry financial incentive program be transferred to the Wyoming tourism board. All duties of the business council with respect to the Wyoming film industry financial incentive program not assumed by the tourism board are terminated;

(ii) All unexpended funds not otherwise obligated and any other property, if any, of the business council exclusively dedicated to the Wyoming film industry financial incentive program be transferred to the tourism board;

(iii) Any contract, agreement or obligation entered into or assumed by the business council with respect to the Wyoming film industry financial incentive program, if the execution or assumption was within the lawful powers of the business council, be assumed by the tourism board;

(iv) Any policy adopted by the business council with respect to the Wyoming film industry financial incentive program remain in effect unaltered as policy of the tourism board until amended or repealed by the tourism board.

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

Approved March 3, 2008.

Chapter 7

STATE AUDITOR EMPLOYEE CRIMINAL BACKGROUND CHECKS

Original House Bill No. 64

AN ACT relating to the state auditor; authorizing the state auditor to obtain financial and criminal background checks as specified; and providing for an effective date.

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

Section 1. W.S. 7-19-106(a) by creating a new paragraph (xix), 7-19-201(a) by creating a new paragraph (xii) and 9-1-403 by creating a new subsection (h) are amended to read:

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xix) The state auditor.

7-19-201. State or national criminal history record information.

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xii) State auditor employees or applicants for employment who have access to confidential financial or accounting records.

9-1-403. State auditor; duties; prohibited acts; powers; investigative subpoenas.

(h) The state auditor shall have the authority to obtain the financial and criminal background of an employee or employment applicant of the state auditor in accordance with W.S. 7-19-106 and 7-19-201.

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 8**EMERGENCY FIRE SUPPRESSION ACCOUNT**

Original House Bill No. 71

AN ACT relating to public lands and fire suppression; repealing provision for abatement of county assessments for the emergency fire suppression account; and providing for an effective date.

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

Section 1. W.S. 36-1-404(b)(intro) is amended to read:

36-1-404. Participation by counties; assessments; withdrawal from participation; forfeiture of assessments for failure to pay assessments.

(b) ~~Except as provided in subsection (d) of this section,~~ Each participating county shall pay an annual assessment to the account in an amount equal to:

Section 2. W.S. 36-1-404(d) is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2008.

Chapter 9**TANF AMENDMENTS**

Original House Bill No. 59

AN ACT relating to the personal opportunities with employment responsibilities program; increasing assistance levels and allowing for annual adjustments; amending eligibility requirements by removing a limit on the value of excluded motor vehicles; and providing for an effective date.

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

Section 1. W.S. 42-2-103(e)(iii) and 42-2-109(b) are amended to read:

42-2-103. Provision of assistance and services; duties of department; burial assistance; state supplemental security income program.

(e) In administering this section and in addition to other requirements imposed under this chapter and the Wyoming Medical Assistance and

Services Act and federal rule and regulation, the department shall by rule and regulation:

(iii) Limit assistance payable under W.S. 42-2-104 for the year 2008 as follows; ~~provided no assistance unit shall at any time subsequent to initial qualification for assistance receive any increase based upon an increase in the number of persons in the assistance unit after ten (10) months following initial qualification for assistance;~~

Family Size	<u>Cumulative Inflation</u> <u>Factor</u>	Maximum POWER Payment
1	<u>1.489</u>	\$195-290
2	<u>1.489</u>	320-476
3	<u>1.489</u>	340-506
4	<u>1.489</u>	340-506
5	<u>1.489</u>	360-536
6	<u>1.489</u>	360-536
7 and above	<u>1.489</u>	380-566

Beginning July 1, 2009 and annually thereafter, the maximum payment level shall be adjusted for the percentage change in the Wyoming cost-of-living index for the previous fiscal year as determined by the division of economic analysis of the department of administration and information.

42-2-109. Review of assistance and services; termination or modification; notice to department of change in resources.

(b) Upon gaining possession of any property, income or other resources after receiving any public assistance and social services under this article, a recipient shall immediately notify the department as he becomes aware of the change in circumstances. The amount of public assistance and social services provided to the recipient shall be accordingly terminated or modified pursuant to rule and regulation of the department. ~~Effective July 1, 1996, The department shall allow the exclusion of one (1) duly registered and licensed motor vehicle with a market value of less than fifteen thousand dollars (\$15,000.00), from personal resources in determining eligibility for any household under the personal opportunities with employment responsibilities (POWER) and food stamp programs. Married couples shall be allowed a second duly registered and licensed motor vehicle, provided the aggregate value of both vehicles does not exceed fifteen thousand dollars (\$15,000.00).~~

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 10

SELECT NATURAL RESOURCES FUNDING COMMITTEE-CHAIRMANSHIP

Original Senate File No. 2

AN ACT relating to the select committee on natural resources funding; providing for co-chairmen; and providing for an effective date.

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

Section 1. W.S. 28-11-401(b)(i) is amended to read:

28-11-401. Appointment of members; powers and duties; related duties of wildlife and natural resource trust account board.

(b) The select committee shall:

(i) Select from among its members ~~a chairman and vice chairman~~ two (2) members to serve as co-chairmen;

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2008.

Chapter 11

GAME AND FISH-FUNDING

Original Senate File No. 3

AN ACT relating to game and fish; providing for budgeting for programs for management of sensitive and nongame species; providing for a report; and providing for an effective date.

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

Section 1. W.S. 9-2-1002(a)(iii), 9-2-1010(a)(iii) and 23-1-502(a) and by creating a new subsection (d) are amended to read:

9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.

(a) As used in this act:

(iii) "Entity" means any governmental unit, special district, corporation, partnership or person which will receive a legislative appropria-

tion, directly or indirectly, excluding the legislature, the judiciary and the Wyoming department of transportation, game and fish department except as provided in W.S. 23-1-502(d), counties, municipalities and school districts;

9-2-1010. Duties of budget division; biennial budgets and appropriations.

(a) The department through the budget division shall:

(iii) Consult with each entity which will require a legislative appropriation either directly or indirectly, excluding the Wyoming highway department and the game and fish departments—department except as provided in W.S. 23-1-502(d), in submitting budget estimates or requests for funds, or for instituting, recording and reporting all financial and budget transactions of the state.

23-1-502. Financial policy; budget; fiscal year; debts.

(a) Except as provided in subsection (d) of this section, the commission shall govern its financial policies, subject to the written approval of its budgets by the governor. The commission shall fix the budgets for the operation and maintenance of the department and its divisions for each fiscal year at its first stated meeting of each fiscal year, and shall submit its budget estimates for the following fiscal year as provided by W.S. 9-2-1012.

(d) The commission shall prepare a separate budget requesting general funds to implement and maintain its sensitive species and nongame programs and shall submit that budget for review, recommendation and approval as provided in W.S. 9-2-1010 through 9-2-1014.1. Any funds appropriated by the legislature which are specified for these programs shall be retained in a separate account, expended only for such management and notwithstanding any other provision of law shall not be transferred or expended for any other purpose. In managing for sensitive species and nongame programs the commission shall not be limited to amounts appropriated by the legislature pursuant to this subsection. The commission shall prepare a separate accounting of the expenses incurred in each fiscal year for the operation and maintenance of programs funded through legislative appropriation and shall include the accounting in its annual report.

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 12**FORECLOSURE-REDEMPTION PERIOD**

Original Senate File No. 4

AN ACT relating to foreclosure and redemption of realty sold under mortgage and execution; expanding the acreage required for definition of agricultural real estate; and providing for an effective date.

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

Section 1. W.S. 1-18-103(c) is amended to read:

1-18-103. Right of redemption; redemption of agricultural real estate; "agricultural real estate" defined.

(c) The term "agricultural real estate" means any parcel of land in excess of ~~twenty (20)~~ eighty (80) acres lying outside the exterior boundaries of any incorporated city, town or recorded subdivision. If the mortgage recites that the real estate involved is agricultural real estate, it is presumed the parties to the mortgage, their heirs, executors, administrators, assigns, guarantors or successors in interest have agreed to and are bound by all the provisions of law relative to the right of redemption.

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 13**SCHOOL FACILITIES-INFRASTRUCTURE COSTS**

Original Senate File No. 17

AN ACT relating to school facilities; directing the school facilities commission to ensure and enforce efficient and cost effective facility remedies required to deliver quality educational services; and providing for an effective date.

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

Section 1. W.S. 21-15-116(d)(ii), 21-15-117(b)(intro), (c) and by creating a new subsection (d) are amended to read:

21-15-116. School district facility plans; filing with commission; commission review; administrative review.

(d) Upon receipt, the commission shall review each submitted district facility plan. Commission review shall ensure the plan:

(ii) Reduces building and facility inadequacies in the most efficient and cost effective manner in order to deliver quality educational services;

21-15-117. Annual evaluation of school buildings and facilities; remediation schedule; needs prioritization; combining facilities; implementation of remedy.

(b) The commission shall for each building and facility remedy scheduled under subsection (a) of this section, determine the most cost effective method of remediation of building and facility inadequacies to deliver quality educational services and ensure compliance with the statewide adequacy standards. For any scheduled remedy for which major building and facility repair and replacement payments under W.S. 21-15-109 are not sufficient to remedy the scheduled need, as determined by the commission, the commission shall determine if the remedy requires minor capital outlay or major capital outlay in accordance with the following:

(c) In determining the most cost effective method in meeting capital construction needs in order to deliver quality educational services, the commission in consultation with the select committee on school facilities, may recommend consolidating educational facilities within, between or among school districts. The legislature shall approve any consolidation of educational facilities between two (2) or more school districts.

(d) In determining building and facility remedies under subsection (b) of this section, in developing criteria and procedures for site analysis under W.S. 21-15-114(a)(xii) and in developing district facility plans under W.S. 21-15-116 and otherwise administering this act, the commission shall adopt the remedy that is in the best financial and educational interests of the state, taking into consideration the most efficient and cost effective approach in order to deliver quality educational services and address building and facility need. Expenditures from the school capital construction account shall be for necessary and related costs to implement efficient and cost effective building and facility remedies required to deliver quality educational services. In making determinations under this paragraph, the commission shall take into consideration the effects of the proposed activity on the local community. The commission shall implement this subsection in carrying out building and facility remedies and shall, giving proper consideration to the prevention of unnecessary delays in preceding with a remedy, establish a process to work with other political subdivisions of the state in implementing this subsection.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2008.

Chapter 14**BOARD OF PAROLE-AUTHORIZING CHANGES IN LENGTH OF PAROLE**

Original Senate File No. 32

AN ACT relating to parole; authorizing the granting of "good time" for parolees as specified; authorizing sanctions for violating conditions of parole; and providing for an effective date.

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

Section 1. W.S. 7-13-408 by creating a new subsection (e) and 7-13-420(a) are amended to read:

7-13-408. Probation, parole and conditional release revocation hearing procedures.

(e) The department may establish by rule and regulation a system of imposing the administrative sanctions specified in W.S. 7-13-1107(b) as an alternative to revocation of the parole of any parolee who has violated a condition of his parole. Parolees committed to the county jail or a residential community correctional program pursuant to this subsection shall be housed in accordance with W.S. 7-13-1107(c) or 7-18-115(b).

7-13-420. Good time allowances.

(a) The governor, after consultation with the board and the department, shall adopt rules and regulations to establish a system of good time and special good time allowances for inmates of and parolees from any state penal institution, any institution which houses Wyoming inmates pursuant to W.S. 7-3-401 or any correctional facility operated pursuant to a contract with the state under W.S. 7-22-102 or inmates or parolees transferred to a community correctional facility pursuant to W.S. 7-18-109 or 7-18-115. The rules may provide either for good time to be deducted from the maximum sentence or for good time to be deducted from the minimum sentence imposed by the sentencing court, or both, and may provide for the removal of previously earned good time allowances and the withholding of future good time allowances.

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 15

IMPACT ASSISTANCE PAYMENTS

Original Senate File No. 49

AN ACT relating to taxation and revenue; providing for a minimum of optional sales and use taxes required to be imposed by a county to receive industrial siting impact assistance payments; specifying legislative intent and applicability of act and providing for distribution of funds accordingly; and providing for an effective date.

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

Section 1. W.S. 39-15-111(c) and 39-16-111(d) are amended to read:

39-15-111. Distribution.

(c) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the state treasurer shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the state treasurer shall discontinue payments under this section and establish a new base period when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110. The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing ~~the maximum~~ at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) as restricted by W.S. 39-15-204(a)(iv) and 39-16-204(a)(iii) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two

percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of any adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the state treasurer who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio.

39-16-111. Distribution.

(d) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the state treasurer shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the state treasurer shall discontinue payments under this section and establish a new base period when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing ~~the maximum~~ at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) as restricted by W.S. 39-15-204(a)(iv) and 39-16-204(a)(iii) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of an adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the state treasurer

who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio.

Section 2. This act is intended to clarify the effect of 2007 Wyoming Session Laws, Chapter 133. The legislature did not intend to require any county, city or town to impose the additional one percent (1%) general purpose optional excise tax authorized by that act in order to receive distributions under W.S. 39-15-111(c) or 39-16-111(d). The distribution of funds pursuant to W.S. 39-15-111(c) and 39-16-111(d) after the enactment of 2007 Wyoming Session Laws, Chapter 133 until the effective date of this act should be made without any such additional requirement. To the extent any funds were not so distributed based upon such additional requirement, those funds shall be distributed in accordance with the provisions of this act upon this act becoming effective.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2008.

Chapter 16

BOARDS AND COMMISSIONS-COMPENSATION

Original Senate File No. 52

AN ACT relating to construction of statutes; specifying how reference to legislative salary or compensation is to be treated in statutes setting compensation for persons other than legislators; and providing for an effective date.

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

Section 1. W.S. 8-1-103(a) by creating a new paragraph (ix) is amended to read:

8-1-103. Rules of construction for statutes.

(a) The construction of all statutes of this state shall be by the following rules, unless that construction is plainly contrary to the intent of the legislature:

(ix) Reference to legislative salary, per diem or compensation in any statute establishing the amount of salary, per diem or compensation to be paid a person who is not a legislator, shall be deemed a reference only to the rate of legislative salary, per diem or compensation set by statute and shall not be construed to authorize the payment of salary for meeting preparation days as provided for legislators under W.S. 28-5-101(e)(iii) or the payment of salary for travel days provided for legislators under W.S. 28-5-101(e)(iv).

Section 2. This act is effective January 5, 2009.

Approved March 3, 2008.

Chapter 17**SCHOOL FINANCE-RECAPTURE PAYMENTS**

Original Senate File No. 61

AN ACT relating to school finance; modifying the schedule for recapture payments as specified; adjusting recapture district entitlement loan repayment; specifying application; and providing for an effective date.

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

Section 1. W.S. 21-13-102(b) and 21-13-313(g) are amended to read:

21-13-102. Maximum rate of school district tax; recapture of excess; equalization of permissive levies.

(b) Except as otherwise provided by law, on January 15, March 15 and May 15 of each year in equal payments of twenty-five percent (25%) and the balance to be paid on June 15, each school district shall rebate to the department of education the amount by which the revenue from the sources provided by W.S. 21-13-310 exceeds the foundation program costs determined under W.S. 21-13-309, as estimated to the districts on or before August 15 and as subsequently certified to the districts on or before March 1 of the current fiscal year under subsection (e) of this section, to be credited to the public school foundation program account defined in W.S. 21-13-101(a)(ix).

21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall for any district subject to W.S. 21-13-102(b) as determined by the department for any school year, provide payments from the school foundation program account in an amount equal to one-third (1/3) of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on August 15 based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. The amount computed under this subsection shall be reduced by any recapture revenues of a district which exceed limitations imposed under W.S. 21-13-102(c), as established by the department for that district for the prior school year. Any district receiving a payment under this subsection shall repay the foundation program account ~~fifty percent (50%) of the amount received on or before January 31 of the school year in which received, and shall repay the remaining fifty percent (50%)~~ by June 15 of that school year.

Section 2. Nothing in this act is intended to be interpreted to modify the administration of school finance with respect to recapture payment

schedules under W.S. 21-13-102(b) and recapture district entitlement loan repayment schedules under W.S. 21-13-313(g) for the 2007-2008 school year.

Section 3. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 18

VALID COURT ORDERS

Original Senate File No. 64

AN ACT relating to juveniles; clarifying that a child may be subject to return to court for violation of the terms of a court order issued by a juvenile court; requiring a timely interview of a child before an informal hearing to determine if the child should be held in detention as specified; requiring a juvenile court judge to explain the terms of an order to the child and other specified persons; clarifying the prohibition against placing a child in need of supervision in a jail; and providing for an effective date.

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

Section 1. W.S. 14-6-201(a)(xix), 14-6-205(a)(ii), 14-6-206(b), 14-6-209(a) and (d)(intro), 14-6-301(a)(v), 14-6-402(a)(xvi), 14-6-405(a)(ii), 14-6-406(b), 14-6-407(b)(ii) and 14-6-409(a) and (d)(intro) are amended to read:

14-6-201. Definitions; short title; statement of purpose and interpretation.

(a) As used in this act:

(xix) "Probation" means a legal status created by court order following an adjudication of delinquency or of a status offense where a child is permitted to remain in his home subject to supervision by a city or county probation officer, the department or other qualified private organization the court may designate. A child is subject to return to the court for violation of the terms or conditions of probation provided for in the court order;

14-6-205. Taking of child into custody; when permitted.

(a) A child may be taken into custody by a law enforcement officer without a warrant or court order when:

(ii) There are reasonable grounds to believe the child has violated the terms of an order of the juvenile court issued pursuant to this act; or

14-6-206. Child in custody; no detention without court order; exceptions; notice to parent or guardian; release.

(b) Any person taking a child into custody shall as soon as possible notify the child's parent, guardian or custodian. Unless the child's deten-

tion or shelter care is authorized by a court order issued pursuant to this act or required for one (1) of the reasons in subsection (a) of this section, the child shall be released to the care of his parent, guardian, custodian or other responsible adult upon that person's written promise to present the child before the court upon request.

14-6-209. Taking of child into custody; informal hearing where no court order; conditional release; evidence; rehearing.

(a) When a child is placed in detention or shelter care without a court order, a petition as provided in W.S. 14-6-212 shall be promptly filed and presented to the court. An informal detention or shelter care hearing shall be held as soon as reasonably possible not later than forty-eight (48) hours, excluding weekends and legal holidays, after the child is taken into custody to determine if further detention or shelter care is required pending further court action. The child shall be interviewed by the department or its designee prior to the detention or shelter care hearing, but in no event later than twenty-four (24) hours, excluding weekends and legal holidays, after the child is taken into custody. The department or its designee shall submit a written report of the interview to the court, including an assessment of the immediate needs of the child and a recommendation for the most appropriate placement for the child pending disposition of the violation. Written notice stating the time, place and purpose of the hearing shall be given to the child and to his parents, guardian or custodian.

(d) Regardless of whether the allegations in the petition are admitted or denied, the court shall determine whether or not the child's full-time detention or shelter care is required pending further proceedings. If the court finds that returning the child to the home is contrary to the welfare of the child, the court shall enter the finding on the record and order the child placed in the legal custody of the department. The court shall explain the terms of the court order to the child, his parents or legal guardian and any other person the court deems necessary. If the court finds that full-time detention or shelter care is not required, the court shall order the child released and may impose one (1) or more of the following conditions:

14-6-301. Definitions.

(a) As used in W.S. 14-6-301 through 14-6-314:

(v) "Probation" means a legal status created by court order following an adjudication of delinquency, a status offense or in need of supervision, where a child is permitted to remain in the child's home subject to supervision by a city, county or state probation officer, the department of family services or other qualified private organization the court may designate. A child is subject to return to the court for violation of the terms or conditions of probation provided for in the court order;

14-6-402. Definitions.

(a) As used in this act:

(xvi) "Probation" means a legal status created by court order following an adjudication of in need of supervision, where a child is per-

mitted to remain in his home subject to supervision by a city, county or state probation officer, the department of family services or other qualified private organization the court may designate. A child is subject to return to the court for violation of the terms or conditions of probation provided for in the court order;

14-6-405. Taking of child into custody; when permitted.

(a) A child may be taken into custody by a law enforcement officer without a warrant or court order when:

(ii) There are reasonable grounds to believe the child has violated the terms of an order of the juvenile court issued pursuant to this act;

14-6-406. Child in custody; no detention or shelter care placement without court order; exceptions; notice to parent or guardian; release.

(b) Any person taking a child into custody shall as soon as possible notify the child's parent, guardian or custodian. Unless the child's detention or shelter care is authorized by a court order issued pursuant to this act or required for one (1) of the reasons in subsection (a) of this section, the child shall be released to the care of his parent, guardian, custodian or other responsible adult upon that person's written promise to present the child before the court upon request.

14-6-407. Detention or shelter care; delivery of child pending hearing; placing children; notice if no court order.

(b) In providing detention or shelter care placement:

(ii) If facilities or services are not immediately available to house and protect the child, the judge may order the child held in a temporary holding area at the local law enforcement complex. No child in need of supervision shall be placed in a jail, ~~other than for~~ but may be placed in a juvenile detention facility if the child has been adjudicated under article 2 of this chapter for having committed a delinquent act;

14-6-409. Taking of child into custody; informal hearing where no court order; conditional release; evidence; rehearing.

(a) When a child is placed in detention or shelter care without a court order, a petition as provided in W.S. 14-6-412 shall be promptly filed and presented to the court. An informal detention or shelter care hearing shall be held as soon as reasonably possible not later than forty-eight (48) hours, excluding weekends and legal holidays, after the child is taken into custody to determine if further detention or shelter care is required pending further court action. The child shall be interviewed by the department or its designee prior to the detention or shelter care hearing, but in no event later than twenty-four (24) hours, excluding weekends and legal holidays, after the child is taken into custody. The department or its designee shall submit a written report of the interview to the court, including an assessment of the immediate needs of the child and a recommendation for the most appropriate placement for the child pending court disposition or execution of a court order for placement or

commitment. Written notice stating the time, place and purpose of the hearing shall be given to the child and to his parents, guardian or custodian.

(d) Regardless of whether the allegations in the petition are admitted or denied, the court shall determine whether or not the child's full-time detention or shelter care is required pending further proceedings. If the court finds that returning the child to the home is contrary to the welfare of the child, the court shall enter the finding on the record and order the child placed in the legal custody of the department of family services. The court shall explain the terms of the court order to the child, his parents or legal guardian and any other person the court deems necessary. If the court finds that full-time detention or shelter care is not required, the court shall order the child released and may impose one (1) or more of the following conditions:

Section 2. This act is effective July 1, 2008.

Approved March 3, 2008.

Chapter 19

ABUSE OF ANIMALS

Original House Bill No. 46

AN ACT relating to abuse of animals; increasing penalties relating to cruelty to animal offenses; and providing for an effective date.

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

Section 1. W.S. 6-3-203(e) and (n) is amended to read:

6-3-203. Cruelty to animals; penalties; limitation on manner of destruction.

(e) Unless punishable under subsection (n) of this section, 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 except that a subsequent offense ~~or aggravated cruelty to animals as defined by subsection (c) of this section~~ is a high misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(n) A person commits a felony if he commits aggravated cruelty to animals as defined in subsection (c) of this section or knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal. A felony under this subsection or sub-

section (c) of this section is punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

Section 2. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 20

UNIFORM LAW ON NOTARIAL ACTS

Original House Bill No. 36

AN ACT relating to notaries and notarial acts; adopting the uniform law on notarial acts; amending conflicting statutes; repealing the Wyoming Acknowledgment Act; repealing superseded statutes; and providing for an effective date.

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

Section 1. W.S. 34-26-101 through 34-26-109 are created to read:

CHAPTER 26 NOTARIAL ACTS

ARTICLE 1 WYOMING UNIFORM NOTARIAL ACT

34-26-101. Short title; definitions.

(a) This act shall be known and may be cited as the “Wyoming Uniform Law on Notarial Acts”.

(b) As used in this act:

(i) “Acknowledgment” means a declaration by a person that the person has freely and voluntarily executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein and that the person acknowledges that the instrument was executed and acknowledged freely and voluntarily;

(ii) In a “representative capacity” means:

(A) For and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;

(B) As a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;

(C) As an attorney in fact for a principal; or

(D) In any other capacity as an authorized representative of another.

(iii) "Notarial act" means any act that a notarial officer of this state is authorized to perform, and includes taking an acknowledgement, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument;

(iv) "Notarial officer" means a notary public or other officer authorized to perform notarial acts;

(v) "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation;

(vi) "This act" means W.S. 34-26-101 through 34-26-109.

34-26-102. Notarial acts.

(a) In taking an acknowledgment, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

(d) In certifying or attesting a copy of a document or other item, the notarial officer shall determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.

(e) In certifying an instrument executed by a business entity the notarial officer shall determine that the person who signed the instrument on behalf of the business entity appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the president or other officer or agent of the business entity, that the instrument was signed on behalf of the entity pursuant to his authority to do so, and that the person who executed the instrument on behalf of the business entity acknowledged the instrument to be the free act and deed of the business entity. For purposes of this subsection "business entity" means corporation, limited liability company, partnership or other entity, whether for profit or not for profit, authorized to be formed under title 17 of the Wyoming statutes or the laws of another state that are the functional equivalent.

(f) In certifying an instrument executed by a trustee of a testamentary trust or of an express trust created by a written trust instrument, the notarial officer shall determine that the trustee who signed the instru-

ment on behalf of the trust appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the trustee of the trust, that the instrument was signed and sealed on behalf of the trust, the trustee had the authority under the terms of the written trust instrument to execute the instrument on behalf of the trust, and that the trustee acknowledged the instrument to be the free act and deed of the trust.

(g) In making or noting a protest of a negotiable instrument the notarial officer shall determine the matters set forth in W.S. 34.1-3-505.

(h) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person:

- (i) Is personally known to the notarial officer;
- (ii) Is identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or
- (iii) Is identified on the basis of identification documents.

34-26-103. Notarial acts in Wyoming.

(a) A notarial act may be performed within this state by the following persons:

- (i) A notary public of this state;
- (ii) A judge of any court of this state;
- (iii) A clerk or deputy clerk of a county;
- (iv) A clerk or deputy clerk of any court of this state;
- (v) A district court commissioner;
- (vi) A full-time magistrate as authorized by W.S. 5-9-208;
- (vii) A part-time magistrate as authorized by W.S. 5-9-212;
- (viii) Any other officer authorized under the laws of this state to take acknowledgments.

(b) Notarial acts performed within this state under federal authority as provided in W.S. 34-26-105, have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

34-26-104. Notarial acts in other jurisdictions of the United States.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:

- (i) A notary public of that jurisdiction;
- (ii) A judge, clerk or deputy clerk of a court of that jurisdiction; or
- (iii) Any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in W.S. 34-26-105 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(d) The signature and indicated title of an officer listed in paragraph (a)(i) or (ii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-105. Notarial acts under federal authority.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

- (i) A judge, clerk or deputy clerk of a court;
- (ii) A commissioned officer on active duty in the military service of the United States;
- (iii) An officer of the foreign service or consular officer of the United States; or
- (iv) Any other person authorized by federal law to perform notarial acts.

(b) The signature and title of the person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(c) The signature and indicated title of an officer listed in paragraph (a)(i), (ii) or (iii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-106. Foreign notarial acts.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under the authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:

- (i) A notary public or notary;
- (ii) A judge, clerk or deputy clerk of a court of record; or
- (iii) Any person authorized by the law of the jurisdiction to perform notarial acts.

(b) An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(c) A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

(d) An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

(e) An official stamp or seal of an officer listed in paragraph (a)(i) or (ii) of this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

(f) If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

34-26-107. Certificate of notarial acts.

(a) A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of the office. If the officer is a notary public, the certificate shall also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it shall also include the officer’s rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) of this section and it:

- (i) Is in the short form set forth in W.S. 34-26-108;
- (ii) Is in a form otherwise prescribed by the law of this state;
- (iii) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- (iv) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by W.S. 34-26-102.

34-26-108. Short forms.

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by W.S. 34-26-107(a):

(i) For an acknowledgment for all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and for all other instruments affecting title to real estate and all other instruments required by the laws of this state to be acknowledged in an individual capacity:

State of _____

County of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: ____]

(ii) For an acknowledgment of all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and other instruments affecting title to real estate and all other instruments to be acknowledged in a representative capacity:

State of _____

County of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: ____]

(iii) For a verification upon oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement)

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: ____]

(iv) For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:____]

(v) For attestation of a copy of a document:

State of _____

County of _____

I certify that this is a true and correct copy of a document in the possession of _____.

Dated _____

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:____]

34-26-109. Notarial acts affected by this act.

(a) This act applies to notarial acts performed on or after its effective date.

(b) Any instrument which was acknowledged within this state prior to the effective date of this act and in accordance with the laws in effect in this state as of the date of the acknowledgment of the instrument shall continue to be a valid instrument. All instruments deemed to be properly acknowledged under W.S. 34-2-118, prior to its repeal by this enactment, shall continue to be deemed and regarded to be properly acknowledged after the effective date of this act.

Section 2. W.S. 1-2-102 by creating a new subsection (b), 5-9-140, 8-1-102(a) by creating a new paragraph (xiii), 11-17-102(a)(intro), 15-6-406(b)(intro), 22-5-214, 29-1-301(a), 29-2-106(c), 29-3-111(a), 29-5-103(a)(intro), 31-2-104(a), 31-2-504(a), 34-1-113, 34-1-118, 35-22-403(b), 36-9-106, 39-13-107(b)(iii)(H) and (J), 40-2-104(a)(iv) and 41-3-310(c)(intro) are amended to read:

1-2-102. Officers authorized to administer.

(b) Officers listed in this section are authorized to administer oaths, but are not authorized to perform other notarial acts as defined in W.S. 34-26-101(b)(iii), unless specified otherwise in W.S. 32-1-105(c) or 34-26-103(a).

5-9-140. Appointment of special reporters; certification of transcript.

If the record is to be made by a stenographic reporter, the judge shall appoint a special stenographic reporter to report the testimony and proceedings. If the record is made by means of electronic recording, the judge shall appoint a special reporter to make the electronic recording, and in those cases in which it is required, the judge shall appoint an official stenographer to furnish with reasonable diligence a typewritten transcript of the testimony and proceedings. The report of the official stenographer, when typewritten and certified by him as a correct transcript of the testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings. The signature of the stenographer on the certification of the transcript shall be duly acknowledged by him before a ~~notary public or judicial~~ notarial officer of this state.

8-1-102. Definitions.

(a) As used in the statutes unless the legislature clearly specifies a different meaning or interpretation or the context clearly requires a different meaning:

(xiii) “Notarial officer” means a notary public or other officer authorized to perform notarial acts as defined in W.S. 34-26-101(b)(iii).

11-17-102. Registration with department of agriculture; contents of certificate to be filed; certain ingredients to be listed; samples and affidavit required; fee.

(a) Before any manufacturer, importer, jobber or person sells, offers for sale or distributes in Wyoming any livestock remedy, he shall file with the state department of agriculture a statement that he desires to offer the livestock remedy for sale in this state, and a certificate in duplicate, sworn to before a ~~notary public or other proper official~~ notarial officer, stating:

15-6-406. Lien created; priority; filing.

(b) In order to have a valid, enforceable lien under this section, a lien statement sworn to before a ~~notary public~~ notarial officer, shall be filed by the claimant with the county clerk of the county in which the assessment district is located. The county clerk shall file the statement and index by date, name of claimant and property owner, and by legal description. The lien statement shall contain the following:

22-5-214. Change in party affiliation.

An elector may change his party affiliation by completing an application signed before a ~~notary~~ notarial officer or election official, and filing it with the county clerk not later than thirty (30) days before the primary election or at the polls on the day of the primary or general election, or when requesting an absentee ballot.

29-1-301. Lien statement to be filed; contents; notice; fee.

(a) In order to have a perfected lien pursuant to this title, a lien claimant shall file with the county clerk a lien statement sworn to before

a ~~notary public~~ notarial officer. The county clerk shall file the statement and index by date, name of claimant and property owner, and legal description.

29-2-106. When statement lien to be filed; rights of subcontractor not abridged by contract between owner and contractor; agreement to extend filing period.

(c) Any party to a contract for which a lien may be filed may agree to an extension of the time within which the lien may be filed. The time agreed upon may not exceed twice the time within which the lien would have to be filed in accordance with subsection (a) of this section. The agreement shall be acknowledged before a ~~notary public~~ notarial officer, and signed by the owner, the contractor and any other parties to the contract before it is valid. The agreement shall be filed with and recorded by the county clerk in the manner provided by W.S. 29-1-301 for a lien statement. The lien rights of persons not signing the agreement are not affected by it.

29-3-111. Claim against contractor submitted to owner; reduction of subsequent payments to contractor by owner; duty of owner to notify contractor and of contractor to dispute or adjust claim.

(a) Every person performing any work or furnishing any material, as specified in this chapter, under contract whose demand to be reimbursed for the work done or material furnished has not been paid shall serve the owner by certified mail return receipt requested, with an account signed before a ~~notary public~~ notarial officer of the amount and value of the work performed or the material furnished remaining unpaid. Thereafter the owner or his agent shall retain out of any subsequent payments to the contractors the value of the work performed or material furnished for the person making the claim.

29-5-103. Lien statement to be filed; contents; mistake in description not fatal; notice to purchaser or owner.

(a) Every person proceeding under this chapter shall file a lien statement sworn before a ~~notary public~~ notarial officer setting forth the amount claimed to be due him with the county clerk of the county in which the crops were grown, within thirty (30) days after:

31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be subscribed by the owner before a ~~notary public~~ notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for a new certificate of title within the same time periods as required by W.S. 31-2-201(a)(ii).

31-2-504. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a mobile home who sells or transfers his interest in a mobile home for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the mobile home with a statement of all liens and encumbrances thereon and that all taxes due thereon have been paid, which assignment, warranty and statement shall be subscribed by the owner before a ~~notary public~~ notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the mobile home.

34-1-113. Acknowledgment of conveyances; generally.

Execution of deeds, mortgages or other conveyances of lands, or any interest in lands, shall be acknowledged by the party or parties executing same, before any ~~judge or clerk of a court of record, or before any United States magistrate appointed under and by authority of the laws of the United States, or any county clerk, district court commissioner, notary public, or other officer authorized under the laws of the state of Wyoming to take such acknowledgments, and~~ notarial officer. The notarial officer taking such acknowledgment shall ~~endorse thereon a certificate of the acknowledgment thereof, and the true date of making the same, under his hand and seal of office, if there be one~~ comply with the requirements of W.S. 34-26-107.

34-1-118. Where conveyance to be recorded.

A certificate of the acknowledgment of any deed, mortgage or conveyance, or proof of the execution thereof, before a ~~court of record or a justice of the peace, signed by the clerk of such court, (or by the justice) before whom the same was taken, as provided in this act, and in the cases where the same is necessary, the certificate required by W.S. 34-1-115~~ notarial officer, shall entitle such deed, mortgage or conveyance, certificate or certificates aforesaid, to be recorded in the office of the county clerk in the county where the land lies.

35-22-403. Advance health care directives.

(b) An adult or emancipated minor may execute a power of attorney for health care, which may authorize the agent to make any health care decision the principal could have made while having capacity. The power must be in writing and signed by the principal or by another person in the principal's presence and at the principal's expressed direction. The power remains in effect notwithstanding the principal's later incapacity and may include individual instructions. Unless related to the principal by blood, marriage or adoption, an agent may not be an owner, operator or employee of a residential or community care facility at which the principal is receiving care. The durable power of attorney must be acknowledged before a ~~notary public~~ notarial officer or must be signed by at least two (2) witnesses, each of whom witnessed either the signing of the instrument by the principal or the principal's acknowledgement of the signature or of the instrument, each witness making the following declaration in substance:

I declare under penalty of perjury under the laws of Wyoming that the person who signed or acknowledged this document is known to me to be the principal, and the principal signed or acknowledged this document in my presence.

36-9-106. Place of sale; execution of leases.

All sales of state lands shall be held at a location to be determined by the board within the county in which the land is located and leases for state lands may be executed in the presence of a ~~notary public~~ notarial officer or other officer authorized to administer oaths.

39-13-107. Compliance; collection procedures.

(b) The following provisions shall apply to the payment of taxes, distraint of property and deferral:

(iii) The following shall apply to the deferral of tax collection:

(H) If any residence is under mortgage, deed of trust or purchase contract whereby the explicit terms of the mortgage, deed or contract requires the accumulation of reserves out of which the holder of the mortgage, deed or contract is required to pay real property taxes, the holder or his authorized agent shall cosign the affidavit to defer either before a ~~notary public~~ notarial officer or the county assessor or deputy in the county in which the real property is located;

(J) If any residence is under rental and the terms of the rental contract require the payment of taxes by the renter, the renter may apply for the deferral provided the property owner or authorized agent also cosigns the affidavit to defer either before a ~~notary public~~ notarial officer or the county assessor or deputy in the county in which the real property is located;

40-2-104. Application for registration.

(a) Subject to the limitations set forth in this act and upon payment of one hundred dollars (\$100.00), any person who adopts a trade name for use in this state may file an application for registration of the trade name in duplicate in the office of the secretary of state on forms furnished by the secretary of state setting forth, but not limited to, the following information:

(iv) The signature of the applicant acknowledged before a ~~notary public~~ notarial officer.

41-3-310. Alterations or repairs of dams or diversion systems; inspections by state engineer or assistant engineer; cost.

(c) If the assistant engineer is not a regular employee of the state of Wyoming, inspections shall be made at the expense of the owner. The owner shall be furnished with an estimate of the cost prior to performance of any inspections, but the state engineer is not precluded from collecting any or all additional costs which result from performance of the inspections. Costs to be paid by the owner shall include, but are not limited to, all work or tests as are necessary to fully provide any information and data required by the state engineer or his appointed representative. If the owner refuses or neglects to turn over the funds within

thirty (30) days, after the presentation of the bill of costs, the costs shall constitute a lien upon the works or other properties of the owner or owners and may be collected by appropriate action in any court of competent jurisdiction. In order to have a valid, enforceable lien under this section, a lien statement sworn to before a ~~notary public~~ notarial officer shall be filed by the claimant with the county clerk of the county in which the property is located. The county clerk shall file the statement and index by date, name of claimant and property owner, and by legal description. The lien statement shall contain the following:

Section 3. W.S. 34-1-114 through 34-1-117, 34-1-126 and 34-2-114 through 34-2-120 are repealed.

Section 4. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 21

JUDICIAL RETIREMENT

Original Senate File No. 68

AN ACT relating to judicial retirement; modifying certain retirement ages, required years of service and benefits; increasing total employer and employee contribution; providing for additional employer contribution and for potential payment by employee of contribution currently paid by employer on behalf of the employee; making conforming and clarifying amendments; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-3-704, 9-3-705, 9-3-706(a)(ii), (iii) and (v) and 9-3-711 are amended to read:

9-3-704. Employee contributions.

(a) Except as otherwise provided in this section, every employee covered by this article shall pay into the account nine and twenty-two one-hundredths percent (9.22%) of his salary. To the extent this contribution is not paid by the employer as authorized in this section, this payment shall be deducted each pay period from employees' salaries by the respective fiscal officers of the employers.

(b) ~~The contributions~~ entire contribution required by subsection (a) of this section shall be paid by the employer for employees covered under this article in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code.

(c) The contributions under subsection (b) of this section shall be paid from the source of funds which is used in paying salary to the employee.

The employer ~~shall~~ may pay these contributions without offset of the employee's salary in the same salary percentage as provided by state employers under W.S. ~~9-3-412(a)~~ 9-3-412(c). The employer shall also reduce the cash salary of the employee by three and sixty-five hundredths percent (3.65%).

9-3-705. Employer contributions.

Each employer subject to this act shall pay into the account a contribution equal to ~~eight and seventy-eight hundredths percent (8.78%)~~ fourteen and five-tenths percent (14.5%) of the salary paid to each employee covered by this act. These contributions, together with the employees' contributions shall be transferred and credited to the retirement program in a manner the board directs.

9-3-706. Age of retirement.

(a) An employee is eligible for retirement under this act when he has served as a judge of the supreme court, a district court, a circuit court or service in any combination of those positions after July 1, 1998, if:

(ii) He is at least sixty-five (65) years of age and has at least ~~fifteen (15)~~ four (4) years of credited service;

(iii) He has less than ~~fifteen (15)~~ four (4) years of credited service but has served continuously from the date of appointment to the age of seventy (70) years;

(v) He has not less than four (4) years of service to his credit and is at least ~~sixty (60)~~ fifty-five (55) years of age, but any benefit received by an employee under this paragraph shall be ~~on an actuarially reduced basis as determined by the board by five percent (5%) for each year of retirement prior to age sixty-five (65).~~

9-3-711. Payment of employers' contribution from budgets.

Provision for the payment of the employers' contribution under this act shall be made in the budget of the Wyoming supreme court and the district courts. Provision for the payment of that portion of the employee's contribution authorized to be made by the employer under this act shall be requested in the budget of the Wyoming supreme court and the district courts.

Section 2. W.S. 9-3-707(a)(iii) is repealed.

Section 3.

(a) There is appropriated from the general fund to the judicial retirement account defined by W.S. 9-3-702(a)(i), seven hundred sixty-one thousand nine hundred dollars (\$761,900.00) to fund the additional liability of the judicial retirement system under this act.

(b) There is appropriated from the general fund to the supreme court four hundred ten thousand eight hundred forty-six dollars (\$410,846.00). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the additional contributions required or authorized un-

der this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

Section 4. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 22

SPECIAL DISTRICTS-ELECTIONS

Original House Bill No. 16

AN ACT relating to special districts; changing requirements to allow enlargement without election; limiting taxing authority when districts have not properly mapped boundaries; requiring mapping only if a governmental entity levies or requires the levy of taxes; and providing for an effective date.

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

Section 1. W.S. 22-29-301(a)(intro) and (i), 39-11-102(c)(xxiv) and 39-13-102(p) are amended to read:

22-29-301. Enlargement petitions.

(a) When ~~the any~~ voters or landowners of an area wish to join a district, they may file an enlargement petition with the county commissioners. ~~If there are no voters within an area proposed to be included in a district, the landowners of the area may file an enlargement petition with the county commissioners.~~ Unless otherwise provided under this subsection, the petition for enlargement ~~shall~~ may include provisions allowing the board of district directors to be enlarged by one (1) or more positions to be filled by voters residing or located in the new area, the number of positions to be determined by the petitioners and the district directors of the existing district. Before the petition is filed with the county commissioners, it shall be approved by the directors of the affected district and by any other agency also required by the principal act to approve the petition. The petition process shall be governed by W.S. 22-29-105 through 22-29-108. An election need not be held on an enlargement petition if the petition alleges and the county commissioners find:

(i) All landowners and all voters, if any, within the new area and the board of directors of the district agree to the inclusion of the new area within the district, ~~and~~

39-11-102. Administration; confidentiality; department of revenue.

(c) In addition to the other powers and duties imposed by law, the department shall:

(xxiv) Promulgate rules and regulations as provided by the Wyoming Administrative Procedure Act, necessary to map and keep record of the geographical boundaries for all special districts and governmental entities with the authority to levy or require the levy of property taxes. Notwithstanding any other provision of law, no special district or governmental entity with authority to levy or require the levy of property taxes shall levy any property taxes unless in compliance with the rules and regulations promulgated pursuant to this subsection.

39-13-102. Administration; confidentiality.

(p) Any governmental entity with authority to levy or require the levy of property taxes which is formed or organized or which changes its geographical boundaries shall cause one (1) copy of the legal description which is contained within the document authorizing formation or modification of boundaries and one (1) copy of an official map designating the geographical boundaries as formed or changed to be filed with the department and with the county clerk and county assessor in the county or counties within which the entity is located within ten (10) days after the effective date of the formation, and annually, by a date determined by the department, if ~~a~~the governmental entity levies or requires the levy of taxes and has changes to its geographical boundaries by annexation, enlargement, merger, consolidation, exclusion or dissolution. Failure to file the required documents within the required time relieves the county assessor and the department from responsibility of modifying the assessment roll to reflect the property in the new entity or changed boundary area.

Section 2. W.S. 22-29-301(a)(ii) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 23

COMMERCIAL VEHICLE FEES

Original House Bill No. 21

AN ACT relating to commercial vehicles; providing an increase in the oversize commercial vehicle single permit fee as specified; providing an increase in the overweight commercial vehicle per ton fee as specified; providing an increase in the minimum fee for an overweight vehicle permit; and providing for an effective date.

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

Section 1. W.S. 31-18-804(f) and (g) is amended to read:

31-18-804. Permits for and certain highways to carry, overweight and oversize vehicles; government vehicles.

(f) When an oversize single trip permit is issued, the fee is ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00). Should any vehicle including load exceed the dimensions of fifteen (15) feet in width or fifteen (15) feet in height or any single vehicle including load exceed seventy-five (75) feet in length, an additional fee shall be paid in excess of the above limitation computed at the rate of three cents (\$.03) for each foot or fraction thereof for each mile traveled on the highways.

(g) When an overweight permit is issued, the fee is ~~four cents (\$.04)~~ six cents (\$.06) for each ton or fraction thereof of weight in excess of the weight limitation under W.S. 31-18-802 for each mile traveled on the highways. In no event shall the fee be less than ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) for the permit. A permit under this section for loads exceeding eighty (80) tons shall not be issued until the permittee has paid all costs incurred by the state to determine routing, structure, highway capability to withstand the load and the cost incurred by sending personnel to accompany the movement of the load.

Section 2. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 24

COUNTY ROAD FUND

Original House Bill No. 78

AN ACT relating to highways; providing for maintenance of county roads; and providing for an effective date.

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

Section 1. W.S. 24-2-110(a), (c)(intro), (g) and (h) and 39-14-801(e)(vii)(intro) are amended to read:

24-2-110. Cooperation with counties in construction and maintenance of county roads; allocation of costs; state-county road construction account established.

(a) The board of county commissioners of each county shall establish a separate road construction and maintenance fund solely for the construction and maintenance of county roads, bridges and culverts. Work using funds from the road construction and maintenance fund of a county shall be performed under contract awarded after competitive bidding if the estimated cost of the work exceeds fifty thousand dollars (\$50,000.00). All work shall be performed under the immediate control

and supervision of the board of county commissioners or its authorized representative and in accordance with county road standards as established by the Wyoming county road standards committee. The road construction and maintenance fund program is a supplement to federal aid, primary and secondary road programs in each county. The term "construction and maintenance" as used in this section means construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts, general road maintenance and fencing. The county shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly relocation.

(c) The gasoline license tax revenues distributed by the state treasurer under W.S. 39-17-111(d)(ii) shall be sent to the county treasurers of the various counties and placed in a separate fund in each county earning its own interest and be expended by the board of county commissioners solely for the road construction and maintenance fund program and as otherwise provided in this subsection. This money shall be allocated as follows:

(g) It shall be the responsibility of the Wyoming county roads standards committee to furnish standards for the construction and maintenance of county roads to any board of county commissioners upon request, and to advise boards of county commissioners with respect to highway construction, maintenance and improvements. The committee shall meet as necessary, but at least annually.

(h) Whenever an emergency arises requiring construction or maintenance work using funds from the road construction and maintenance fund of a county, the board of county commissioners may enter into contract for the work without advertising for the letting of the contract. An emergency is an occasion requiring construction or maintenance work, on short notice, because the road has become unsafe or impassable due to events which are beyond the control of the county.

39-14-801. Severance tax distributions; distribution account created; formula.

(e) Deposits into the account created by subsection (a) of this section shall be distributed as follows, subject to subsections (b) through (d) of this section:

(vii) To the road construction and maintenance funds of the various counties as provided by W.S. 24-2-110, two and nine-tenths percent (2.9%), except that each county's share of funds under this subsection shall be computed as follows:

Section 2. W.S. 24-2-110(d) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 25

COMMUNITY COLLEGES-CAPITAL CONSTRUCTION

Original House Bill No. 81

AN ACT relating to community colleges; modifying limits of capital construction projects subject to legislative and commission approval as specified; and providing for an effective date.

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

Section 1. W.S. 21-18-202(d)(iv) and 21-18-205(g) are amended to read:

21-18-202. Powers and duties of the commission.

(d) The commission shall perform the following approval functions:

(iv) Approve all new capital construction projects in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000.00) for which state funds are or could be eventually applied. "New capital construction projects" include:

(A) New construction, renovation and capital renewal in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand (\$100,000.00) market value which is not necessary maintenance or repair; ~~and~~

(B) The acquisition of real property in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000.00) market value whether by purchase or exchange; ~~and~~

(C) Previously approved and uncompleted new capital construction projects which have increased in total cost by ten percent (10%) or more since cost estimates were developed at the time of initial project approval under this paragraph and W.S. 21-18-205(g).

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of ~~three hundred fifty thousand dollars (\$350,000.00)~~ one million dollars (\$1,000,000.00) which was not approved by the commission and authorized by the legislature.

Section 2. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 26

BOARD OF LAND COMMISSIONERS-CONSERVATION EASEMENTS

Original House Bill No. 111

AN ACT relating to state lands; prohibiting the board of land commissioners from accepting conservation easements; and providing for an effective date.

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

Section 1. W.S. 36-1-121 is created to read:

36-1-121. Conservation easements.

(a) Except for any conservation easement received or accepted by the board before the effective date of this act, the board shall not accept or receive any conservation easement pursuant to W.S. 34-1-202.

(b) Except for any conservation easement received or accepted by the board before the effective date of this act, the board shall not be considered a "holder" pursuant to W.S. 34-1-201(b)(ii)(A).

Section 2. W.S. 34-1-201(b)(ii)(A) is amended to read:

34-1-201. Short title; definitions.

(b) As used in this article, unless the context requires otherwise:

(ii) "Holder" means:

(A) A governmental body empowered to hold an interest in real property under the laws of this state or the United States but does not include the Wyoming board of land commissioners after the effective date of this act; or

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2008.

Chapter 27

MODERNIZATION OF COURT PROCEDURES

Original House Bill No. 30

AN ACT relating to courts; amending procedures for courts as specified; eliminating the duty of circuit courts to prepare affidavits for specified actions; correcting obsolete references; repealing qualifications for court reporters; and providing for an effective date.

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

Section 1. W.S. 1-21-203(a), 5-6-106 and 5-9-119(a) are amended to read:

1-21-203. Affidavit of claim; service of summons; venue jurisdiction.

(a) The claimant shall prepare the affidavit as set forth, ~~or at his request the circuit judge shall draft it for him.~~ When the affidavit is executed by the claimant the court shall file the same and have summons served on the defendant at any location in the county in the manner provided by law or, if the defendant resides in the county, service may be made by the court by certified mail addressed to the defendant at his address within the county with return receipt requested. Upon receipt by the circuit judge of the return receipt signed by the defendant or his agent, service is complete.

5-6-106. Procedure generally; additional rules may be provided by ordinance; appeals.

The procedure of municipal courts shall conform to the procedure provided by law and rules of procedure for courts of limited jurisdiction. The incorporated city or town may by ordinance provide any additional rules of procedure found necessary for the proper conduct of municipal courts, provided these rules do not conflict with the general laws of the state. Appeals to the district court shall be allowed in all cases as now provided by law for appeals from ~~justices of the peace circuit courts.~~

5-9-119. Judges may hold court for each other; expenses of judge holding court in another circuit or district; disqualification of judge; change of venue prohibited.

(a) The judges of the circuit courts may hold court for each other and ~~for justices of the peace and~~ shall do so when required by law. The expenses of any judge of a circuit court holding court in any circuit other than his own or in any district court pursuant to assignment under W.S. 5-3-112, including travel expenses and his expenses while holding court, shall be charged to the contingent fund of the circuit court in whose circuit he is holding court or to the contingent fund of the district court in whose district he is holding court pursuant to assignment under W.S. 5-3-112.

Section 2. W.S. 5-3-402 is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2008.

Chapter 28**NATURAL GAS VALUATION**

Original House Bill No. 54

AN ACT relating to taxation and revenue; providing for the valuation of certain natural gas for taxation purposes; providing definitions; amending related provisions; providing reporting requirements; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 39-14-201(a) by creating new paragraphs (xxxiii) through (xxxvi) and 39-14-203(b)(vi)(D)(intro) and by creating a new subparagraph (E) are amended to read:

39-14-201. Definitions.

(a) As used in this article:

(xxxiii) For the purposes of W.S. 39-14-203(b)(vi)(E), "rate of return" means the weighted average cost of capital (hereafter referred to as the "capitalization rate") as calculated under this paragraph for the ten (10) largest natural gas producers in this state on a production volume basis during the preceding production year for which the appropriate data is publicly available (hereafter referred to as the "representative companies"). The following shall apply:

(A) The capitalization rate is any rate used to convert an income stream into a present worth of future benefits. The rate reflects the relationship between one (1) year's income or an annual average of several years' income and the corresponding value. The department shall annually calculate the capitalization rate based upon the band of investment method as defined by this paragraph. The primary components of the capitalization rate shall include capital structure and cost of capital (debt, preferred and equity capital) as developed in appropriate money markets for the representative companies;

(B) "Band of investment method" means that the capitalization rate is equal to the weighted average cost of the debt and equity portions of the capital investment. The following shall apply:

(I) Proper development and application of the band of investment shall require obtaining and analyzing data for the percent of debt and equity which makes up the capital structure as determined from published financial sources such as Moody's bond record, Moody's bond survey, Value Line, Moody's public utility or transportation manuals, regulatory reports or other recognized financial materials. The determination shall be done by the corporate bonds' rating of the representative companies or other means if bond ratings are not available;

(II) Debt rate estimates used in the band of investment method shall reflect the average current cost of yield to maturity of outstanding

issues of debt financing for the year ending closest to the date of the calculation of the capitalization rate required by this paragraph. The rates shall be taken from published financial sources such as Moody's public utility news reports or other recognized financial materials. The determination shall be done by corporate bond rating of the representative companies;

(III) Preferred rate estimates used in the band of investment method shall reflect the average current cost of market yield of outstanding issues of preferred stock financing for the year ending closest to the date of the calculation of the capitalization rate required by this paragraph. The rates shall be taken from published financial sources such as Moody's public utility news reports or other recognized financial materials. The determination shall be done by corporate bond rating of the representative companies;

(IV) The current cost of equity shall be based on data from the capital markets of the representative companies. Equity rates shall reflect the representative cost of equity financing for the representative companies by corporate bond rating as of the date of the calculation of the capitalization rate under this paragraph. The current cost of equity shall be developed by accepted models in the appraisal and financial communities. These models shall include, but are not limited to, equity risk premium, capital asset pricing model and the discounted cash flow model. The sources of required data shall be taken from published financial sources such as Value Line, Ibbotson Associates, Wall Street Journal, regulatory filings and other recognized financial materials. Not later than March 15 of each year, the department shall conduct a public meeting for presentation of the capitalization rate to be used to value production in the same calendar year in which the rate is determined. Notice of the date and time of the meeting shall be provided to all interested parties at least thirty (30) days prior to the meeting. Interested parties may present written or oral comments on the proposed capitalization rate or within five (5) business days thereafter. A final determination of the capitalization rate shall be made available on or before March 31 or as soon thereafter as possible;

(V) Within thirty (30) days of the final capitalization rate determination under this paragraph, the taxpayer shall file amended returns and remit any severance tax due for that portion of the year for which the capitalization rate had yet to be determined and no interest or penalty shall be due as a result of the application of the new capitalization rate.

(xxxiv) For the purposes of W.S. 39-14-203(b)(vi)(E), "return on investment" means the product of the rate of return multiplied by the gross capital investment in all processing and transportation facilities used by the taxpayer to process or transport natural gas from the point of valuation to the point of arms-length sale as maintained on the taxpayer's books and records under generally accepted accounting principles;

(xxxv) For the purposes of W.S. 39-14-203(b)(vi)(E), "total direct processing and transportation costs" means all costs incurred by the tax-

payer to operate all processing or transportation facilities from the point of valuation to the point of arms-length sale as maintained on the taxpayer's books and records. The costs shall include salaries and benefits; contract labor; repairs and maintenance including processing facility turnarounds; fuel, power and utilities; chemicals; processing facility premise lease costs to nonaffiliated parties; waste water treatment; disposal of byproduct and waste products; safety; costs of environmental permitting and monitoring, federal and state environmental compliance fees and costs, excluding compensatory and punitive damages and governmental penalties; laboratory; distributive control system; and ad valorem taxes on real and tangible personal property excluding the gross products tax. The taxpayer shall be entitled to its proportionate share of the total direct processing and transportation costs as measured by its percentage of inlet volumes;

(xxxvi) For the purposes of paragraph (xxxiv) of this subsection, "gross capital investment" means the total gross capitalized investment in the processing and transportation facilities from the point of valuation to the point of arms-length sale as maintained on the taxpayer's books and records under generally accepted accounting principles. The gross capital investment shall be calculated based on the company's books and records as of January 1 plus December 31 of the production year, divided by two (2). For purposes of this paragraph, gross capital investment shall not include any investment in equipment that is considered permanently abandoned under generally accepted accounting principles. Gross capital investment shall include items which are not in continuous operation if they remain on the company's books and records under generally accepted accounting principles.

39-14-203. Imposition.

(b) Basis of tax. The following shall apply:

(vi) In the event the crude oil, lease condensate or natural gas production as provided by paragraphs (iii) and (iv) of this subsection is not sold at or prior to the point of valuation by bona fide arms-length sale, or, except as otherwise provided, if the production is used without sale, the department shall identify the method it intends to apply under this paragraph to determine the fair market value and notify the taxpayer of that method on or before September 1 of the year preceding the year for which the method shall be employed. The department shall determine the fair market value by application of one (1) of the following methods:

(D) Proportionate profits – The proportionate profits method shall only be used as a method in conjunction with the provisions of the modified netback method in subparagraph (E) of this paragraph. The fair market value is:

(E) Modified netback – The fair market value is:

(I) The total amount received from the sale of the natural gas minus the total direct processing and transportation costs, any arms-length transportation fees from the point of valuation to the point of arms-length sale, overhead costs directly related to facility operations not to exceed ten percent (10%) of the total direct processing and trans-

portation costs, exempt royalties and return on investment incurred by the taxpayer from the point of valuation to the point of arms-length sale;

(II) There shall be one (1) point of valuation for all interest owners of the processing facility;

(III) Any producer utilizing the modified netback method set forth in this subparagraph shall be required to calculate the taxable value for the tax year under the methods of both this subparagraph and subparagraph (D) of this paragraph (hereafter referred to as the "annual floor test"). The taxable value for the year shall be the higher of the two (2) taxable values determined under the annual floor test. If the valuation method is changed as a result of the provision in this subparagraph, no interest or penalties shall be due if the taxpayer files the amended returns and remits the additional severance tax due under this subparagraph not later than May 25 of that calendar year. After the first year of applicability of this subparagraph, for each succeeding year the taxpayer's monthly severance tax returns shall be filed using the valuation method determined under the annual floor test for the immediately preceding calendar year.

Section 2.

(a) The department shall report to the governor and the joint revenue interim committee on the results of applying the modified netback valuation method as provided by this act. The report shall be submitted not later than October 1 of each year beginning in 2009 through 2019. The report shall, subject to confidentiality restrictions imposed by law:

(i) Describe whether producer-processors paid taxes using the modified netback method or the proportionate profits method;

(ii) Include a table showing taxable value per mcf under the modified netback, proportionate profits, comparable value and any other natural gas valuation methods employed;

(iii) Present a summary of all proceedings pending before, or decisions made by, the state board of equalization or any Wyoming court pertaining to producer-processed natural gas; and

(iv) Provide a listing of any taxes paid under protest by a producer-processor, specifying the amounts and the county or counties involved.

Section 3. This act shall apply to all natural gas production occurring on and after January 1, 2009.

Section 4. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 29**OWNERSHIP OF SUBSURFACE PORE SPACE**

Original House Bill No. 89

AN ACT relating to property; specifying ownership of pore space in strata underlying surfaces; specifying applicability of act; specifying legislative intent; and providing for an effective date.

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

Section 1. W.S. 34-1-152 is created to read:

34-1-152. Ownership of pore space underlying surfaces.

(a) The ownership of all pore space in all strata below the surface lands and waters of this state is declared to be vested in the several owners of the surface above the strata.

(b) A conveyance of the surface ownership of real property shall be a conveyance of the pore space in all strata below the surface of such real property unless the ownership interest in such pore space previously has been severed from the surface ownership or is explicitly excluded in the conveyance. The ownership of pore space in strata may be conveyed in the manner provided by law for the transfer of mineral interests in real property. No agreement conveying mineral or other interests underlying the surface shall act to convey ownership of any pore space in the stratum unless the agreement explicitly conveys that ownership interest.

(c) No provision of law, including a lawfully adopted rule or regulation, requiring notice to be given to a surface owner, to an owner of the mineral interest, or to both, shall be construed to require notice to persons holding ownership interest in any pore space in the underlying strata unless the law specifies notice to such persons is required.

(d) As used in this section, the term "pore space" is defined to mean subsurface space which can be used as storage space for carbon dioxide or other substances.

(e) Nothing in this section shall be construed to change or alter the common law as of July 1, 2008, as it relates to the rights belonging to, or the dominance of, the mineral estate.

(f) All instruments which transfer the rights to pore space under this section shall describe the scope of any right to use the surface estate. The owner of any pore space right shall have no right to use the surface estate beyond that set out in a properly recorded instrument.

(g) Transfers of pore space rights made after July 1, 2008 are null and void at the option of the owner of the surface estate if the transfer instrument does not contain a specific description of the location of the pore space being transferred. The description may include but is not limited

to a subsurface geologic or seismic survey or a metes and bounds description of the surface lying over the transferred pore space. In the event a description of the surface is used, the transfer shall be deemed to include pore space at all depths underlying the described surface area unless specifically excluded. The validity of pore space rights under this paragraph [subsection] shall not affect the respective liabilities of any party and such liabilities shall operate in the same manner as if the pore space transfer were valid.

(h) Nothing in this section shall alter, amend, diminish or invalidate rights to the use of subsurface pore space that were acquired by contract or lease prior to July 1, 2008.

Section 2. W.S. 34-1-202(e) is amended to read:

34-1-202. Creation; conveyance; acceptance and duration.

(e) This act shall not alter the law of Wyoming regarding the primacy of the mineral estate and any easement created hereunder shall not limit the right of a mineral owner or his lessee to reasonable use of the surface for the purpose of mineral exploration and production unless the owners and lessees of the entire mineral estate and geologic sequestration right are a party to the conservation easement or consent to the conservation easement.

Section 3. It is the intent of the legislature to clarify the ownership of pore space underlying the surface of the lands and waters of this state. All conveyances of interests in real property on and after July 1, 2008 shall be subject to the provisions of this act. All conveyances of real property made prior to July 1, 2008 shall be construed in accordance with the provisions of this act unless a person claiming an ownership interest contrary to the provisions of this act establishes such ownership by a preponderance of the evidence in an action to establish ownership of such interest.

Section 4. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 30

CARBON CAPTURE AND SEQUESTRATION

Original House Bill No. 90

AN ACT relating to carbon sequestration; providing for regulation by the department of environmental quality of the injection of carbon dioxide and associated constituents; providing for an appropriation; and providing for an effective date.

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

Section 1. W.S. 30-5-501 and 35-11-313 are created to read:

ARTICLE 5
GEOLOGIC SEQUESTRATION ACTIVITIES

30-5-501. Oil and gas activities at geologic sequestration sites.

Nothing in W.S. 35-11-313 shall be deemed to affect the otherwise lawful right of a surface or mineral owner to drill or bore through a geologic sequestration site as defined by W.S. 35-11-103(c)(xxi), if done in accordance with the commission rules for protecting the geologic sequestration site against the escape of carbon dioxide.

35-11-313. Carbon sequestration; permit requirements.

(a) The geologic sequestration of carbon dioxide is prohibited unless authorized by a permit issued by the department.

(b) The injection of carbon dioxide for purposes of a project for enhanced recovery of oil or other minerals approved by the Wyoming oil and gas conservation commission shall not be subject to the provisions of this chapter.

(c) If an oil and gas operator converts to geologic sequestration upon the cessation of oil and gas recovery operations, then regulation of the geologic sequestration facility and the geologic sequestration site shall be transferred to the department. If the oil and gas operator does not convert to geologic sequestration, the wells shall be plugged and abandoned according to the rules of the Wyoming oil and gas conservation commission.

(d) Temporary time limited permits for pilot scale testing of technologies for geologic sequestration shall be issued by the department based upon current rules and regulations.

(e) Permit requirements for geologic sequestration of carbon dioxide shall be as defined by department rules.

(f) The administrator of the water quality division of the department of environmental quality, after receiving public comment and after consultation with the state geologist and the advisory board created under this act, shall recommend to the director rules, regulations and standards for:

(i) The creation of subclasses of wells within the existing Underground Injection Control (UIC) program administered by the United States Environmental Protection Agency under Part C of the Safe Drinking Water Act to protect human health, safety and the environment and allow for the permitting of the geologic sequestration of carbon dioxide;

(ii) Requirements for the content of applications for geologic sequestration permits. Such applications shall include:

(A) A description of the general geology of the area to be affected by the injection of carbon dioxide including geochemistry, structure and faulting, fracturing and seals, stratigraphy and lithology including petrophysical attributes;

(B) A characterization of the injection zone and aquifers above and below the injection zone which may be affected including applicable pressure and fluid chemistry data to describe the projected effects of injection activities;

(C) The identification of all other drill holes and operating wells that exist within and adjacent to the proposed sequestration site;

(D) An assessment of the impact to fluid resources, on subsurface structures and the surface of lands that may reasonably be expected to be impacted and the measures required to mitigate such impacts;

(E) Plans and procedures for environmental surveillance and excursion detection, prevention and control programs. For purposes of this section, "excursion" shall mean the detection of migrating carbon dioxide at or beyond the boundary of the geologic sequestration site;

(F) A site and facilities description, including a description of the proposed geologic sequestration facilities and documentation sufficient to demonstrate that the applicant has all legal rights, including but not limited to the right to surface use, necessary to sequester carbon dioxide and associated constituents into the proposed geologic sequestration site;

(G) Proof that the proposed injection wells are designed at a minimum to the construction standards set forth by the department and the Wyoming oil and gas conservation commission;

(H) A plan for periodic mechanical integrity testing of all wells;

(J) A monitoring plan to assess the migration of the injected carbon dioxide and to insure the retention of the carbon dioxide in the geologic sequestration site;

(K) Proof of bonding or financial assurance to ensure that geologic sequestration sites and facilities will be constructed, operated and closed in accordance with the purposes and provisions of this act and the rules and regulations promulgated pursuant to this act;

(M) A detailed plan for post-closure monitoring, verification, maintenance and mitigation;

(N) Proof of notice to surface owners, mineral claimants, mineral owners, lessees and other owners of record of subsurface interests as to the contents of such notice. Notice requirements shall at a minimum require:

(I) The publishing of notice of the application in a newspaper of general circulation in each county of the proposed operation at weekly intervals for four (4) consecutive weeks;

(II) A copy of the notice shall also be mailed to all surface owners, mineral claimants, mineral owners, lessees and other owners of record of subsurface interests which are located within one (1) mile of the proposed boundary of the geologic sequestration site.

(iii) Requirements for the operator to provide immediate verbal notice to the department of any excursion after the excursion is discov-

ered, followed by written notice to all surface owners, mineral claimants, mineral owners, lessees and other owners of record of subsurface interests within thirty (30) days of when the excursion is discovered;

(iv) Procedures for the termination or modification of any applicable Underground Injection Control (UIC) permit issued under Part C of the Safe Drinking Water Act if an excursion cannot be controlled or mitigated;

(v) Such other conditions and requirements as necessary to carry out this section.

(g) As soon as practical and prior to September 30, 2009, the state oil and gas supervisor, the state geologist and the director shall convene a working group for the purpose of developing an appropriate bonding procedure and other financial assurance methods to assure that adequate financial resources are provided to pay for any mitigation or reclamation costs that the state may incur as a result of default by the permit holder. The bond or other financial assurance shall be required during the operating life of the sequestration project and throughout the post-closure care period in order to abate or remedy any violation of a permit, standard or rule established under the provisions of this act. The working group shall recommend to the joint minerals, business and economic development and joint judiciary interim committees, on or before September 30, 2009, the duration of the post-closure care period. At a minimum, the bond or other financial assurance shall provide assurance for closure and reclamation costs, post-closure inspection and maintenance costs and environmental monitoring, verification and control costs.

(h) At the time a permit application is filed, an applicant shall pay a fee to be determined by the director based upon the estimated costs of reviewing, evaluating, processing, serving notice of an application and holding any hearings. The fee shall be credited to a separate account and shall be used by the division as required to complete the tasks necessary to process, publish and reach a decision on the permit application. Unused fees shall be returned to the applicant.

(j) The director shall recommend to the council any changes that may be required to provide consistency and equivalency between the rules or regulations promulgated under this section and any promulgated for the regulation of carbon dioxide sequestration by the United States environmental protection agency.

(k) The Wyoming oil and gas conservation commission shall have jurisdiction over any subsequent extraction of sequestered carbon dioxide that is intended for commercial or industrial purposes.

(m) Nothing in this section shall be construed to create any liability by the state for failure to comply with this section.

Section 2. W.S. 35-11-103(c) by creating new subparagraphs (xx) through (xxii) is amended to read:

35-11-103. Definitions.

(c) Specific definitions applying to water quality:

(xx) “Geologic sequestration” means the injection of carbon dioxide and associated constituents into subsurface geologic formations intended to prevent its release into the atmosphere;

(xxi) “Geologic sequestration site” means the underground geologic formations where the carbon dioxide is intended to be stored;

(xxii) “Geologic sequestration facilities” means the surface equipment used for transport, storage and injection of carbon dioxide.

Section 3. There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the department of environmental quality for use by the working group created by W.S. 35-11-313(g) for expenses related to performing the tasks assigned it pursuant to this act. Expenses may include the costs to secure expert consultation. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall not be included in the department’s standard biennial budget request.

Section 4. Nothing in this act is intended to impede or impair the ability of an oil and gas operator to inject carbon dioxide through an approved enhanced oil or gas recovery project and establish, verify, register and sell emission reduction credits associated with the project.

Section 5. The department of environmental quality and the oil and gas conservation commission shall submit a joint written report, on or before November 1 of each year, to the joint minerals, business and economic development and joint judiciary interim committees as to all aspects of compliance with this legislation including, but not limited to, the promulgation of rules and regulations, the formation of the working group, permitting and changes to pertinent federal regulations affecting the same.

Section 6. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 31

INTERTRIBAL EDUCATION AND COMMUNITY CENTER

Original House Bill No. 67

AN ACT relating to education; appropriating funds for the intertribal education and community center at Central Wyoming College; providing requirements as specified; and providing for an effective date.

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

Section 1. There is appropriated one million one hundred thousand dollars (\$1,100,000.00) from the general fund to the community college commission. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the construction of the intertribal education and community center at Central Wyoming College and only after the college has completed a value engineering analysis of the project. This appropriation shall not be part of the funding allocation model and shall be disbursed by the commission to the college by reimbursing the expenditure of funds by the college for construction of the center. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall not be included in the community college commission's 2011-2012 standard biennial budget request.

Section 2. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 32

TUITION-DEPENDENTS OF DISABLED FIREFIGHTERS AND EMTS-2

Original House Bill No. 77

AN ACT relating to education; providing free tuition and fees for dependents of disabled firefighters and emergency medical technicians as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-1501(a), (b), (c)(intro), (i), (ii), (h) and by creating a new subsection (j) is amended to read:

ARTICLE 15 TUITION AND FEES FOR SURVIVORS OR DEPENDENTS OF EMERGENCY RESPONDERS

21-16-1501. Free tuition and fees for education of survivors or dependents of deceased or disabled peace officers, firefighters and emergency medical technicians.

(a) The University of Wyoming or any Wyoming community college for up to ten (10) semesters shall provide free tuition and fees for any person who is a surviving dependent of any person described in subsection (g) of this section or the dependent of any disabled person described in subsection (h) of this section. If the surviving dependent first enrolls in a community college and then transfers to another community college or

the University of Wyoming, the free tuition and fees shall continue until the dependent has completed a cumulative total of ten (10) semesters at the community college level and the university.

(b) In order to qualify for the benefit under this section, a person claiming eligibility for free tuition and fees under this section shall be under twenty-two (22) years of age at the time of the death of the parent or legal guardian described in subsection (g) of this section or at the time of the qualifying disability described in subsection (j) of this section, and at the time of first enrollment claiming eligibility for benefits under this section. No person shall be eligible for the benefits provided under this section for any semester commencing more than eight (8) academic years after the semester in which the person initially receives benefits under this section. The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(b)(iii)(B) and (d).

(c) Upon application by a person claiming eligibility for free tuition and fees under this section because of the death or qualifying disability of a parent or legal guardian, the University of Wyoming or the Wyoming community college where the person applied for enrollment shall:

(i) Determine whether the ~~decendent-deceased~~ deceased or disabled person was an individual specified in subsection (g) or (h) of this section;

(ii) Determine whether the ~~decendent-person~~ person died or suffered a qualifying disability while acting within the scope of his duties; and

(h) The benefits provided in subsections (a) through (g) of this section shall be provided to the dependents of the following:

(i) A peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who suffered a qualifying disability while acting within the scope of his duties in the service of a law enforcement agency in the state;

(ii) A paid or volunteer firefighter who suffered a qualifying disability while acting within the scope of his duties in the service of a paid or volunteer fire department or district in the state;

(iii) A paid or volunteer emergency medical technician who suffered a qualifying disability while acting within the scope of his duties in the service of a paid or volunteer ambulance service in the state, when responding at the request of a public agency to assist in a civil or military emergency, or natural or human caused disaster.

(j) Limitations on benefits under subsections (a) through (g) of this section shall be applicable to benefits under ~~this subsection (h) of this section~~ and references to the decendent's death shall be construed as references to the qualifying disability. For purposes of this subsection (h) of this section, it shall be conclusively presumed that ~~a peace officer the person~~ suffered a qualifying disability if:

(i) The ~~peace officer's person's~~ disability was caused by a specific injury or disease which results primarily from a specific act or occurrence determinable by a definite time or place, from a physical or mental trauma which arises from the nature and in the course of the ~~peace officer's person's~~ scope of employment;

(ii) The disabled ~~peace officer person~~ is unable to continue in the performance of his duties; ~~as a peace officer and~~

(iii) The ~~peace officer person~~ is receiving retirement benefits for partial or total disability incurred in the scope of employment, including payments made pursuant to W.S. 9-3-431(f), 9-3-432(h)(i), 9-3-611(a) or 15-5-308(a) or the Wyoming Worker's Compensation Act.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2008.

Chapter 33

OMNIBUS WATER BILL-PLANNING

Original House Bill No. 88

AN ACT relating to water development projects; authorizing specified Level I and Level II studies and providing appropriations; requiring reports; providing for reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated project studies under certain conditions; providing funding for the office of water programs; amending provision regarding the reversion of funds for a specified study; and providing for an effective date.

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

[2008-2009 WATER PROGRAM]

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

Section 1. LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2010, shall revert to water development account I. The commission shall submit a report to the legislature on each of the following studies prior to the 2009 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cody Master Plan	Park County	\$ 100,000
Evansville Master Plan	Natrona County	150,000
Gillette Regional Master Plan	Campbell County	350,000
Kemmerer-Diamondville Master Plan	Lincoln County	100,000
Lander Master Plan	Fremont County	100,000
Laramie County Aquifer	Laramie County	25,000
Pine Bluffs Master Plan	Laramie County	80,000
Pine Haven Master Plan	Crook County	100,000
Rawlins Master Plan	Carbon County	150,000
South Circle Master Plan	Washakie County	50,000
Wind/Bighorn River Basin Plan	Wind/Bighorn Basin	500,000
Wright Master Plan	Campbell	100,000
Statewide Water Research	Statewide	<u>300,000</u>
Total appropriation for Section 1		\$2,105,000

Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2010, shall revert to water development account I. The commission shall submit a report to the legislature on each of the following studies prior to the 2009 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Alpine Master Plan Update, Phase II	Lincoln County	\$ 85,000
Farview Water Supply	Fremont County	375,000
Glendo Water Supply	Platte County	150,000
Jamestown/Rio Vista Water Supply	Sweetwater County	75,000
Mile-Hi Water Supply	Natrona County	75,000
Northern Arapaho Groundwater	Fremont County	685,000
Owl Creek Water Supply	Hot Springs County	75,000
South Thermopolis Water Supply	Hot Springs County	75,000
Wamsutter Groundwater	Sweetwater County	<u>800,000</u>
Total appropriation for Section 2		\$2,395,000

Section 3. LEVEL I RECONNAISSANCE STUDIES – STORAGE. The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following reconnaissance studies as defined in

W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2010, shall revert to water development account III. The commission shall submit a report to the legislature on each of the following studies prior to the 2009 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Nowood River Watershed	Washakie County	\$300,000
Thunder Basin Watershed	East Central Wyoming	<u>300,000</u>
Total appropriation for Section 3		\$600,000

Section 4. LEVEL II FEASIBILITY STUDIES – STORAGE. The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2010, shall revert to water development account III. The commission shall submit a report to the legislature on each of the following studies prior to the 2009 legislative session.

[LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cottonwood/Grass Creek CRM	Hot Springs County	\$250,000
Little Snake Supplemental Storage	Carbon County	<u>250,000</u>
Total appropriation for Section 4		\$500,000

Section 5. LEVEL II FEASIBILITY STUDIES - REHABILITATION. The following sums of money are appropriated from water development account II to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2010, shall revert to water development account II. The commission shall submit a report to the legislature on each of the following studies prior to the 2009 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cody Canal Rehab, GIS	Park County	\$200,000
Greybull Valley Rehab, GIS	Bighorn County	150,000
Willwood Rehab, GIS	Park County	<u>150,000</u>
Total appropriation for Section 5		\$500,000

Section 6. W.S. 41-2-119(a) is amended to read:

41-2-119. Groundwater studies.

(a) The Wyoming water development commission may grant not to exceed ~~five million five hundred thousand dollars (\$5,500,000.00)~~ six million dollars (\$6,000,000.00) to incorporated cities and towns, water and sewer districts and improvement and service districts in Wyoming for exploration for and feasibility studies of the use of underground water for municipal and rural domestic purposes, not to exceed four hundred thousand dollars (\$400,000.00) for any one (1) exploration or study. The grants shall be made from revenues from water development account I and those revenues are hereby so appropriated. Any city or town, water and sewer district or service and improvement district receiving a grant pursuant to this section shall provide at least twenty-five percent (25%) of the cost of the exploration or study from its own funds. The commission shall adopt rules and regulations governing application procedures for the grants.

Section 7. The Wyoming Water Development Commission is authorized to contract with the University of Wyoming in an amount not to exceed one hundred sixty-five thousand dollars (\$165,000.00) from water development account I to fund the Office of Water Programs established under W.S. 41-2-125 from July 1, 2008 through June 30, 2010.

Section 8. 2007 Wyoming Session Laws, Chapter 85, Section 6(c) is amended to read:

Section 6. Part II. LEVEL I FEASIBILITY STUDY – MITIGATION NORTH PLATTE DRAINAGE SYSTEM.

(c) Any balance of funds remaining after completion of the level I feasibility study ~~may be used for the acquisition of replacement water as described in paragraph (a)(i) of this section shall revert to water development account I.~~

Section 9. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2008.

Chapter 34

STREAMLINED SALES AND USE TAX

Original House Bill No. 91

AN ACT relating to sales and use tax; providing amendments to conform with the provisions of the streamlined sales and use tax agreement; and providing for an effective date.

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

Section 1. W.S. 39-15-101(a)(viii)(C)(II), by creating new subdivisions (III) and (IV) and by creating a new paragraph (xlii), 39-15-104(f)(i)(C) and (iv)(C), 39-15-106(a), 39-16-104(e)(i)(C) and (iv)(C) and 39-16-106(a) are amended to read:

39-15-101. Definitions.

(a) As used in this article:

(viii) "Sales price":

(C) "Sales price" shall include consideration received by the seller from third parties if:

(II) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(III) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(IV) One (1) of the following criteria is met:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(2) The purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron shall not constitute membership in such a group; or

(3) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(xlii) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

39-15-104. Taxation rate.

(f) The tax rate imposed upon a transaction subject to this chapter shall be sourced as follows:

(i) The retail sale, excluding lease or rental, of a product shall be sourced as follows:

(C) ~~If it is undeterminable by the seller whether the product was received by the purchaser at a business location of the seller. When subparagraphs (A) and (B) of this paragraph do not apply,~~ the sale shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(iv) The retail sale, including lease or rental of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of paragraph (i) of this subsection. As used in this paragraph, "transportation equipment" means any of the following:

(C) Aircraft that are operated by an air carrier authorized and certified by the United States department of transportation or another federal authority or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

39-15-106. Licenses; permits.

(a) Every vendor shall obtain from the department a sales tax license to conduct business in the state. Any out-of-state vendor not otherwise subject to this article may voluntarily apply for a license from the department and if licensed, shall collect and remit the state sales tax imposed by W.S. ~~39-15-103~~ 39-15-104. The license shall be granted only upon application stating the name and address of the applicant, the character of the business in which the applicant proposes to engage, the location of the proposed business and other information as the department may require. Effective July 1, 1997, a license fee of sixty dollars (\$60.00) shall be required from each new vendor, except for any remote vendor who has no requirement to register in this state, ~~and or~~ who is using one (1) of the technology models pursuant to W.S. ~~39-15-401~~, ~~et seq~~ the streamlined sales and use tax agreement. Failure of a vendor to timely file any return may result in forfeiture of the license granted under this section. The department shall charge sixty dollars (\$60.00) for reinstatement of any forfeited license. The department shall send any vendor who reports no gross sales for three (3) consecutive years a form prescribed by the department to show cause why the vendor's license should not be revoked. The vendor shall complete and file the report with the department within thirty (30) days of receipt of the form. If the department finds just cause for the vendor to retain the license, no further action shall be taken. If the department finds just cause to revoke the license, the vendor shall be notified of the revocation. Any vendor whose license is revoked under this subsection may appeal the decision to the state board of equalization.

39-16-104. Taxation rate.

(e) The tax rate imposed upon a transaction subject to this chapter shall be sourced as follows:

(i) The retail purchase, excluding lease or rental, of a product shall be sourced as follows:

(C) ~~If it is undeterminable by the seller whether the product was received by the purchaser at a business location of the seller. When sub-~~

paragraphs (A) and (B) of this paragraph do not apply, the purchase shall be sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(iv) The retail purchase, including lease or rental of transportation equipment shall be sourced the same as a retail purchase in accordance with the provisions of paragraph (i) of this subsection. As used in this paragraph, "transportation equipment" means any of the following:

(C) Aircraft that are operated by an air carrier authorized and certified by the United States department of transportation or another federal authority or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

39-16-106. Licenses; permits.

(a) Every vendor shall register with the department of revenue, giving the name and address of all agents operating in the state and the location of all places of business together with other information as required by the department. Effective July 1, 1997, a license fee of sixty dollars (\$60.00) shall be required from each new vendor, except for any remote vendor who has no requirement to register in this state, ~~and or~~ who is using one (1) of the technology models pursuant to ~~W.S. 39-15-401, et seq~~ the streamlined sales and use tax agreement. Failure of a vendor to timely file any return may result in forfeiture of the license granted under this section. The department shall charge sixty dollars (\$60.00) for reinstatement of any forfeited license. Any out-of-state vendor not otherwise subject to this article may voluntarily register with the department and if registered, shall collect and remit the state use tax imposed by W.S. 39-16-104.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2008.

Chapter 35

GAME WARDENS-ENFORCEMENT OF LITTERING PROVISIONS

Original House Bill No. 122

AN ACT relating to crimes and offenses; providing game and fish law enforcement personnel authority to enforce littering statutes; and providing for an effective date.

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

Section 1. W.S. 6-3-204 by creating a new subsection (d) is amended to read:

6-3-204. Littering; penalties.

(d) In addition to any other peace officer, game and fish law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 are authorized to enforce the provisions of this section.

Section 2. This act is effective July 1, 2008.

Approved March 4, 2008.

Chapter 36

MENTAL HEALTH AND SUBSTANCE ABUSE APPROPRIATIONS

Original Senate File No. 10

AN ACT relating to mental health and substance abuse appropriations; providing an appropriation; specifying conditions; continuing a study of mental health and substance abuse services delivery systems; providing for a study of the mental health and substance abuse services division as specified; amending a prior appropriation; and providing for effective dates.

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

Section 1. Select committee on mental health and substance abuse services.

There is appropriated sixty thousand dollars (\$60,000.00) from the general fund to the legislative service office for the period beginning July 1, 2008 and ending December 31, 2009. The funds appropriated under this section shall be expended as necessary to pay the costs and expenses of the select committee on mental health and substance abuse services to enable the committee to continue its study of issues during the 2008 and 2009 legislative interims, to propose legislation for a more cost effective and accessible delivery system of services for persons in need of mental health or alcohol or substance abuse treatment and to assess the efficiency and efficacy of the mental health and substance abuse services division of the department of health.

Section 2. 2007 Wyoming Session Laws, Chapter 216, Section 11(a)(intro) is amended to read:

Section 11. Substance abuse treatment residential services.

(a) There is appropriated two million one hundred thirty-one thousand three hundred seventeen dollars (\$2,131,317.00), or as much thereof as is necessary, from the general fund to the department of health, substance abuse

division, for the fiscal year beginning July 1, 2007 and ending June 30, 2008. The funds appropriated under this subsection shall ~~only~~ be used to fund reasonable start up costs and treatment services to increase the capacity of community substance abuse treatment centers to provide residential treatment. Funds appropriated under this section shall be distributed to regions designated by the division as follows:

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2008.

(b) Section 2 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 5, 2008.

Chapter 37

COSTS FOR EMERGENCY DETENTIONS-LIMITATIONS

Original Senate File No. 6

AN ACT relating to hospitalization of mentally ill persons; limiting the costs that a county or the state may be required to pay for persons detained to determine whether the person is mentally ill and in need of involuntary hospitalization; and providing for an effective date.

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

Section 1. W.S. 25-10-112(a)(i) and by creating a new subsection (f) is amended to read:

25-10-112. Liability for costs of detention, involuntary hospitalization and proceedings therefor.

(a) Subject to the provisions of subsections (d) and (e) of this section, the county in which a person is detained or in which involuntary hospitalization proceedings are brought shall pay the costs of:

(i) The first seventy-two (72) hours of detention, in addition to any Saturday, Sunday or legal holiday that falls within the seventy-two (72) hours, pursuant to W.S. 25-10-109, including costs of medical treatment for those conditions: ~~demanding~~

(A) That resulted in the emergency detention of the person; or

(B) That are attributable to affirmative actions taken by the person that have placed the person in danger of suicide or serious bodily harm and require immediate medical attention.;

(f) For purposes of this section, "costs" shall not include the expenses for any medical procedures that are not:

(i) Related to the assessment of or necessary treatment for the suspected mental illness; or

(ii) Otherwise specified in paragraph (a)(i) of this section.

Section 2. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 38

MENTOR HUNTER PROGRAM

Original Senate File No. 51

AN ACT relating to game and fish; providing for supervised hunts; providing an exception to hunter safety course requirements; and providing for an effective date.

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

Section 1. W.S. 23-2-106(a) and by creating a new subsection (c) is amended to read:

23-2-106. Hunter safety; exception.

(a) ~~Except as provided in subsection (c) of this section, no person born on or after January 1, 1966, may apply for and receive any Wyoming hunting license, nor take any wildlife by the use of firearms on land other than that of his own family, unless the person possesses and can exhibit or can demonstrate they have obtained a certificate of competency and safety in the use and handling of firearms as provided by subsection (b) of this section.~~

(c) A person who has not received a certificate of competency and safety in the use and handling of firearms as provided by subsection (b) of this section may apply to the department for a special authorization to take wildlife with the use of a firearm while being accompanied by a person who has attained the age of majority, acting as a mentor, who possesses or can demonstrate he has obtained a certificate of competency and safety in the use and handling of firearms and who possesses a valid Wyoming hunting license. A mentor shall not provide supervision for more than one (1) person at a time in the field. The special authorization shall be valid for not more than one (1) year. No person may apply for more than one (1) special authorization. Nothing in this subsection shall be construed as altering the requirements of W.S. 23-2-102(a). The

commission shall promulgate rules and regulations to carry out the purposes of this subsection.

Section 2. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 39

ANIMAL DAMAGE MANAGEMENT PROGRAM

Original Senate File No. 7

AN ACT relating to the animal damage management program; repealing the sunset date for the animal damage management program; and providing for an effective date.

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

Section 1. W.S. 11-6-313 is repealed.

Section 2. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 40

STATE MINER'S HOSPITAL BOARD

Original Senate File No. 39

AN ACT relating to the state miner's hospital board; amending the membership of the board; and providing for an effective date.

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

Section 1. W.S. 30-6-101(a)(i) and (ii) is amended to read:

30-6-101. State miner's hospital board.

(a) The state miner's hospital board is created consisting of the following members:

(i) ~~Four (4) members~~ One (1) member of the Sweetwater County Memorial Hospital Board appointed by a majority vote of the county commissioners or the county commissioners shall appoint a designee if a Sweetwater County Memorial Hospital Board member cannot serve;

(ii) ~~Four (4) Seven (7) members~~ representing miners, ~~two (2) members~~ including at least one (1) member from Sweetwater county ~~and two (2) members~~ and at least one (1) member from Campbell county all appointed by the governor; and

Section 2. The terms of the three (3) members of the state miner's hospital board appointed by the Sweetwater County Memorial Hospital Board with terms expiring prior to 2012 shall expire as of the effective date of this act. As of the effective date of this act the governor shall appoint three (3) new members representing miners and the terms of those members shall begin at that time.

Section 3. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 41

REPORTABLE ANIMAL DISEASE LIST

Original Senate File No. 43

AN ACT relating to contagious and infectious diseases among livestock; amending the requirements for reporting contagious and infectious diseases; and providing for an effective date.

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

Section 1. W.S. 11-19-102(a)(v), (vi) and by creating a new paragraph (vii) is amended to read:

11-19-102. Duty of public to report diseases to state veterinarian; list of reportable diseases; failure to comply or obstruction of duty; penalties.

(a) Any person or government entity who knows or suspects that there is any contagious or infectious reportable disease among animals owned by or under their jurisdiction or any veterinarian who knows or suspects any reportable contagious or infectious disease on any premises or in any animal, shall immediately report the same to the state veterinarian. The state veterinarian shall establish and manage a list of reportable diseases for any contagious or infectious disease deemed by the state veterinarian to be a threat to domestic animals. During development of this list the state veterinarian shall consult with the Wyoming game and fish department's supervisor of veterinary research services. Information collected in response to the list of reportable diseases shall be considered confidential proprietary information. Access to any information collected under the list of reportable diseases shall be limited to the person who reported the disease and the state veterinarian, except that the state veterinarian may at his discretion notify any of the following:

- (v) Owners of possible contact animals;~~or~~
- (vi) Adjacent landowners;~~;~~ or
- (vii) Local area practicing veterinarians.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 5, 2008.

Chapter 42

FARM LOAN PROGRAM

Original Senate File No. 8

AN ACT relating to the farm loan program; repealing the drought assistance for breeding livestock; increasing loan limits; modifying loan terms and conditions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 11-34-113 by creating a new subsection (j), 11-34-114(a) and by creating a new subsection (c), 11-34-115 and 11-34-117(a), (c) and (d) are amended to read:

11-34-113. Terms and conditions of loans.

(j) Notwithstanding the terms and conditions specified in paragraph (a)(ii) of this section, the board may make loans for the purpose of enhancing or restoring livestock numbers in the state. Loans made under this subsection shall be for a term not to exceed seven (7) years.

11-34-114. Limitation on loans; percentages of appraised value.

(a) No loan secured by a first mortgage shall exceed seventy percent (70%) of the appraised value of the land with the necessary existing improvements, as ascertained and fixed by the board except as provided by W.S. 11-34-117, ~~and subsection (b) of this section.~~ If a loan is secured by a second mortgage, the sum of the first and second mortgages shall not exceed eighty percent (80%) of the appraised value of the land and improvements and the balance due on the loans secured by the first or second mortgage shall not exceed ~~six hundred thousand dollars (\$600,000.00)~~ eight hundred thousand dollars (\$800,000.00). The appraisal shall be made by the state loan and investment board, with the advice of two (2) residents of the immediate locality in which the loan is being considered.

(c) No loan made pursuant to W.S. 11-34-113(j) shall exceed seventy percent (70%) of the appraised value of the security. Loans may be secured by a first or second mortgage on the borrower's real estate as approved by the board and shall be aggregated with all other loans for purposes of determining compliance with the loan percentages specified in subsection (a) of this section.

11-34-115. Minimum and maximum amount of loans.

The amount of loans to any one (1) borrower shall not be less than ~~one thousand dollars (\$1,000.00)~~ ten thousand dollars (\$10,000.00) nor more than ~~six hundred thousand dollars (\$600,000.00)~~ eight hundred thousand dollars (\$800,000.00) if all loans to the borrower are made for the purposes of purchasing farm lands or other purposes as defined by W.S. 11-34-109(a)(i) through (iv). ~~In addition, a qualified borrower may borrow not more than two hundred thousand dollars (\$200,000.00) pursuant to W.S. 11-34-113(h).~~

11-34-117. Rates of interest; length of loan; amount.

(a) The board may set rates of interest on all farm loans according to current interest rates but not less than four percent (4%) nor more than ten percent (10%) whether the money is loaned upon the amortization plan or otherwise except that loans pursuant to W.S. ~~11-34-113(h)~~ 11-34-113(j) shall be loaned for a fixed period of up to seven (7) years with a set interest rate ~~matching the overall market return rate earned during the prior fiscal year by the state treasurer on investable funds, excluding legislatively designated investments.~~ If the borrower qualifies, at the end of the five (5) year period, the unpaid balance may be converted to a standard farm loan at the board approved interest rate for such loans at the time of the conversion equal to seventy-five percent (75%) of the lowest current rate set by the board for farm loans other than loans under W.S. 11-34-113(j).

(c) The total value of loans outstanding pursuant to subsection (b) of this section shall not exceed ~~seven million dollars (\$7,000,000.00)~~ ten percent (10%) of the total amount of farm loan investment authorized by W.S. 11-34-129.

(d) The total value of loans outstanding pursuant to W.S. ~~11-34-113(h)~~ 11-34-113(j) shall not exceed ~~fifty million dollars (\$50,000,000.00)~~ twenty percent (20%) of the total amount of farm loan investment authorized by W.S. 11-34-129. The amount loaned to any one (1) borrower shall not be more than ~~two hundred thousand dollars (\$200,000.00)~~ three hundred thousand dollars (\$300,000.00).

Section 2. W.S. 11-34-109(a)(v), 11-34-113(h) and 11-34-114(b) are repealed.

Section 3. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 43

VACATING SUBDIVISIONS

Original Senate File No. 41

AN ACT relating to vacation of plats; restricting the vacation of plats for which a subdivision permit has been issued; and providing for an effective date.

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

Section 1. W.S. 34-12-106 is amended to read:

34-12-106. Vacation; generally.

Any such plat may be vacated by the proprietors thereof at any time before the sale of any lots therein, by a written instrument declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated, and the execution and recording of such writing shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such plat, and in case where any lots have been sold, the plat may be vacated as herein provided, by all the owners of lots in such plat joining in the execution of the writing aforesaid. No plat or portion thereof within the corporate limits of a city or town shall be vacated as herein provided without the approval of the city or town. No plat or portion thereof for which a subdivision permit has been obtained pursuant to W.S. 18-5-304 shall be vacated as herein provided without the approval of the county commissioners. No municipal or county approval under this section shall be arbitrarily or unreasonably withheld.

Section 2. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 44

REPORTING REQUIREMENTS

Original Senate File No. 48

AN ACT relating to the administration of government; amending and repealing various reporting requirements to the legislature and legislative committees; repealing obsolete and executed provisions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 1-1-124(c), 1-42-113(a)(intro), (iii) and (iv), 1-42-201(a)(viii), 5-2-120, 7-2-106(c), 9-1-507(a)(vi), 9-2-106(d), 9-2-1215, 9-2-2004(b), 9-2-2005(b), 9-2-2006(b), 9-2-2007(b), 9-2-2008(b), 9-2-2012(b), 9-2-2018(b) and (e)(vi), 9-2-2308(a), 9-2-2401(f), 9-2-2701(b) and (f), 9-2-2702(a)(vii), 11-6-304 by creating a new subsection (f), 14-10-101(f)(vii), 14-11-109, 16-1-104(e), 20-2-306, 23-1-705(j), 27-13-102(b)(iii), 28-1-116(b), 31-1-203(b), 31-7-140, 35-11-1701(f), 36-8-1001(d)(intro), 37-2-106, 37-2-126, 37-2-304(a), 39-15-105 by creating a new subsection (b), 39-16-105 by creating a new subsection (b), 39-17-109(d)(v) and 42-3-102 are amended to read:

1-1-124. Pretrial screening.

(c) The supreme court shall annually report to the ~~legislature~~ joint judiciary interim committee the costs of operating the expedited screening procedure and shall submit a recommendation for the proration and assessment of costs among the professions subject to the pretrial screening procedure.

1-42-113. Proposal to transfer administration of local government self-insurance account; transfer after approval; effect.

(a) The local government self-insurance policy board may submit to all participating local governments a proposal to transfer administration of the account and all functions under the provisions of this act to a joint powers board to operate the local government self-insurance program in accordance with W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. As of July 1, next following the approval of such a proposal by two-thirds (2/3) of the participating local governments:

(iii) All liabilities, if any, for unasserted claims, asserted claims and pending lawsuits involving local government participants or their public employees under the provisions of this act are transferred to the program and the program shall assume and be responsible for the same under the provisions of W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. The state of Wyoming shall have no remaining liability to any person, firm or local government upon the transfer of funds to the program. The state of Wyoming and its employees shall cooperate in the transfer of records and files necessary to accomplish the purposes of this section;

(iv) The local government self-insurance program shall be operated in accordance with the provisions of W.S. 1-42-201 through ~~1-42-207~~ 1-42-206, and not in accordance with the provisions of this act. The program shall be administered by the risk manager under the direction of the board for up to one (1) year after the transfer of the program. The program shall reimburse the department of administration and information for one hundred percent (100%) of the direct costs and thirty percent (30%) of the budget of the office costs, salaries and benefits of the self-insurance program within the general services division of the department during that period.

1-42-201. Definitions.

(a) As used in this act:

(viii) "This act" means W.S. 1-42-201 through ~~1-42-207~~ 1-42-206.

5-2-120. Judicial systems automation account created; purposes.

There is created an account entitled the "judicial systems automation account." No funds shall be expended from the account unless and until the legislature appropriates the funds. Funds within the account shall be used by the supreme court for the purchase, maintenance and operation of computer hardware and software to enhance the communication, records and management needs of the courts of the judicial branch of the state of Wyoming. Interest accruing to this account shall be retained therein and shall be expended for the purposes provided in this section, as appropriated by the legislature. Annually, the supreme court shall develop a plan for all trial and appellate courts within the state for the expenditure of funds from the account. Prior to implementation, the plan shall be annually submitted to the joint appropriations interim committee and joint judiciary interim committee for review and comment.

7-2-106. Extraterritorial authority of peace officers; requests for assignment of peace officers; liability; compensation.

(c) A peace officer acting pursuant to subsection (a) or (b) of this section outside his own jurisdiction shall be deemed to be acting within the scope of his duties for purposes of the Wyoming Governmental Claims Act and the state self-insurance program, W.S. 1-41-101 through 1-41-111, or the local government self-insurance program, W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. All privileges and immunities from liability, and all pension, disability, worker's compensation and other benefits which normally apply to peace officers while they perform their duties in their own jurisdiction shall also apply to them when acting as provided in subsection (a) or (b) of this section. For purposes of W.S. 27-14-104, the requesting and assigning law enforcement agencies shall be a joint employer as defined under W.S. 27-14-102(a)(xix) and the designated peace officer shall be a joint employee as defined under W.S. 27-14-102(a)(xxi).

9-1-507. Examination of books of state institutions, agencies and certain districts and entities; independent audit authorized; guidelines.

(a) The director of the state department of audit shall:

(vi) Conduct performance measure reviews based on the standards developed in W.S. 28-1-115(a)(ii)(A). The director shall determine the means to be used to verify and validate the performance measures. The results of the reviews shall be reported to the agency head, governor, and secretary of state; ~~and the legislative service office;~~

9-2-106. Duties and powers of director of department.

(d) The director may authorize the Wyoming state training school, the Wyoming state hospital, the Wyoming pioneer home, the veterans' home of Wyoming and the Wyoming retirement center to provide services to persons with conditions other than those specified in the provisions governing those state institutions in title 25 of the Wyoming statutes when the director determines that there is a need for such services, that the

services can be provided effectively by the institution, that the services will be delivered in a manner that assures the safety of all individuals served by the institution and the services provided are statutorily authorized for any of these institutions, the service needs are similar to those authorized for any of these institutions or the services are necessary to protect the public health and safety. The director may promulgate rules and regulations and policies and procedures necessary to implement this subsection. Nothing in this subsection shall be construed to authorize the director to eliminate services that are otherwise required by statute. ~~The director shall report to the joint labor, health and social services interim committee no later than October 1 of odd numbered years with respect to the status of any actions taken under this subsection and the results of those actions.~~

9-2-1215. Biennial report by board.

Beginning September 1, 2003, the board shall report to the division on aging; and the governor ~~and the joint labor, health and social services interim committee~~ no later than September 1 of each odd-numbered year with respect to the grants awarded, and how those grants have benefited senior citizens in the state.

9-2-2004. Department of transportation created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint transportation and highways interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint transportation and highways interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2005. Department of health created; director appointed; structure.

(b) The administrative head of the department shall be a director appointed by the governor. ~~not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint senate education, health and welfare and house labor, health and social services interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint senate education, health and welfare and house labor, health and social services interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as~~

~~approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2006. Department of family services created; director appointed; structure.

(b) ~~The administrative head of the department shall be a director appointed by the governor, not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint senate education, health and welfare and house labor, health and social services interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint senate education, health and welfare and house labor, health and social services interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2007. Department of revenue created; director appointed; structure.

(b) ~~The administrative head of the department shall be a director appointed by the governor, not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint revenue interim committee of the legislature and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 1991 general session of the legislature convenes. The joint revenue interim committee shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2008. Department of administration and information created; director appointed; structure.

(b) ~~The administrative head of the department shall be a director appointed by the governor, not later than July 1, 1990. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint appropriations interim committee and the select management audit committee of the legislature and made available to the public. The committees shall hold at least one (1) public hearing regarding the plan before the 1991 session of the legislature convenes. The select management audit committee shall report its advisory recommendations on the plan to the joint appropriations interim committee, including necessary legislation with respect to the plan. The joint appropriations interim committee shall consider the recommendations~~

~~and shall report to the legislature by December 1, 1990, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1991.~~

9-2-2012. Department of corrections created; director appointed; structure.

~~(b) The administrative head of the department shall be a director appointed by the governor, not later than July 1, 1991. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint judiciary interim committee of the legislature and made available to the public. The committee shall hold at least two (2) public hearings regarding the plan before the 1992 budget session of the legislature convenes. The joint judiciary interim committee shall report to the legislature by December 1, 1991, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 1992.~~

9-2-2018. Department of workforce services created; director appointed; structure.

~~(b) The administrative head of the department shall be a director appointed by the governor, not later than April 1, 2001. The director shall prepare a plan for reorganization of the agencies, programs and functions specified in this section and submit it to the governor for approval. The department reorganization plan, as approved, shall be submitted to the joint labor, health and social services interim committee of the legislature no later than October 15, 2001 and made available to the public. The committee shall hold at least one (1) public hearing regarding the plan before the 2002 budget session of the legislature convenes. The joint labor, health and social services interim committee shall report to the legislature by December 1, 2001, its recommendations on the plan, including necessary legislation with respect to the plan. The plan, as approved by act of the legislature, shall be implemented not later than July 1, 2002.~~

~~(e) In developing the plan required under W.S. 9-2-1707(a)(iii), the director shall consider:~~

~~(vi) Identifying outcome-based data for all workforce programs, including those programs not proposed for transfer to the department of workforce services under this section; Upon approval of the plan by the legislature, the director shall submit a report to the governor and the joint labor, health and social services interim committee no later than October 1 of each year thereafter addressing the results of such program evaluations;~~

9-2-2308. Biennial audit; report by board.

~~(a) The director of the department of audit or his designee shall audit the trust fund created by W.S. 9-2-2304 biennially. Copies of the audit~~

~~shall be provided to the governor and the joint travel, recreation, wildlife and cultural resources interim committee.~~

9-2-2401. Reorganization plan for courts; purpose, plan and schedule; judicial planning commission established.

(f) The commission shall meet not less than three (3) times annually at the call of the chairman or a majority of the members. The commission shall review the progress of the reorganization effort and review possible changes to statutes, the Wyoming constitution and court rules necessary to implement reorganization. The commission shall hold at least one (1) public meeting and seek input from the public regarding reorganization of the judicial branch of government. The commission shall solicit comments from the Wyoming state bar, the Wyoming trial lawyers association and the Wyoming public defender's office. ~~The commission shall submit a report for reorganization of the judicial branch, including draft legislation necessary to implement the reorganization, to the governor and management council, not later than November 1, 1999.~~

9-2-2701. Substance abuse control plan.

(b) The department of health shall, in consultation with the department of education, department of family services, department of workforce services and department of corrections adopt rules and regulations establishing standards for the effective treatment and prevention of substance abuse. The rules shall be adopted by December 31, 2002, and shall include standards for providers, programs and facilities. The rules shall include procedures for data collection and analysis, protocols for testing and methods of measuring outcomes. The rules shall require the use of best practices, establish the means for determining priorities for treatment and prevention services, set standards for managing wait lists of patients and establish standards for cross training and continuing education of personnel. The rules shall specify certification requirements for programs, providers and facilities. The rules and regulations shall establish a process for denying continued funding for programs or providers who fail to comply with certification requirements established under this section. The rules and regulations establishing standards for treatment programs in state correctional facilities and the secure facilities authorized under W.S. 9-2-2704 shall be promulgated by the department of corrections, in consultation with the department of health, department of education, department of family services and department of workforce services no later than December 31, 2002. ~~Rules and regulations establishing standards for those programs reviewed pursuant to W.S. 9-2-2705 shall be adopted no later than July 1, 2004.~~

(f) No later than forty-five (45) days prior to the adoption of new rules under this act, the department of health shall provide notice of intent to adopt the rules, a copy of the proposed rules and a synopsis of those rules to ~~the joint labor, health and social services interim committee and the joint judiciary interim committee.~~

9-2-2702. Definitions.

(a) As used in this act:

(vii) "This act" means W.S. 9-2-2701 through ~~9-2-2707~~ 9-2-2706.

11-6-304. ADMB responsibilities; animal damage management policy; rules; methods to manage predatory animals, predacious birds, depredating animals and rabid wildlife; manner of calling meetings; frequency.

(f) The board shall investigate, test and refine the concept of integrated predator management. The board shall develop and establish measurable goals and objectives. The board shall report to the governor and the joint agriculture, public lands and water resources interim committee and joint appropriations interim committee on or before December 31 of each year to determine the progress the board has made toward achieving the goals and objectives it has established.

14-10-101. State advisory council on juvenile justice.

(f) The advisory council shall:

(vii) Develop recommendations concerning establishments of priorities and needed improvements with respect to juvenile justice, delinquency prevention and juvenile services and report its recommendations to the governor and ~~legislature~~ joint judiciary interim committee annually, on or before December 31;

14-11-109. Reports of relinquishments.

Each local child protective agency shall maintain and update on a monthly basis a report of the number of newborn children who have been relinquished pursuant to this act and shall submit the information to the department of family services. ~~The department of family services shall submit an annual report to the joint labor, health and social services interim committee beginning July 1, 2004, and annually thereafter, that compiles the monthly reports required by this section.~~

16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers.

(e) A governing body of an eligible senior citizen center may enter into a joint powers agreement under this act in order to participate in the local government self-insurance program as provided in W.S. 1-42-201 through ~~1-42-207~~ 1-42-206. An eligible senior citizen center which enters into a joint powers agreement pursuant to this subsection shall be bound by all provisions of the agreement, but shall not be entitled to participate as a member of the joint powers board.

20-2-306. Revision of presumptive child support.

On or before December 1, 1996, and at least once every four (4) years thereafter, the department of family services shall review the presumptive child support established under this article to ensure that application results in the determination of appropriate child support award amounts, ~~and shall submit a report to the joint labor, health and social services interim committee and shall recommend any proposed changes.~~

23-1-705. Complimentary licenses; one-shot antelope hunt licenses; gunpowder and buckskin hunt licenses; gratuitous licenses.

(j) In addition the commission may issue upon payment of proper fees up to ten (10) antelope licenses, ten (10) deer licenses, five (5) elk licenses and ten (10) turkey licenses each year for the exclusive distribution by nonprofit charitable organizations for use by persons eighteen (18) years of age or younger with life threatening illnesses. As a condition of accepting the license, the organization shall agree to provide the license at no cost to the licensee and to report the distribution of all licenses received under this subsection to the department. ~~The department shall provide an annual report to the joint travel, recreation, wildlife and cultural resources interim committee detailing the distribution and use of licenses issued under this subsection.~~

27-13-102. Powers and duties; rules and regulations.

(b) The division shall:

(iii) Annually report to the ~~joint labor, health and social services interim committee and the~~ joint appropriations interim committee regarding programs under this act.

28-1-116. Continuous planning; performance budgeting.

(b) The governor may submit draft goals and objectives to the management council for comment. ~~The final goals and objectives defined by the governor as required in subsection (a) of this section shall be distributed to all members of the legislature.~~

31-1-203. Special enforcement officers; summons and notice to appear for violations; deposit for appearance; disposition of deposit.

(b) Employees designated under subsection (a) of this section may issue summons for violations of W.S. 31-4-101, 31-7-106, 31-7-133, 31-18-101 through 31-18-603, 31-18-701 and 31-18-801 through 31-18-808. ~~The department shall submit a report to the joint transportation and highways interim committee no later than December 1, 2002, providing data with respect to the number of port of entry officers issuing summonses, the types and numbers of violations for which summonses were issued and an estimate of the time saved for commercial vehicle operators and highway patrol troopers as a result of summonses being issued by port of entry officers.~~

31-7-140. Nonresident Violator Compact of 1977; division to enter into compact.

The division shall execute all documents and perform other duties as necessary to enter into and carry out the provisions of the Nonresident Violator Compact of 1977. ~~and shall report to the legislature after two (2) years on revenue changes in the collection of fines from nonresident violators.~~

35-11-1701. Orphan site remediation.

(f) ~~The department shall prepare a report for review by the joint minerals, business and economic development interim committee by October 31, 2001. The report shall describe the department's activities and costs for the prior biennium in the remediation of orphan sites, shall provide an inventory of all known orphan sites within the state, shall project its budget for the next biennium and shall estimate the total remaining costs for remediation of contaminated orphan sites. The department also shall project an annual funding need for the identification, characterization, prioritization and remediation of contaminated orphan sites within the state and shall recommend a funding source adequate to meet the identified funding need.~~

36-8-1001. Description and declaration; plan for park development and operation; plan for development of prison buildings as state historic site.

(d) The department of state parks and cultural resources shall prepare a plan for the operation of the Wyoming territorial prison historic site and state park by the department as part of the department's comprehensive plan under W.S. 36-4-106. ~~The plan shall be presented to the joint travel, recreation, wildlife and cultural resources interim committee not later than September 1, 2004.~~ In developing the plan, the department shall:

37-2-106. Uniform assessment regarding telecommunications, gas, electric, water and pipeline service; disposition of revenue.

Monies derived from a uniform assessment of persons subject to assessment under W.S. 37-2-107, except motor carriers as defined in W.S. 31-18-101(a)(x), shall be credited to the public service commission account for the purpose of defraying administrative expenses of the commission with respect to the persons assessed. At each regular session, the state legislature shall, under the budget provisions of Wyoming budget law, determine the amount to be collected. ~~No later than October 1 of each year, the commission shall make a written report to the joint corporations, elections and political subdivisions interim committee on the continuing efficiency and fairness of the method by which the amount is collected.~~ It shall be the duty of the director of the revenue department to ascertain and collect the proportional amount of the approved biennial budget to be paid by each person assessed and to remit the funds immediately to the state treasurer for deposit in the public service commission account. All expenditures therefrom shall be subject to the warrant of the state auditor, upon submission of properly executed vouchers authorized by the commission in the same manner as other funds are disbursed.

37-2-126. Report to the governor.

The commission shall, as required by ~~section 9-21 of the statutes~~ W.S. 9-2-1014, report to the governor, including in such detail as the commission may deem expedient all proceedings and investigations of the commission during such period and shall contain abstracts of the reports of public utilities prepared by the commission. It shall also contain the rec-

ommendations of the commission for new legislation and any other matters the commission desires to call to the attention of the governor and the legislature.

37-2-304. Administration; rules.

(a) The commission shall monitor the effectiveness of the telephone assistance program and ~~prepare~~ include such information in its annual reports to the legislature.

39-15-105. Exemptions.

(b) The Wyoming business council and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(O) or (R) of this section is in effect. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover;

(ii) A history of wages and benefits disaggregated by gender for each job category; and

(iii) A comprehensive history of taxes paid to the state of Wyoming.

39-16-105. Exemptions.

(b) The Wyoming business council and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(D) or (G) of this section is in effect. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover;

(ii) A history of wages and benefits disaggregated by gender for each job category; and

(iii) A comprehensive history of taxes paid to the state of Wyoming.

39-17-109. Taxpayer remedies.

(d) Credits. The following shall apply:

(v) No later than January 1, ~~2002~~ of each year, the department, in consultation with the department of administration and information, shall submit a report to the joint transportation and highways interim committee and the joint revenue interim committee. The report shall provide information with respect to the economic benefits of the ethanol credit voucher program created under this subsection and the cost to the state for the program;

42-3-102. Administration.

The department shall administer the funds in the child support and revenue enhancement account and report annually to the ~~legislature~~ joint

appropriations interim committee and joint judiciary interim committee. The account may be divided into subaccounts for purposes of administrative management.

Section 2. W.S. 1-42-207, 9-2-122(d), 9-2-1603(b), 9-2-1607, 9-2-2705, 9-2-2707, 10-3-201(h), 10-3-204(a), 12-2-301(e), 16-4-104(j), 16-6-902(f), 23-1-304(p) as created by 2007 Wyoming Session Laws, Chapter 168, Section 3, 30-7-101(e), 30-8-101(e), 34.1-9-527, 37-7-311, 39-14-105(d), 39-14-202(a)(ix), 2003 Wyoming Session Laws, Chapter 112, Section 3, 2004 Wyoming Session Laws, Chapter 27, Section 2 and 2006 Wyoming Session Laws, Chapter 14, Section 2 are repealed.

Section 3. Any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

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

Approved March 5, 2008.

Chapter 45

HOSPITALS-PARTICIPATION IN STATE RETIREMENT

Original Senate File No. 57

AN ACT relating to the Wyoming retirement system; allowing employees of county memorial hospitals and special hospital districts to participate in the retirement system; prohibiting participation in multiple retirement programs as specified; amending a definition; conditioning implementation upon receipt of required payments; providing for funding; and providing for an effective date.

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

Section 1. W.S. 9-3-402(a)(vi)(B) and 9-3-427 are amended to read:

9-3-402. Definitions.

(a) As used in this article:

(vi) "Employer" or "participating employer" means:

(B) Any county, ~~except county memorial hospitals or hospital,~~ special hospital ~~districts-district,~~ district, city or town or legally constituted department designated to the board by the appropriate governing body as an employer under this article;

9-3-427. Other retirement plans prohibited.

The establishment of any annuity plan, limited service plan, pension or retirement system other than that provided by this article by any depart-

ment, board, bureau or agency of the state or by any political subdivision of the state is prohibited, except this prohibition does not apply to the Wyoming state highway patrol, game and fish warden and criminal investigator retirement program. Any county memorial hospital or special hospital district that elects to participate in the state retirement system shall not otherwise participate in any other retirement system.

Section 2. W.S. 9-3-402(a)(vii)(F)(III) is repealed.

Section 3.

(a) Coverage of county hospital or special hospital district employees as authorized under section 1 of this act shall not be implemented by the Wyoming retirement board until funds payable to the Wyoming retirement system are received for deposit into the retirement account, as necessary for maintaining the actuarial integrity of the account and funding all liability arising under this act, for years of service prior to the date of entry or expansion of coverage.

(b) Prior to January 1, 2009, any county memorial hospital or special hospital district shall elect to participate in either the retirement plan offered by the institution or the Wyoming retirement system. Each hospital shall, prior to January 1, 2009, provide written notice to the Wyoming retirement board of its election under this subsection.

Section 4. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 46

SALARIES FOR OFFICIALS

Original Senate File No. 67

AN ACT relating to salaries of public officials; increasing salaries for certain public officials as specified; authorizing cost of living salary increases as specified; providing an appropriation; providing for applicability of the act; and providing for an effective date.

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

Section 1. W.S. 5-1-110(a)(i) through (iii) and by creating a new subsection (b) is amended to read:

5-1-110. Salaries of judges.

(a) Subject to constitutional and statutory provisions concerning when salaries can become effective, judges of the supreme court, district courts and circuit courts shall receive the following annual salaries which shall be paid in equal monthly installments on the last working day of the month:

(i) Supreme court justices shall receive an annual salary of ~~one hundred nineteen thousand three hundred dollars (\$119,300.00) commencing July 1, 2007~~ one hundred twenty-six thousand five hundred dollars (\$126,500.00) commencing July 1, 2008 and one hundred thirty-one thousand five hundred dollars (\$131,500.00) commencing July 1, 2009;

(ii) District court judges shall receive an annual salary of ~~one hundred thirteen thousand six hundred dollars (\$113,600.00) commencing July 1, 2007~~ one hundred twenty thousand four hundred dollars (\$120,400.00) commencing July 1, 2008 and one hundred twenty-five thousand two hundred dollars (\$125,200.00) commencing July 1, 2009;

(iii) Circuit court judges shall receive an annual salary of ~~ninety-three thousand two hundred dollars (\$93,200.00) commencing July 1, 2007~~ ninety-eight thousand eight hundred dollars (\$98,800.00) commencing July 1, 2008 and one hundred two thousand eight hundred dollars (\$102,800.00) commencing July 1, 2009.

(b) In addition to the salaries provided in subsection (a) of this section, the legislature may provide through the budget process salary cost of living increases comparable to the increases provided to other state employees. Any such cost of living salary increases shall be specifically stated in a footnote to the budget bill by stating the total appropriation required as a result of any such increases along with the new salary amount to be provided to the supreme court, district court and circuit court. Any salary increase under this subsection shall be subject to constitutional and statutory provisions concerning when salaries can become effective.

Section 2. There is appropriated one million one hundred sixty-four thousand three hundred eighty dollars and twenty-six cents (\$1,164,380.26) from the general fund to the supreme court. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of implementing the judicial salary increases authorized by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

Section 3. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 47

APPROPRIATION FOR THE LEGISLATURE

Original Senate File No. 55

AN ACT relating to appropriations for the legislature; providing appropriations for the operation of the legislative branch of state government; providing an appropriation for training legislator elects; and providing for effective dates.

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

Section 1. There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2010:

SALARIES	
LSO Staff Permanent/Temporary	\$6,290,578
Legislators – Session	1,203,258
Legislators – Interim	1,177,618
Session Staff	781,500
Employer Paid Benefits [3.]	2,500,104
IN-STATE TRAVEL	
Mileage and Per Diem – Session	977,520
Mileage and Per Diem – Interim [1.]	819,355
OUT-OF-STATE TRAVEL	
Travel Expenses	120,000
Per Diem	204,000
ANNUAL DUES (both FY 2009 and 2010)	
National Conference of State Legislatures . . .	218,927
The Energy Council	64,000
Council of State Governments	155,762
REGISTRATION FEES	91,100
TELECOMMUNICATIONS AND POSTAGE	205,000
GENERAL ADMINISTRATIVE	
SUPPORT [2.], [4.]	1,080,780
(Information technology, copying, supplies and equipment, furniture, contract services, special projects, etc.)	
STATUTES, SESSION LAWS AND DIGESTS	<u>431,000</u>
TOTAL	\$16,320,502

Footnotes to Section 1:

1. [Use of State Plane]. Interim travel may include the use of the state plane subject to management council policies.

2. [Legislative Computer Equipment]. One hundred fifty thousand dollars (\$150,000.00) shall be used for the purchase of laptop computers and support systems. Legislative laptop computers being replaced shall be sold in accordance with Management Council directives. Any proceeds received from the sale of any laptop computer shall be deposited into the general fund and are hereby reappropriated to the legislative service office to be used for the purchase of replacement laptop computers. This footnote is effective immediately.

3. [Retiree Health Insurance]. Of this appropriation, fifty thousand dollars (\$50,000.00) shall be used for contributions to the retiree health insurance benefits account.

4. [Technology Consulting]. Of this appropriation, one hundred thousand dollars (\$100,000.00) shall be used to contract for consulting services necessary to enhance existing technology systems.

Section 2. [Standard Provision-Flex]. The Management Council may transfer funds from one expense category to another under section 1 of this act as the activities of the legislature may require.

Section 3. [Standard Provision-Travel]. The appropriation for out-of-state travel under this act shall be used to reimburse legislators for documented legislative travel and per diem expenses to meetings including, but not limited to, the National Conference of State Legislatures, the Council of State Governments and the Energy Council. Travel authorization and reimbursements shall be in accordance with policies of the Management Council.

Section 4. [Carry Forward of Prior Appropriations].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the unobligated portions of the following appropriations shall not revert on June 30, 2008, and are hereby reappropriated to the legislative service office subject to any conditions in the original appropriations:

(i) Appropriation for Room 204 and 302 furnishings, 2006 Wyo. Session Laws, Ch. 113, Section 7(f);

(ii) Appropriation for portraits of past Governors, 2006 Wyo. Session Laws, Ch. 113, Section 7(g);

(iii) Appropriation for Wyoming Blue Book, 2006 Wyo. Session Laws, Ch. 113, Section 8;

(iv) Appropriation for Room 302 furnishings, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(iii);

(v) Appropriation for recarpeting room 302, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(iv);

(vi) Appropriation for sound systems, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(ix);

(vii) Appropriation for lighting and skylight renovation, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(x);

(viii) Appropriation for committee room and leadership offices furnishings, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(xiii);

(ix) Appropriation for development of public information resources, 2007 Wyo. Session Laws, Ch. 136, Section 332(a)(xiv);

(x) Any balance remaining on June 30, 2008, resulting from the sale of legislative laptop computers prior to that date is appropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems;

(xi) Any balance in the constituent service allowance account created by W.S. 28-5-106(a) remaining on June 30, 2008, is appropriated to fund the constituent service allowance for the period July 1, 2008, through June 30, 2010.

This section is effective immediately. Any unexpended, unobligated funds remaining from these appropriations on June 30, 2010, shall revert to the general fund.

Section 5. [Constituent Service Allowance]. There is appropriated from the general fund to the constituent service allowance account created by W.S. 28-5-106(a) two hundred fifty thousand dollars (\$250,000.00) to fund the constituent service allowance for the period July 1, 2008, through June 30, 2010.

Section 6. [PDA Devices].

(a) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office to be used to reimburse specified legislators for their expense of purchasing personal digital assistants (PDA's) or similar devices necessary for carrying out their legislative duties and providing service to and on behalf of their constituents, subject to the following:

(i) Reimbursement under this subsection shall be available only to legislators elected at the 2008 general election;

(ii) The amount of reimbursement to any legislator shall be in an amount equal to one-half (1/2) of the purchase price of the device, but the reimbursement shall not exceed two hundred seventy-five dollars (\$275.00);

(iii) Expenses shall be reimbursed upon submission to the legislative service office of a verified claim form and purchase receipt;

(iv) The select committee on legislative technology, in consultation with the legislative service office information technology staff, may recommend personal digital assistants (PDA's) or similar devices for reimbursement under this section.

Section 7. [Artwork/Facilities Appropriations-Effective Immediately]. There is appropriated from the general fund to the legislative service office:

(a) Forty-two thousand dollars (\$42,000.00) for leadership office furnishings.

(b) Fifty thousand dollars (\$50,000.00) for committee secretary desks.

(c) Ninety thousand dollars (\$90,000.00) for Governors' portrait project.

(d) Twenty-five thousand dollars (\$25,000.00) for additional remodeling costs for room 302.

(e) Twenty thousand dollars (\$20,000.00) for ongoing architectural and interior design consulting.

(f) Fifteen thousand dollars (\$15,000.00) for miscellaneous furnishings and projects.

The appropriations in this section are effective immediately. Any unexpended, unobligated funds remaining from these appropriations on June 30, 2010, shall revert to the general fund.

Section 8.

(a) For the period beginning July 1, 2008 and ending June 30, 2010, from and after the date the state canvassing board certifies the results of a general election in accordance with W.S. 22-16-118, and prior to being duly sworn in, legislators elect shall receive mileage, salary and per diem at the same rate as members of the legislature for each day spent at a training function or committee meeting at the direction of management council. There is appropriated from the general fund to the legislative service office twenty-five thousand dollars (\$25,000.00) or as much thereof as may be necessary for purposes of this section.

(b) As used in this section "legislator elect" means a person elected to the legislature during the 2008 general election who is not a current member of legislature and before the person is duly sworn in.

Section 9. [Effective Dates].

(a) As used in this act, "effective immediately" means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as otherwise provided, this act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 48

GENERAL GOVERNMENT APPROPRIATIONS

Original Senate File No. 1

AN ACT to make appropriations for the biennium commencing July 1, 2008, and ending June 30, 2010; providing definitions; providing for appropriations and transfers of funds during that biennium and for the remainder of the current biennium as specified; providing for funding for carryover of certain funds beyond the biennium as specified; conforming specified statutory provisions during the term of the budget period as related to these appropriations; providing for employee positions as specified; and providing for an effective date.

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

Section 1. As used in this act:

- (a) "Agency" means any governmental unit or branch of government receiving an appropriation under this act;
- (b) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;
- (c) "Approved budget" means an approved budget as defined by W.S. 9-2-1005(e);
- (d) "AG" means an agency's account within the agency fund;
- (e) "A4" means agency trust account;
- (f) "EF" means the agency's account within the enterprise fund;
- (g) "FF" means federal funds;
- (h) "IS" means the agency's account within the internal service fund;
- (j) "PF" means the retirement account created by W.S. 9-3-407(a);
- (k) "PR" means private funding sources;
- (m) "RB" means revenue received from the issuance of revenue bonds;
- (n) "SR" means an agency's account within the special revenue fund;
- (o) "S1" means earmarked water development account I created by W.S. 41-2-124(a)(i);
- (p) "S2" means earmarked water development account II created by W.S. 41-2-124(a)(ii);
- (q) "S3" means the budget reserve account;
- (r) "S4" means the local government capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i) and 39-14-801(e)(ix);
- (s) "S5" means the school foundation program account within the special revenue fund;
- (t) "S6" means the school capital construction account within the special revenue fund;
- (u) "S7" means the highway account within the special revenue fund;
- (w) "S8" means the game and fish account within the special revenue fund;
- (y) "T1" means the omnibus permanent land fund;
- (z) "T2" means the miners' hospital permanent land income fund;
- (aa) "T3" means the state hospital permanent land fund;
- (bb) "T4" means the training school permanent land fund;
- (cc) "T6" means the university permanent land income fund;

(dd) "T7" means the state employee group insurance flexible benefits account;

(ee) "TO" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;

(ff) "TT" means the tobacco settlement trust income account.

Section 2. The following sums of money, or so much thereof as necessary, are appropriated to be expended during the two (2) years beginning July 1, 2008 and ending June 30, 2010, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 001. Governor's Office				
PROGRAM				
Administration	6,973,844			6,973,844
Tribal Liaison	385,143			385,143
Commission on Uniform Laws	69,286			69,286
Special Contingent	1,000,000			1,000,000
Emerg Mgt/Homeland Security 1.	3,310,473	28,818,501	619,310 AG	32,748,284
Health Care Commission 2.	567,147			567,147
Natural Resource Policy Account	1,500,000			1,500,000
Endangered Species Administrat	1,849,420			1,849,420
TOTALS	15,655,313	28,818,501	619,310	45,093,124
AUTHORIZED EMPLOYEES				
Full Time	54			
Part Time	1			
TOTAL	55			

1. Of this federal fund appropriation, nine million two hundred fifteen thousand five hundred five dollars (\$9,215,505.00) for local governmental authorities shall not be expended until the governor has determined the expenditure will cause the WYOLINK system to have statewide operability.

2. This general fund appropriation shall only be expended for the period beginning July 1, 2008 and ending June 30, 2009. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2009 shall revert pursuant to law.

Section 002. Secretary of State

PROGRAM				
Administration	6,385,598			6,385,598
Reapportionment Computer System	71,445			71,445
Securities Enforcement			623,830 SR	623,830
Bucking Horse & Rider			200,200 AG	200,200
TOTALS	6,457,043	0	824,030	7,281,073
AUTHORIZED EMPLOYEES				
Full Time	29			
Part Time	0			
TOTAL	29			

Section 003. State Auditor

PROGRAM				
Administration	17,778,451			17,778,451
GF License Revenue Recoupment	1,700,000			1,700,000
TOTALS	19,478,451	0	0	19,478,451

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	26			
Part Time	0			
TOTAL	26			
Section 004. State Treasurer				
PROGRAM				
Treasurer's Operations	4,694,188			4,694,188
Veterans Tax Exemption 1.	5,485,000			5,485,000
Manager Payments			43,767,201 AG	
			264,864 SR	44,032,065
Unclaimed Property			1,618,725 AG	1,618,725
Indian Motor Vehicle Exemption	452,700			452,700
TOTALS	10,631,888	0	45,650,790	56,282,678
AUTHORIZED EMPLOYEES				
Full Time	26			
Part Time	0			
TOTAL	26			

1. Of this general fund appropriation, nine hundred thousand dollars (\$900,000.00) is effective immediately.

Section 005. Department of Education

PROGRAM				
Education Trust Fund			600,000 AG	600,000
Douvas Scholarship			1,000 AG	1,000
Workshops & Conferences Fund			18,500 SR	
			62,000 EF	80,500
Montgomery Trust For The Blind			419,157 T0	419,157
WDE-General Fund Prog. 1.,2.	18,718,297		9,031,914 S5	27,750,211
WDE - Federal Fund Programs		225,040,259	2,437,939 EF	227,478,198
TOTALS	18,718,297	225,040,259	12,570,510	256,329,066
AUTHORIZED EMPLOYEES				
Full Time	124			
Part Time	7			
TOTAL	131			

1. Of this general fund appropriation, two hundred twenty thousand six hundred dollars (\$220,600.00) for the Wyoming job corp center shall be considered one-time funding and shall only be expended for the period beginning July 1, 2008 and ending June 30, 2009. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2009 shall revert pursuant to law.

2. Of this general fund appropriation, up to one hundred thousand dollars (\$100,000.00) shall be expended for participation in the national flagship program promoting advanced instruction in Chinese languages as part of a teacher education initiative in critical languages. The department shall participate in this program through a partnership with the University of Wyoming.

Section 006. Administration & Information

PROGRAM				
Director's Office	3,182,733			3,182,733
Professional Licensing Boards			1,421,556 SR	1,421,556
Budget Division	2,247,598			2,247,598
General Services	33,042,869		744,847 SR	
			144,084 EF	
			16,579,964 IS	50,511,764
Construction Management Div	23,805,606			23,805,606

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Human Resources Division	6,860,958		647,407 IS	7,508,365
Employees Group Insurance			305,589,032 IS	
			8,000,000 T7	313,589,032
Information Technology 1.	518,492		60,267,260 IS	60,785,752
Economic Analysis	1,296,284			1,296,284
State Library	5,515,467	1,147,884	4,011,837 AG	10,675,188
Chief Information Officer	2,415,529			2,415,529
TOTALS	78,885,536	1,147,884	397,405,987	477,439,407

AUTHORIZED EMPLOYEES

Full Time	366
Part Time	3
TOTAL	369

1. Of this general fund appropriation, three hundred seventeen thousand eight hundred fifty-eight dollars (\$317,858.00) shall only be expended for the purpose of purchasing computer hardware and software and other support and contractual services necessary to provide geographical information system (GIS) support for the state's implementation of the federal bureau of the census 2010 decennial census and subsequent legislative redistricting plan. The department is authorized one (1) at-will employment contract if necessary to provide support for this project. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this three hundred seventeen thousand eight hundred fifty-eight dollar (\$317,858.00) appropriation on June 30, 2012 shall revert pursuant to law. Funds subject to this footnote are appropriated effective immediately.

Section 007. Military Department

PROGRAM				
Military Dept. Operations	12,991,622			12,991,622
Air National Guard	945,111	9,350,238		10,295,349
Camp Guernsey			485,510 AG	485,510
Army National Guard		17,301,805	2,240,000 S5	19,541,805
Veteran's Services	1,249,180	158,052		1,407,232
Oregon Trail Vets Cemetery	537,944		20,000 SR	557,944
Military Sup To Civilian Auth	108,000			108,000
Civil Air Patrol	173,918		33,541 SR	207,459
TOTALS	16,005,775	26,810,095	2,779,051	45,594,921

AUTHORIZED EMPLOYEES

Full Time	209
Part Time	50
TOTAL	259

Section 008. Public Defenders

PROGRAM				
Public Defenders Statewide	16,918,223		3,048,854 SR	19,967,077
TOTALS	16,918,223	0	3,048,854	19,967,077

AUTHORIZED EMPLOYEES

Full Time	63
Part Time	19
TOTAL	82

Section 010. Agriculture Department

PROGRAM				
Administration Division	3,562,302		5,000 AG	3,567,302
Ag Education and Information			20,000 AG	20,000
Consumer Protection Division	12,418,771	1,027,143	504,677 SR	
			582,048 AG	
			2,479 IS	14,535,118

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Natural Resources Division	5,616,616	76,250	675,000 SR	6,367,866
Pesticide Registration	1,250,000			1,250,000
State Fair	2,859,921		460,000 SR	
			182,511 AG	3,502,432
Weed & Pest Control			700,000 AG	700,000
Predator Management	5,700,000			5,700,000
Wyoming Beef Council			2,164,573 AG	2,164,573
Wyo Wheat Mktg Comm			120,500 SR	120,500
Leaf Cutter Bee			13,334 SR	13,334
TOTALS	31,407,610	1,103,393	5,430,122	37,941,125

AUTHORIZED EMPLOYEES

Full Time	84
Part Time	9
TOTAL	93

Section 011. Department of Revenue

PROGRAM	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
Administration	5,375,539			5,375,539
Revenue Division	8,545,268		750,425 SR	9,295,693
Valuation Division	6,286,512			6,286,512
Liquor Division 2.			7,193,346 EF	7,193,346
Liquor Sales & Purchases			150,000,000 EF	150,000,000
General Fund Transfers			20,000,000 EF	20,000,000
TOTALS 1.	20,207,319	0	177,943,771	198,151,090

AUTHORIZED EMPLOYEES

Full Time	133
Part Time	1
TOTAL	134

1. Of this general fund appropriation, two hundred twenty-nine thousand three hundred ninety-four dollars (\$229,394.00) and of this other fund appropriation, twenty-four thousand nine hundred seventy dollars (\$24,970.00) shall only be expended for the purpose of purchasing software for the disaster recovery plan and only after the chief information officer has reviewed the project, made a recommendation to the governor and the governor has determined the expenditure is appropriate. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert pursuant to law.

2. Of this other fund appropriation, eight hundred eighty-four thousand five hundred dollars (\$884,500.00) for the design of split case production is effective immediately.

Section 014. Miners' Hospital Board

PROGRAM	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
Miners' Hospital Board			5,213,000 SR	5,213,000
TOTALS	0	0	5,213,000	5,213,000

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

Section 015. Attorney General

PROGRAM	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
Law Office 1.	22,960,359	868,623	470,155 SR	
			500,000 S1	
			4,109,509 S5	
			412,092 TT	29,320,738
Big Horn Water Litigation			501,920 S1	501,920

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Criminal Investigations 2., 3.	29,945,960	1,162,195	1,035,172 SR	32,143,327
Law Enforcement Academy	5,471,564	44,644	742,501 EF	6,258,709
Peace Off Stds & Trng	395,393		38,400 SR	433,793
Medical Review Panel	1,558,568			1,558,568
Victim Services Division	8,114,052	5,676,516	2,061,848 SR	15,852,416
Planning Council On DD	721,823	1,121,077		1,842,900
TOTALS	69,167,719	8,873,055	9,871,597	87,912,371

AUTHORIZED EMPLOYEES

Full Time	247
Part Time	6
TOTAL	253

1. Of this S1 other fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended for the purpose of defending the positions taken in formal opinion number 2004-001 issued by the Wyoming attorney general's office on August 31, 2004. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this five hundred thousand dollar (\$500,000.00) appropriation on June 30, 2020 shall revert pursuant to law.

2. Of this other fund appropriation, sixty-six thousand five hundred dollars (\$66,500.00) for GPS tracking systems is effective immediately.

3. Of this general fund appropriation, one million eight hundred thousand dollars (\$1,800,000.00) for the computerized criminal history system is effective immediately.

Section 020. Environmental Quality**PROGRAM**

Administration	9,193,208			9,193,208
Air Quality 1.	4,062,154	1,400,000	11,750,591 SR	17,212,745
Water Quality	14,207,075	8,913,297	1,100,000 SR	24,220,372
Land Quality	5,077,968	4,281,765		9,359,733
Industrial Siting	534,719			534,719
Solid Waste Management	7,173,911	2,616,902	3,543,820 SR	13,334,633
TOTALS	40,249,035	17,211,964	16,394,411	73,855,410

AUTHORIZED EMPLOYEES

Full Time	264
Part Time	0
TOTAL	264

1. The department shall develop a notification system that will provide actual direct notice to all customers and permit users of new rate changes. The system shall be operational prior to December 2, 2008.

Section 021. Department of Audit**PROGRAM**

Administration	1,322,819	448,285		1,771,104
Banking			4,441,692 SR	4,441,692
Public Funds	5,737,617			5,737,617
Mineral	3,544,512	4,262,919	220,000 S7	8,027,431
Excise	4,439,749			4,439,749
TOTALS	15,044,697	4,711,204	4,661,692	24,417,593

AUTHORIZED EMPLOYEES

Full Time	123
Part Time	0
TOTAL	123

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 023. Public Service Commission				
PROGRAM				
Administration 1.		252,670	6,720,548 SR	6,973,218
Consumer Advocate Division			1,820,132 SR	1,820,132
Universal Service Fund			7,069,427 SR	7,069,427
TOTALS	0	252,670	15,610,107	15,862,777
AUTHORIZED EMPLOYEES				
Full Time	36			
Part Time	0			
TOTAL	36			

1. Of this other fund appropriation, any amount appropriated for computer hardware or software shall not be expended until after the chief information officer has reviewed the proposed purchase, made a recommendation to the governor and the governor has determined the expenditure is appropriate.

Section 024. Department of State Parks and Cultural Resources

PROGRAM				
Administration & Support	4,194,665	76,261	102,801 EF	4,373,727
Cultural Resources 1.	12,238,584	2,497,579	261,559 SR	
			2,386,064 IS	17,383,786
St Parks & Hist. Sites	18,527,163	4,002,439	5,772,769 SR	28,302,371
TOTALS	34,960,412	6,576,279	8,523,193	50,059,884
AUTHORIZED EMPLOYEES				
Full Time	182			
Part Time	92			
TOTAL	274			

1. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) shall be deposited into the Wyoming cultural trust fund created by W.S. 9-2-2304(a). This appropriation shall be considered one-time funding and shall not be included in the department's 2011-2012 standard budget request.

Section 025. Department of Employment

PROGRAM				
Administration and Support	1,948,304	142,827		2,091,131
Division of Labor Standards	2,004,419	137,851		2,142,270
Workers' Safety & Compensation		2,530,021	49,344,771 EF	51,874,792
Unemp. Insurance & Statistics		17,552,912	6,243,132 SR	
			55,000 AG	
			1,116,642 EF	24,967,686
Mining Exams			50,000 SR	50,000
Mine Inspector			1,928,562 EF	1,928,562
Unemp. Insurance Revenue			10,000 SR	
			640,336 AG	650,336
TOTALS	3,952,723	20,363,611	59,388,443	83,704,777
AUTHORIZED EMPLOYEES				
Full Time	322			
Part Time	0			
TOTAL	322			

Section 026. Department of Workforce Services

PROGRAM				
Administration 1., 2.	18,500,274	21,790,238	5,527,875 SR	
			4,400 AG	45,822,787

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Vocational Rehabilitation	4,899,658	26,510,000	1,189,081 SR 333,535 AG 264,935 EF	33,197,209
TOTALS	23,399,932	48,300,238	7,319,826	79,019,996

AUTHORIZED EMPLOYEES

Full Time	272
Part Time	0
TOTAL	272

1. Of this general fund appropriation, six hundred fifty thousand dollars (\$650,000.00) for the business training and outreach program is effective immediately.
2. The department shall develop policies to ensure that funds appropriated for the business training and outreach program are distributed on a prioritized needs basis.

Section 027. School Facilities Commission

PROGRAM				
Operations			8,079,473 S6	8,079,473
Major Maintenance			84,182,098 S6	84,182,098
Infrastructure 1.			3,000,000 S6	3,000,000
TOTALS	0	0	95,261,571	95,261,571

AUTHORIZED EMPLOYEES

Full Time	17
Part Time	0
TOTAL	17

1. (a) Of this other fund appropriation, three million dollars (\$3,000,000.00) shall be expended only by the school facilities commission for infrastructure necessary to connect property on which school buildings are or will be situated, to existing roads, utilities and other infrastructure of municipalities and other local governmental entities. The commission shall by rule and regulation provide procedures applicable to infrastructure expenditures under this footnote. No expenditure of funds under this footnote shall be made unless the following conditions are met:

(i) Following value engineering review, a determination is made by the commission as to capacity levels necessary to connect existing infrastructure to the property on which school buildings and facilities are or will be situated;

(ii) A determination is made by the commission differentiating infrastructure capacity determined necessary under paragraph (a)(i) of this footnote from any excess infrastructure capacity; and

(iii) A determination is made by the office of the attorney general that a legal and contractual requirement exists to:

(A) Repay costs expended for the determined excess infrastructure capacity by the future users of this excess capacity; and

(B) Preserve the necessary infrastructure capacity when school buildings and facilities are actually constructed.

(b) Amounts expended under this footnote for excess infrastructure capacity shall be repaid to the commission on a basis and at times specified by law and by contract as the excess capacity becomes utilized. Amounts repaid shall be deposited by the commission into the school capital construction account.

Section 029. Wyoming Water Development Office

PROGRAM				
Administration			7,728,413 S1	7,728,413
TOTALS	0	0	7,728,413	7,728,413

AUTHORIZED EMPLOYEES

Full Time	26
Part Time	0
TOTAL	26

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 037. State Engineer				
PROGRAM				
Administration	1,461,422			1,461,422
Ground Water Division	4,870,386			4,870,386
Surface Water & Eng. Div.	3,441,437			3,441,437
Board Of Control Division	13,235,647			13,235,647
Support Services Division	3,775,470			3,775,470
Board of Registration			776,163 SR	776,163
Interstate Streams Division	2,608,025		88,690 S1	2,696,715
Special Projects			12,730 AG	12,730
North Platte Settlement	1,726,185			1,726,185
TOTALS	31,118,572	0	877,583	31,996,155

AUTHORIZED EMPLOYEES

Full Time	136
Part Time	11
TOTAL	147

Section 039. Wildlife/Natural Resources Trust

PROGRAM				
Administration	684,492			684,492
Wild/Natural Res Trust Projects	5,000,000		5,152,500 T0	10,152,500
Wildlife Trust Account 1.	29,500,000			29,500,000
TOTALS	35,184,492	0	5,152,500	40,336,992

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

1. This general fund appropriation shall be deposited into the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a).

Section 040. Game and Fish Commission

PROGRAM				
Veterinary Svcs Prgm (Brucellosis, CWD)	3,758,205			3,758,205
Sage Grouse Plan/Prot 1., 3.	2,832,131			2,832,131
Comp Wildlife Conserv Strategy	1,817,808			1,817,808
Wolf Management 2.	2,475,095			2,475,095
TOTALS	10,883,239	0	0	10,883,239

AUTHORIZED EMPLOYEES

Full Time	23
Part Time	0
TOTAL	23

1. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) for demonstration projects is effective immediately.

2. This general fund appropriation is effective immediately.

3. The commission shall develop rules, regulations and procedures to allow private bird farms in this state to raise native sage grouse for release.

Section 041. Fire Prevention

PROGRAM				
Administration	1,740,691			1,740,691
Fire Prevention Administration	1,864,217			1,864,217

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Electrical Safety Administration	1,589,956		519,028 SR	2,108,984
Training	1,346,769			1,346,769
Fire Academy	634,821			634,821
TOTALS	7,176,454	0	519,028	7,695,482

AUTHORIZED EMPLOYEES	
Full Time	36
Part Time	0
TOTAL	36

Section 042. Geological Survey

PROGRAM	
Geologic Program	5,547,970
TOTALS	5,547,970

AUTHORIZED EMPLOYEES	
Full Time	27
Part Time	0
TOTAL	27

Section 044. Insurance Department

PROGRAM	
Administration	5,416,012 SR
Agent Licensing Board	16,013 SR
Health Insurance Pool	23,362,277 EF
WY Small Emp Health Reins	17,349,380 EF
TOTALS	46,143,682

AUTHORIZED EMPLOYEES	
Full Time	27
Part Time	0
TOTAL	27

Section 045. Department of Transportation

PROGRAM	
Administration	24,613 SR
Administrative Services 1.	168,150
Law Enforcement	4,965,825
WyoLink	12,030,000
Aeronautics Administration	310,300
Operational Services	13,502,011
Airport Improvements	37,402,188
GF Approp to Comm 2.,3.,4.	200,000,000
TOTALS	225,532,011

AUTHORIZED EMPLOYEES	
Full Time	562
Part Time	1
TOTAL	563

1. Of this other fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended to prepare a report containing a preliminary planning level prioritized list of specific projects on I-80 intended to reduce accident rates. The identification of specific projects should be based on an analysis of the last ten (10) years of accident data and associated contributing factors. Projects identified should include a preliminary construction cost estimate for each project. The report shall be provided to the joint appro-

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<p>priations interim committee and the joint transportation, highways and military affairs interim committee not later than August 1, 2008. This appropriation is effective immediately.</p>				
<p>2. Of this general fund appropriation, three million dollars (\$3,000,000.00) shall only be expended by the commission to provide rotomilled materials to counties for road dust mitigation, and seven million dollars (\$7,000,000.00) shall only be deposited in the industrial road program account, in addition to those funds required to be deposited in that account by W.S. 24-5-118 and shall only be expended by the commission for the industrial road program pursuant to W.S. 24-5-101 through 24-5-122.</p>				
<p>3. Prior to the allocation of this general fund appropriation for the fiscal year 2010, each district engineer shall consult with the county commissioners in the engineer's district to prioritize projects to be funded through this appropriation for that fiscal year.</p>				
<p>4. The agency shall include a request for a general fund appropriation of one hundred million dollars (\$100,000,000.00) in the agency's 2011-2012 standard budget request. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2008.]</p>				

Section 048. Department of Health

PROGRAM

Directors Office	15,434,087	4,302,318		19,736,405
Office Of Rural Health	2,671,453	9,312,141		11,983,594
Community & Family Health	29,620,288	21,988,960	5,528,000 SR 3,521,500 AG 6,478,169 A4	67,136,917
Health Care Financing 4.,11.	445,412,844	517,089,101	19,821,196 SR	982,323,141
State Health Officer	1,899,652	13,923,482	150,000 SR 66,947 AG	16,040,081
Prevent Hlth & Sfty	9,220,826	11,144,991	1,738,144 SR 80,000 AG 506,000 A4 1,261,929 TT	23,951,890
Mental Health 1.,2.,3.,9.,10.	188,128,286	16,906,704	2,760,832 SR 26,901,023 TT	234,696,845
Developmental Disabilities	119,870,696	9,382,451	402,000 A4 340,220 T4	129,995,367
Division on Aging 5.,6.,7.,8.	34,965,135	13,225,341	5,651,721 SR 162,500 AG 997,000 A4	55,001,697
TOTALS	847,223,267	617,275,489	76,367,181	1,540,865,937

AUTHORIZED EMPLOYEES

Full Time	1,458
Part Time	78
TOTAL	1,536

1. The department shall conduct a study of rates paid for mental health and substance abuse residential treatment bed services and make recommendations to the governor and the joint appropriations interim committee based on the study in the department's 2011-2012 biennial budget request. Funds appropriated under this section for mental health and substance abuse residential treatment bed services shall only be expended for beds actually available for occupancy by clients needing residential treatment and contracts with residential treatment providers shall require a utilization rate of not less than eighty-five percent (85%) in order to receive full payment for contracted services. The formula for calculating the utilization rate shall be determined by the department.

2. Notwithstanding W.S. 9-4-303(a), the department is authorized to deposit all monies and income received and collected by the Wyoming state hospital at Evanston, Wyoming into a special revenue account from July 1, 2008 through June 30, 2010. The department shall expend this revenue to correct life safety code problems and address other conditions as identified by the Partnership to Resolve Mental Health Issues in Wyoming. If any single project is anticipated to or does exceed two hundred thousand dollars (\$200,000.00), it shall be approved by the state building commission. The first five hundred thousand dollars (\$500,000.00) received each fiscal year by the department and any amount in

excess of three million dollars (\$3,000,000.00) received over the period beginning July 1, 2008 and ending June 30, 2010 and deposited within the special revenue account pursuant to this footnote shall be paid to the omnibus permanent land fund until such time as the total amount appropriated for the new facility at the state hospital in 1999 Wyoming Session Laws, Chapter 169, Section 3, Section 048 is completely repaid. The department shall report to the joint appropriations interim committee not later than November 1 of each year detailing expenditures under this footnote.

3. Of this general fund appropriation, one hundred fifty-eight thousand four hundred seven dollars (\$158,407.00) shall only be expended to establish a pilot family treatment court in Judicial District 5A. On or before October 1, 2009, the department in conjunction with the board of judicial policy and administration or a peer review committee appointed by that board shall submit a report to the joint judiciary interim committee evaluating the pilot project.

4. Funds appropriated for health care financing administration of developmental disabilities, health care financing of developmental disabilities adult waiver services, health care financing of developmentally delayed children's waiver, and health care financing of acquired brain injury waiver services shall not be transferred to any other agency, division or program. Funds appropriated but not used for these programs shall be expended for clients on waiting lists or identified, new emergency clients with the two (2) waiver programs with the highest average waiting period. The department may expand the number of clients served by each of the waivers to the extent sufficient funds are available from this appropriation and expansion is consistent with federal requirements. The department shall report quarterly to the governor and the joint appropriations interim committee on the specific amounts transferred between any waiver programs, the total number of clients served in each waiver, the average projected cost of each client, the average individual budgeted amount for each client, the number of persons on the waiting list for each waiver and the cost for each new client served. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert pursuant to law.

5. Of this general fund appropriation, two million eight hundred thousand dollars (\$2,800,000.00) shall only be distributed through the existing funding distribution model to senior centers to provide compensation increases for direct care personnel. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert pursuant to law.

6. Notwithstanding W.S. 9-4-303(a), for the period beginning July 1, 2008 and ending June 30, 2010, the department is authorized to deposit all monies and income received or collected by the retirement center located in Basin, Wyoming for care of patients into the special revenue fund. The funds collected shall only be used to fund the operation of the retirement center.

7. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) shall only be expended for the foster grandparents program ~~and shall be one-time funding.~~ **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2008.]**

8. Of this general fund appropriation, thirty thousand dollars (\$30,000.00) shall be expended to continue support of the alternative long term care home pilot programs authorized by W.S. 42-6-104, including the costs of travel, consultation with other interested Wyoming communities, preparation of periodic reports and attendance at conferences.

9. Of this general fund appropriation, up to three million dollars (\$3,000,000.00) may be used by the department to fund the existing crisis stabilization program and expansion of the program in the mental health and substance abuse division and to fund additional treatment beds for women. The department is authorized to pursue state plan amendments and waivers to the equality care program (Medicaid) to cover mental health and substance abuse services and appropriate provider contract amendments to account for the increase in the equality care claims.

10. Of this federal fund appropriation, up to four million four hundred thousand dollars (\$4,400,000.00) may be used by the department to fund crisis stabilization in additional regions.

11. Funds within this appropriation shall be used as necessary to reimburse services authorized under the Medicaid program involving the delivery of a child, including prenatal and postpartum care related to the delivery, at ninety percent (90%) of the statewide average of the physician's specialty for the services provided as of July 1, 2008, not to exceed one hundred percent (100%) of the provider's usual and customary billed charges. This reimbursement rate shall apply if the service was rendered during the period commencing July 1, 2008 and ending June 30, 2010. To be eligible for the increased reimbursement rate provided by this footnote, a provider shall offer to the patient or refer the patient to prenatal health programs developed by the department of health and identified for this purpose by the department in its rules and regulations.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 049. Department of Family Services				
PROGRAM				
Services 3.	113,884,948	23,795,437	1,334,707 SR 1,302,651 AG	146,005,644
Assistance 1.,2.	60,503,442	75,781,898	5,687,901 TT 1,891,699 SR	138,177,039
TOTALS	174,388,390	99,577,335	10,216,958	284,182,683

AUTHORIZED EMPLOYEES

Full Time	777
Part Time	32
TOTAL	809

1. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment for the period beginning July 1, 2008 and ending June 30, 2010 shall be as follows:

- (i) \$25.00 for an individual living in own household;
- (ii) \$27.80 for each member of a couple living in their own household;
- (iii) \$28.72 for an individual living in the household of another;
- (iv) \$30.57 for each member of a couple living in the household of another.

2. Of this federal fund appropriation, forty-eight thousand dollars (\$48,000.00) shall only be expended for the father factor program during the fiscal period beginning July 1, 2008 and ending June 30, 2009.

3. Of this general fund appropriation, two million dollars (\$2,000,000.00) shall only be expended for community juvenile service boards.

Section 051. Livestock Board

PROGRAM				
Administration	1,492,105	16,430		1,508,535
Animal Health	1,588,536			1,588,536
Brucellosis 1.	2,161,600	2,028		2,163,628
Brand Recording & Permits			848,580 AG	848,580
Brand Inspection	3,162,735		5,126,239 AG	8,288,974
Predator Control Fees			1,225,000 AG	1,225,000
TOTALS	8,404,976	18,458	7,199,819	15,623,253

AUTHORIZED EMPLOYEES

Full Time	19
Part Time	0
TOTAL	19

1. For the period beginning July 1, 2008 and ending June 30, 2010, the department is authorized to provide reimbursements for brucellosis testing in an amount not less than three dollars and fifty cents (\$3.50) per head and not to exceed eight dollars (\$8.00) per head as determined by the livestock board.

Section 055. Oil & Gas Commission

PROGRAM				
Administration		394,774	8,308,798 AG	8,703,572
Orphan Wells			300,000 SR 700,000 AG	1,000,000
TOTALS	0	394,774	9,308,798	9,703,572

AUTHORIZED EMPLOYEES

Full Time	41
Part Time	0
TOTAL	41

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 057. Community College Commission				
PROGRAM				
Administration	5,903,052	757,545		6,660,597
State Aid	219,000,356			219,000,356
Contingency Reserve			1,600,000 SR	1,600,000
Leveraging Ed Ast Partnerships	225,000	112,500		337,500
Incentive Fund	500,000			500,000
Community Colleges Endowment				
Adult Basic Education	2,555,402	1,841,802		4,397,204
WY Investment in Nursing Prgm	5,525,640			5,525,640
Veterans Tuition Waiver Program	400,000			400,000
WY Teacher Shortage Loan				
Repay Prgm			800,000 S5	800,000
Public Television 1.	5,630,055			5,630,055
TOTALS	239,739,505	2,711,847	2,400,000	244,851,352

AUTHORIZED EMPLOYEES

Full Time	13
Part Time	0
TOTAL	13

1. (a) Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) shall be deposited into the Wyoming Public Television Endowment Account, which is created and shall be administered as follows:

(i) Funds from the Wyoming Public Television Endowment Account shall be transferred by the state treasurer to a Wyoming Public Television matching funds account to equally match each cash gift received by Wyoming Public Television and deposited to the matching funds account. A match shall be paid by the state treasurer from the Wyoming Public Television Endowment Account at the time any accumulated amounts actually deposited to the matching funds account total ten thousand dollars (\$10,000.00) or more;

(ii) The state treasurer shall make transfers to the Wyoming Public Television matching funds account not later than the end of the calendar quarter following the quarter during which gifts to the matching funds account total at least ten thousand dollars (\$10,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this footnote until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00);

(iii) Funds in the matching funds account shall remain inviolate and only the interest income earned from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute income from the matching account to the community college annually. The commission shall distribute these funds together with other appropriated funds to the central Wyoming community college district board for the operations and programming of Wyoming public television pursuant to W.S. 21-18-105(b);

(iv) Income from earnings on the Wyoming Public Television Endowment Account shall be credited to the general fund.

Section 060. Office State Lands and Investments

PROGRAM				
Operations	14,623,096	27,051,395	4,129,174 SR	
			53,777 AG	
			2,662,720 S5	48,520,162
Forestry 2.	8,570,218	795,000	226,000 SR	9,591,218
Cnty Emerg Fire Suppression 1.			2,580,000 AG	2,580,000
Fire	4,718,246	3,847,154		8,565,400
Federal Forestry Grants		3,400,449		3,400,449
Transportation Enterprise Fund			2,000,000 SR	2,000,000
TOTALS	27,911,560	35,093,998	11,651,671	74,657,229

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	108			
Part Time	4			
TOTAL	112			

1. Notwithstanding W.S. 36-1-404(d), for the period beginning July 1, 2008 and ending June 30, 2010 any county participating in the emergency fire suppression account program shall pay an annual assessment to the emergency fire suppression account at the rate specified in W.S. 36-1-104(b)(i) and (ii) regardless of the emergency fire suppression account balance.

2. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended to combat the effects of bark beetle damage throughout Wyoming.

Section 063. Governor's Residence

PROGRAM				
Residence Operation 1.	809,772			809,772
Governor's Residence	10,000			10,000
TOTALS	819,772	0	0	819,772

AUTHORIZED EMPLOYEES	
Full Time	3
Part Time	2
TOTAL	5

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall be used to install an irrigation system and to implement a landscape plan.

Section 066. Wyoming Tourism Board

PROGRAM				
Administration	25,396,225		3,600 AG	25,399,825
TOTALS	25,396,225	0	3,600	25,399,825

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 067. University of Wyoming

PROGRAM				
State Aid 1.	376,003,563			376,003,563
NCAR MOU	1,000,000			1,000,000
TOTALS	377,003,563	0	0	377,003,563

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be expended for operation of the Haub School of Environment and Natural Resources.

Section 069. Western Interstate Commission for Higher Education

PROGRAM				
Administration & Grants	5,453,400			5,453,400
TOTALS	5,453,400	0	0	5,453,400

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 070. Enhanced Oil Recovery Commission				
PROGRAM				
Commission & Support	448,500			448,500
Technical Outreach & Research	5,662,325			5,662,325
TOTALS 1.	6,110,825	0	0	6,110,825
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			

1. (a) The Wyoming enhanced and improved oil recovery commission shall oversee and direct development of the programs developed pursuant to this appropriation including:

- (i) Review and approval of all research assignments;
- (ii) Review and approval of all program related contracts and agreements to assure that contracts and agreements are performance based with measurable outcomes and performance timelines;
- (iii) Review and approval of all enhanced oil recovery institute expenditures.

(b) No funds appropriated under this section shall be expended without the prior approval of the Wyoming enhanced and improved oil recovery commission.

Section 072. Retirement System

PROGRAM				
Administration 1.			6,343,048 PF	6,343,048
Highway Patrol			100,000 SR	100,000
Game & Fish-Wardens			160,562 SR	160,562
Deferred Compensation			1,528,331 AG	1,528,331
TOTALS	0	0	8,131,941	8,131,941
AUTHORIZED EMPLOYEES				
Full Time	28			
Part Time	0			
TOTAL	28			

1. Of this other funds appropriation, three hundred sixty-six thousand dollars (\$366,000.00) shall only be expended by the Wyoming retirement board for recruitment and hiring of a chief investment officer to provide investment expertise and oversight of the pension portfolio for the board.

Section 080. Department of Corrections

PROGRAM				
Corrections Operations	71,708,916	317,137	3,156,878 SR 135,300 TO 716,594 TT	76,034,825
Field Services 2.	35,048,932		3,688,284 TT	38,737,216
Honor Conservation Camp	14,666,178		73,439 SR 572,178 TO	15,311,795
Women's Center	15,535,825		61,151 SR 720,000 TO	16,316,976
Honor Farm	12,278,253		771,993 IS 507,268 TO	13,557,514
State Penitentiary	67,776,367		1,739,772 TO	69,516,139
WY Med Corr Institution	13,859,199			13,859,199
TOTALS 1.	230,873,670	317,137	12,142,857	243,333,664
AUTHORIZED EMPLOYEES				
Full Time	1,133			
Part Time	3			
TOTAL	1,136			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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1. The department shall report to the joint appropriations interim committee on June 30, 2009 and June 30, 2010 on any transfers of 100 series personal services funds appropriated in this section to any other expenditure series, expense organizations, programs or agencies for the year immediately preceding the due date of the report. The report shall include amounts, where the funds were transferred and the purpose of any transfer.

2. Of this general fund appropriation, the department is authorized to expend up to four hundred thirty-four thousand two hundred dollars (\$434,200.00) for a global positioning tracking system for not more than fifteen percent (15%) of the high risk sex offender population.

Section 081. Board of Parole

PROGRAM

Administration	1,747,725			1,747,725
TOTALS	1,747,725	0	0	1,747,725

AUTHORIZED EMPLOYEES

Full Time	7
Part Time	0
TOTAL	7

Section 085. Wyoming Business Council

PROGRAM

Wyoming Business Council 4	18,374,993	7,844,061	362,143 SR 1,140,876 EF	27,722,073
Main Street	1,553,077	75,000		1,628,077
Business Ready Communities	79,250,000			79,250,000
Community Facilities Program	15,000,000			15,000,000
TOTALS	114,178,070	7,919,061	1,503,019	123,600,150

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

~~1. Of this general fund appropriation, one hundred fifteen thousand three hundred dollars (\$115,300.00) shall only be expended for the purpose of supporting the council's regional offices. Of this one hundred fifteen thousand three hundred dollar (\$115,300.00) general fund appropriation, twenty six thousand dollars (\$26,000.00) shall not be included in the council's 2011-2012 standard biennial budget request. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2008.]~~

Section 101. Supreme Court

PROGRAM

Administration	7,392,277	289,939	150,000 SR	7,832,216
Judicial Nominating Committee	15,001			15,001
Law Library	1,685,934			1,685,934
Circuit Courts 1.	24,951,226			24,951,226
Court Auto & Electronic Mgmt	1,315,410		5,842,670 SR	7,158,080
Judicial Retirement	1,573,913			1,573,913
Board Of Jud Ply & Admin 2.	543,502			543,502
TOTALS	37,477,263	289,939	5,992,670	43,759,872

AUTHORIZED EMPLOYEES

Full Time	197
Part Time	29
TOTAL	226

1. Of this general fund appropriation, not more than five hundred forty-three thousand seven hundred sixty dollars (\$543,760.00) shall be expended for contractual services.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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2. Of this general fund appropriation, three hundred fifty-one thousand six hundred eighty-five dollars (\$351,685.00) shall only be expended for the purpose of making contributions to the retiree health insurance benefits account pursuant to Section 303(e) of this act for all judicial branch employees. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

Section 102. Board of Law Examiners

PROGRAM				
Administration	_____	_____	155,000 SR	155,000
TOTALS	0	0	155,000	155,000
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			

Section 103. Judicial Supervisory Commission

PROGRAM				
Administration	329,289	_____	_____	329,289
TOTALS	329,289	0	0	329,289
AUTHORIZED EMPLOYEES				
Full Time	1			
Part Time	0			
TOTAL	1			

Section 120. Judicial District 1-A

PROGRAM				
Administration	794,007	_____	_____	794,007
TOTALS	794,007	0	0	794,007
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	1			
TOTAL	4			

Section 121. Judicial District 1-B

PROGRAM				
Administration	825,427	_____	_____	825,427
TOTALS	825,427	0	0	825,427
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	1			
TOTAL	4			

Section 122. Judicial District 2-A

PROGRAM				
Administration	824,291	_____	_____	824,291
TOTALS	824,291	0	0	824,291
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 123. Judicial District 2-B				
PROGRAM				
Administration	917,253			917,253
TOTALS	917,253	0	0	917,253
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 124. Judicial District 3-B				
PROGRAM				
Administration	836,041			836,041
TOTALS	836,041	0	0	836,041
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 125. Judicial District 3-A				
PROGRAM				
Administration	900,985			900,985
TOTALS	900,985	0	0	900,985
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 126. Judicial District 4				
PROGRAM				
Administration	885,926			885,926
TOTALS	885,926	0	0	885,926
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 127. Judicial District 5-A				
PROGRAM				
Administration	910,255			910,255
Water Litigation	410,359			410,359
TOTALS	1,320,614	0	0	1,320,614
AUTHORIZED EMPLOYEES				
Full Time	6			
Part Time	0			
TOTAL	6			
Section 128. Judicial District 5-B				
PROGRAM				
Administration	880,679			880,679
TOTALS	880,679	0	0	880,679

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 129. Judicial District 6-A				
PROGRAM				
Administration	888,551			888,551
TOTALS	888,551	0	0	888,551
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 130. Judicial District 7-A				
PROGRAM				
Administration	908,829			908,829
TOTALS	908,829	0	0	908,829
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	1			
TOTAL	5			
Section 131. Judicial District 7-B				
PROGRAM				
Administration	861,802			861,802
TOTALS	861,802	0	0	861,802
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	1			
TOTAL	5			
Section 132. Judicial District 9-A				
PROGRAM				
Administration	960,814			960,814
TOTALS	960,814	0	0	960,814
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 133. Judicial District 8-A				
PROGRAM				
Administration	904,656			904,656
TOTALS	904,656	0	0	904,656
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 134. Judicial District 9-B				
PROGRAM				
Administration	983,391	—	—	983,391
TOTALS	983,391	0	0	983,391
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 135. Judicial District 6-B				
PROGRAM				
Administration	937,787	—	—	937,787
TOTALS	937,787	0	0	937,787
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 136. Judicial District 8-B				
PROGRAM				
Administration	741,890	—	—	741,890
TOTALS	741,890	0	0	741,890
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	0			
TOTAL	3			
Section 137. Laramie County District Court 1C				
PROGRAM				
Administration	945,006	—	—	945,006
TOTALS	945,006	0	0	945,006
AUTHORIZED EMPLOYEES				
Full Time	5			
Part Time	0			
TOTAL	5			
Section 138. Sweetwater County District Court 3C				
PROGRAM				
Administration	910,887	—	—	910,887
TOTALS	910,887	0	0	910,887
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 139. Natrona County District Court 7C				
PROGRAM				
Administration	858,142	—	—	858,142
TOTALS	858,142	0	0	858,142

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 140. Judicial District 6C				
PROGRAM				
Administration	857,492			857,492
TOTALS	857,492	0	0	857,492
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 151. District Attorney/Jud. Dist. 1				
PROGRAM				
Administration	3,957,990			3,957,990
TOTALS	3,957,990	0	0	3,957,990
AUTHORIZED EMPLOYEES				
Full Time	18			
Part Time	1			
TOTAL	19			
Section 157. District Attorney/Jud. Dist. 7				
PROGRAM				
Administration	3,544,112			3,544,112
TOTALS	3,544,112	0	0	3,544,112
AUTHORIZED EMPLOYEES				
Full Time	20			
Part Time	0			
TOTAL	20			
Section 160. County and Prosecuting Attorneys				
PROGRAM				
Administration	6,135,000			6,135,000
TOTALS	6,135,000	0	0	6,135,000
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 167. UW - Medical Education				
PROGRAM				
Family Practice Centers	17,845,920		2,375,502SR	20,221,422
WWAMI Medical Education	7,724,549			7,724,549
Adv Practice – RN Psychiatry	565,000			565,000
Dental Contracts	3,039,940			3,039,940
TOTALS	29,175,409	0	2,375,502	31,550,911
AUTHORIZED EMPLOYEES				
Full Time	88			
Part Time	19			
TOTAL	107			

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 205. Education - School Finance				
PROGRAM				
School Foundation Pgm 1., 2.			1,306,413,023 S5	1,306,413,023
Court Ordered Placements			23,057,126 S5	23,057,126
Mill Levy Debt Pledge			5,750,000 S6	5,750,000
Foundation Specials 3.			32,940,000 S5	32,940,000
Education Reform 4.			38,246,768 S5	38,246,768
Student Performance Data Systems			2,501,588 S5	2,501,588
TOTALS	0	0	1,408,908,505	1,408,908,505

AUTHORIZED EMPLOYEES

Full Time	5
Part Time	0
TOTAL	5

1. In accordance with W.S. 21-13-309(o) this other fund appropriation includes funding for an external cost adjustment of four and three-tenths percent (4.3%) for school year 2008-2009.

2. In addition to formula provided funding, this other fund appropriation includes funding for the summer school and vocational education grant programs as authorized by law.

3. This other fund appropriation includes funding for the instructional facilitators and national board certification programs as authorized by law.

4. The department of education shall study the feasibility of implementing a growth model system of student assessment to meet the requirements of the federal No Child Left Behind Act of 2001. On or before October 1, 2008, the department shall report study results to the joint education interim committee.

Section 211. Board of Equalization

PROGRAM				
Equalization & Tax Appeals	1,845,444			1,845,444
TOTALS	1,845,444	0	0	1,845,444

AUTHORIZED EMPLOYEES

Full Time	7
Part Time	0
TOTAL	7

Section 220. Environmental Quality Council

PROGRAM				
Administration	742,748			742,748
TOTALS	742,748	0	0	742,748

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

Section 270. Administrative Hearings

PROGRAM				
Administration			3,205,646 SR	
			68,322 IS	3,273,968
TOTALS	0	0	3,273,968	3,273,968

AUTHORIZED EMPLOYEES

Full Time	10
Part Time	0
TOTAL	10

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 012. Board of Architects				
PROGRAM				
Administration			220,553 SR	220,553
TOTALS	0	0	220,553	220,553
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 013. Wyoming Euthanasia Certification Board				
PROGRAM				
Administration			39,738 SR	39,738
TOTALS	0	0	39,738	39,738
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 016. Barber Examiner's Board				
PROGRAM				
Administration			43,135 SR	43,135
TOTALS	0	0	43,135	43,135
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 017. Radiologic Tech. Board				
PROGRAM				
Administration			106,198 SR	106,198
TOTALS	0	0	106,198	106,198
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 018. Real Estate Commission				
PROGRAM				
Administration			992,199 SR	992,199
Real Estate Recovery			30,000 SR	30,000
Real Estate Education			80,880 SR	80,880
Real Estate Appraiser			96,207 SR	96,207
Appraiser Education			34,000 SR	34,000
TOTALS	0	0	1,233,286	1,233,286
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			
Section 019. Professional Teaching Stds Board				
PROGRAM				
Prof Teaching Stds Board			1,250,418 SR	1,250,418
TOTALS	0	0	1,250,418	1,250,418

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	6			
Part Time	0			
TOTAL	6			

Section 022. Respiratory Care Practitioners Board

PROGRAM				
Administration			63,493 SR	63,493
TOTALS	0	0	63,493	63,493

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 028. Bd of Registration In Podiatry

PROGRAM				
Administration			26,542 SR	26,542
TOTALS	0	0	26,542	26,542

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 030. Board of Chiropractic Examiners

PROGRAM				
Administration			67,076 SR	67,076
TOTALS	0	0	67,076	67,076

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 031. Collection Agency Board

PROGRAM				
Administration			91,732 SR	91,732
TOTALS	0	0	91,732	91,732

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 033. Board of Cosmetology

PROGRAM				
Administration			542,294 SR	542,294
TOTALS	0	0	542,294	542,294

AUTHORIZED EMPLOYEES	
Full Time	1
Part Time	2
TOTAL	3

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 034. Board of Dental Examiners				
PROGRAM				
Administration	_____	_____	300,050 SR	300,050
TOTALS	0	0	300,050	300,050
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 035. Board of Embalmers				
PROGRAM				
Administration	_____	_____	48,602 SR	48,602
TOTALS	0	0	48,602	48,602
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 038. Pari-Mutuel Commission				
PROGRAM				
Administration			996,640 SR	996,640
Wyoming Breeders Award Fund	_____	_____	80,000 SR	80,000
TOTALS	0	0	1,076,640	1,076,640
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	2			
TOTAL	5			
Section 052. Medical Licensing Board				
PROGRAM				
Administration	_____	_____	1,516,929 SR	1,516,929
TOTALS	0	0	1,516,929	1,516,929
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	0			
TOTAL	3			
Section 054. Board of Nursing				
PROGRAM				
Administration & School Accred			1,586,921 SR	
			45,000 AG	1,631,921
Nurse Aides			640,597 SR	
			95,000 AG	735,597
TOTALS	0	0	2,367,518	2,367,518
AUTHORIZED EMPLOYEES				
Full Time	8			
Part Time	0			
TOTAL	8			

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 056. Board of Optometry				
PROGRAM				
Administration	_____	_____	103,334 SR	103,334
TOTALS	0	0	103,334	103,334
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 058. Board of Speech Pathologists & Audiologists				
PROGRAM				
Administration	_____	_____	44,751 SR	44,751
TOTALS	0	0	44,751	44,751
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 059. Board of Pharmacy				
PROGRAM				
Licensing Board	_____	_____	1,328,221 SR	1,328,221
TOTALS	0	0	1,328,221	1,328,221
AUTHORIZED EMPLOYEES				
Full Time	6			
Part Time	0			
TOTAL	6			
Section 061. Wyoming Board of CPA'S				
PROGRAM				
Administration	_____	_____	669,312 SR	669,312
TOTALS	0	0	669,312	669,312
AUTHORIZED EMPLOYEES				
Full Time	2			
Part Time	0			
TOTAL	2			
Section 062. Board of Physical Therapy				
PROGRAM				
Administration	_____	_____	121,984 SR	121,984
TOTALS	0	0	121,984	121,984
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			
Section 064. Board of Hearing Aid Specialist				
PROGRAM				
Administration	_____	_____	31,819 SR	31,819
TOTALS	0	0	31,819	31,819

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			

Section 068. Bd of Psychologist Examiners

PROGRAM				
Administration			125,214 SR	125,214
TOTALS	0	0	125,214	125,214

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 075. Board of Outfitters

PROGRAM				
Administration			866,375 SR	866,375
TOTALS	0	0	866,375	866,375

AUTHORIZED EMPLOYEES	
Full Time	4
Part Time	0
TOTAL	4

Section 078. Mental Health Professions Licensing Board

PROGRAM				
Administration			267,999 SR	267,999
TOTALS	0	0	267,999	267,999

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	0
TOTAL	0

Section 079. Board of Nursing Home Administrators

PROGRAM				
Administration			45,630 SR	45,630
TOTALS	0	0	45,630	45,630

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	1
TOTAL	1

Section 083. Board of Occupational Therapy

PROGRAM				
Administration			83,015 SR	83,015
TOTALS	0	0	83,015	83,015

AUTHORIZED EMPLOYEES	
Full Time	0
Part Time	1
TOTAL	1

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 084. Board of Professional Geologists				
PROGRAM				
Administration	_____	_____	379,187 SR	379,187
TOTALS	0	0	379,187	379,187
AUTHORIZED EMPLOYEES				
Full Time	1			
Part Time	1			
TOTAL	2			
Section 251. Veterinary Medicine				
PROGRAM				
Administration	_____	_____	123,505 SR	123,505
TOTALS	0	0	123,505	123,505
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	0			
TOTAL	0			

[CAPITAL CONSTRUCTION]

Section 3. The following sums of money are appropriated for the capital construction projects specified. Appropriations for these projects remain in effect until the project is completed. Appropriated funds under this section shall be expended only on the projects specified and any unused funds remaining at project completion shall revert to the accounts from which they were appropriated. The amounts appropriated in this section are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount.

Section 006. Administration & Information

PROGRAM				
A&I - Const Mngmt Contingency	3,210,764			3,210,764
A&I-Cap Complex Constr Acct 2.	10,000,000			10,000,000
A&I-Lab Lvl III Desgn/Study 1.	5,600,000			5,600,000
A&I-Lab Construction Acct	10,000,000			10,000,000
Mil Dept - Airfield Upgrade	9,000,000			9,000,000
Mil Dept - Maint Factly Design		381,000		381,000
Ag - State Fair Cap Con	250,000		425,000 AG	675,000
Aty Gen-WLEA Small Arms Storage	128,132			128,132
DEQ - Training School Addition	669,910			669,910
State Parks - Health & Safety			3,000,000 EF	3,000,000
State Parks - Water Facilities			1,880,000 SR	1,880,000
State Parks - Fac Deficiencies	2,400,000			2,400,000
State Parks-Rd Deficiencies 3.	3,700,000			3,700,000
State Parks - Terr Prison			110,000 SR	110,000
G & F Cheyenne Headquarters	14,521,322			14,521,322
Tourism-Welcome Center Site	652,468			652,468
DOC Relocate Modular 3	250,000			250,000
DOC Wayne Martinez Trng Center	289,000			289,000
TOTALS	60,671,596	381,000	5,415,000	66,467,596

1. The University of Wyoming may submit a request to the state building commission to participate in the level III planning of a lab facility to be jointly operated by state agencies and the university.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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2. If 2008 Senate File 87 is enacted into law, then this ten million dollar (\$10,000,000.00) general fund appropriation to the capitol complex construction account shall be transferred on July 1, 2008 to the capitol building rehabilitation and restoration account created by 2008 Senate File 87.

3. This general fund appropriation is effective immediately.

Section 027. School Facilities Commission

PROGRAM

School Capital Construction

1., 2., 3.

	_____	_____	271,043,909 S5	
			86,356,900 S6	357,400,809
TOTALS	0	0	357,400,809	357,400,809

1. Of this S5 other fund appropriation, twenty million dollars (\$20,000,000.00) is effective immediately.

2. (a) For the period beginning July 1, 2008 and ending June 30, 2010, the state treasurer shall transfer from the school capital construction account those federal coal lease bonus revenues deposited into the school capital construction account pursuant to W.S. 9-4-601(b) occurring from federal coal lease bonus sales made after March 1, 2007 as follows:

(i) Fifty million dollars (\$50,000,000.00) to the Hathaway student scholarship fund created by W.S. 9-4-204(u)(vii);

(ii) After amounts are deposited to the appropriate fund under paragraph (i) of this footnote, any remaining funds shall be deposited into the school foundation program account. Transfers under this footnote into the school foundation program account shall not exceed two hundred twenty-one million forty-three thousand nine hundred nine dollars (\$221,043,909.00).

3. The school facilities commission shall report annually to the joint appropriations interim committee on the effectiveness and savings achieved from the value engineering process on all school construction projects.

Section 057. Community College Commission 1.

PROGRAM

CWC-72 Bed Housing Facility			8,118,000 PR	8,118,000
LCCC-Res Hall/Dining Fac/Kitchen			23,490,000 PR	23,490,000
NWCC-Simpson Hall Addition			5,546,000 PR	5,546,000
NWCCD Gillette College-Residence Hall			10,455,699 PR	10,455,699
WWCC-Residence Hall			8,869,000 PR	8,869,000
WWCC-Residence Hall			13,250,000 PR	13,250,000
NWCCD Sheridan College-Residence Hall			10,057,000 PR	10,057,000
TOTALS	0	0	79,785,699	79,785,699

1. No funds appropriated for major maintenance for community colleges and distributed to the colleges by the commission through the state aid block grant shall be expended for major maintenance on the projects authorized in this section.

Section 067. University of Wyoming

PROGRAM

Cap Con - College of Business	54,227,976			54,227,976
Classroom & Lab Renovations 1.	3,000,000			3,000,000
Fine & Performing Arts	650,000			650,000
Central Energy Plant - Utility Systems	450,000			450,000
TOTALS	58,327,976	0	0	58,327,976

1. This appropriation shall only be expended to match private donations for academic facilities as provided in Section 319 of this act.

[BUDGET BALANCERS – TRANSFERS]

Section 300.

(a) There is appropriated an amount not to exceed one billion three hundred seventy million four hundred forty-five thousand nine hundred sixty dollars (\$1,370,445,960.00) from the budget reserve account to the general fund. The state auditor shall transfer funds under this subsection as necessary to maintain a positive unappropriated general fund balance.

(b) There is appropriated from the budget reserve account the following:

(i) Ten million dollars (\$10,000,000.00) to water development account II;

(ii) Twenty-four million five hundred thousand (\$24,500,000.00) to water development account III;

(iii) Twenty-seven million six hundred seventy-three thousand eight hundred forty-one dollars (\$27,673,841.00) to the legislative stabilization reserve account.

(c) The appropriations contained in paragraphs (b)(i) and (ii) of this section shall only be transferred as funds become available in the budget reserve account as determined by the state auditor but not later than June 30, 2010. The appropriation to the legislative stabilization reserve account in paragraph (b)(iii) of this subsection shall not be transferred until after the state auditor has determined that there will be sufficient funds within the budget reserve account to fulfill all appropriations and transfers from the general fund and the budget reserve account under this act and any other legislation enacted into law in the 2008 budget session. If necessary the state auditor shall reduce the amount of the appropriation to the legislative stabilization reserve account under paragraph (b)(iii) of this section by an amount necessary to maintain a positive unappropriated budget reserve account balance. Any amount of unappropriated funds remaining in the budget reserve account on June 30, 2010 in excess of one hundred four million eight hundred eighty thousand dollars (\$104,880,000.00) shall be transferred to the legislative stabilization reserve account.

[FUND BALANCE – DEFINITION]

Section 301.

(a) For the period beginning July 1, 2008 and ending June 30, 2010 and for purposes of this act and any other provision of Wyoming law referencing a “fund balance” and notwithstanding cash or fund balances reflected in the state of Wyoming’s Comprehensive Annual Financial Report (CAFR), “unappropriated fund balance” or “unobligated, unencumbered fund balance” means:

(i) The fund cash and petty cash balance from the comparative balance sheet by fund report which is run within five (5) business days following the thirteenth month close;

(ii) Less the fund balance reserved encumbrances from the comparative balance sheet by fund report which is run within five (5) days following the thirteenth month close;

(iii) Less the remaining unspent appropriations from that fund for previous biennia, including those unspent appropriations from the most recent legislative session that were effective immediately, as computed by the state auditor's office;

(iv) Less fund reversions as computed by the state auditor's office;

(v) Plus the net accounts receivable due from the federal government or other entities as of June 30 from the most recently completed fiscal year, as computed by the state auditor's office;

(vi) Plus mineral severance taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(vii) Plus sales and use taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(viii) Plus federal mineral royalties, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the state treasurer's office.

[MEDICAID CONTINGENCY APPROPRIATIONS]

Section 302.

(a) There is appropriated from the budget reserve account to the state auditor twenty million dollars (\$20,000,000.00) for the purpose of providing a reserve for the state's share of all Medicaid programs. This appropriation shall only be expended after further action reappropriating these funds by the legislature, and only if the governor determines no other sources of funds are available. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert according to law.

(b) There is appropriated from the budget reserve account to the state auditor four million two hundred thousand dollars (\$4,200,000.00) for the purpose of purchasing pandemic flu vaccines and antiviral medications. This appropriation shall only be expended upon determination by the governor that the department of health has insufficient funds available. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert according to law.

(c) 2006 Wyoming Session Laws, Chapter 35, Section 302 as amended by 2007 Wyoming Session Laws, Chapter 136, Section 4, Section 302 is repealed.

(d) This section is effective immediately.

[EMPLOYEE BENEFITS]

Section 303.

(a) The state's contribution to the state health insurance plans under W.S. 9-3-210 for each qualifying executive, judicial and legislative branch employee including employees of the University of Wyoming and the community colleges shall be paid from amounts appropriated in agency budgets in the following amounts for the specified time periods:

(i) For the period beginning December 1, 2008 and ending November 30, 2009 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) Five hundred sixty-one dollars and eighty cents (\$561.80) per month for an employee electing single coverage;

(B) One thousand one hundred twelve dollars and seventy-nine cents (\$1,112.79) per month for an employee electing employee plus one (1) dependent coverage; and

(C) One thousand two hundred seventy-one dollars and seventy-six cents (\$1,271.76) per month for an employee electing family coverage.

(ii) For the period beginning December 1, 2009 and ending November 30, 2010 an amount to be determined by the employees' group health insurance section of the department of administration and information but not to exceed:

(A) Six hundred fifty-two dollars and twenty-nine cents (\$652.29) per month for an employee electing single coverage;

(B) One thousand two hundred ninety-four dollars and sixteen cents (\$1,294.16) per month for an employee electing employee plus one (1) dependent coverage; and

(C) One thousand four hundred seventy-nine dollars and fifty-four cents (\$1,479.54) per month for an employee electing family coverage.

(b) Notwithstanding W.S. 9-2-1022(c)(v), and for the period commencing July 1, 2008 and ending June 30, 2010, longevity pay increases shall be paid at a rate of forty dollars (\$40.00) per month for each five (5) years of service to all qualified state employees.

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) unobligated unexpended monies appropriated from the general fund to the state auditor in 2007 Wyoming Session Laws, Chapter 136, Section 303 for purposes of employee salaries and benefits, shall not revert on June 30, 2008 and are hereby appropriated for the period beginning July 1, 2008 and ending June 30, 2010 to the state auditor to be distributed to executive branch agencies, excluding the University of Wyoming and the community colleges as follows:

(i) For salary adjustments for market inequities as determined by the human resources division of the department of administration and information;

(ii) To provide a compensation pool to be distributed to agencies after approval of the human resources division and the budget division of the department of administration and information for positions that are determined to be in such demand the agency does not have adequate funds to attract and retain qualified employees;

(iii) To address existing market inequities as determined by the human resources division of the department of administration and information for "X" band employees including at-will attorney positions;

(iv) This subsection is effective immediately.

(d) There is appropriated six million seven hundred thousand dollars (\$6,700,000.00) from the general fund to the state auditor for the period beginning July 1, 2008 and ending June 30, 2010 to be expended only for health insurance benefits for executive, legislative and judicial branch agency retirees, including retirees of the University of Wyoming and the community colleges, who participate in the state employees' and officials' group health insurance plan. Payments to the plan on behalf of eligible retirees shall be made monthly at the rate of eleven dollars and fifty cents (\$11.50) per year of service up to a maximum of thirty (30) years of service for those retirees who are not Medicare eligible, and at the rate of five dollars and seventy-five cents (\$5.75) per year of service up to a maximum of thirty (30) years of service for those retirees who are Medicare eligible.

(e) The retiree health insurance benefits account is created. All state agencies, including the University of Wyoming, the community colleges and the judicial branch shall pay into the account each pay period an amount equal to one percent (1%) of each employee's salary. The funds shall remain in the account until appropriated by the legislature for retiree health insurance benefits in an amount and in a manner to be determined by the legislature. All investment income earned on the account shall remain in the account.

(f) No general fund appropriation in this section shall be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from any such appropriation on June 30, 2010 shall revert pursuant to law.

(g) Provided adequate funds are available, employees whose benefits are paid from nongeneral fund sources shall receive the same benefits as provided in this section and the necessary amounts are hereby appropriated from those accounts and funds.

[WYOMING PIPELINE AUTHORITY – BUDGET AUTHORIZATION]

Section 304.

The state treasurer is authorized to loan from the general fund to the Wyoming natural gas pipeline authority, one million four hundred thirty-seven thousand nine hundred ninety-two dollars (\$1,437,992.00) for operating expenses of the authority, including expenses for staff hired by the authority. Monies loaned to the authority under this section shall be repaid, with interest at an annual rate set by the state loan and investment board of not more than four percent (4%), to the general

fund at such time and manner as the authority determines it has sufficient revenues to repay the monies after operating expenses are met, but the funds shall be repaid in any event not later than June 30, 2014. A loan agreement shall be prepared and approved by the attorney general before distribution of loan proceeds.

[WYOMING INFRASTRUCTURE AUTHORITY –
BUDGET AUTHORIZATION]

Section 305.

The state treasurer is authorized to loan from the general fund to the Wyoming infrastructure authority, one million seven hundred eight thousand five hundred sixty-five dollars (\$1,708,565.00) for operating expenses of the authority, including expenses for staff hired by the authority. Monies loaned to the authority under this section shall be repaid, with interest at an annual rate set by the state loan and investment board of not more than four percent (4%), to the general fund at such time and manner as the authority determines it has sufficient revenues to repay the monies after operating expenses are met, but the funds shall be repaid in any event not later than June 30, 2018. A loan agreement shall be prepared and approved by the attorney general before distribution of loan proceeds.

[FIRE PREVENTION – COLLECTION OF FEES]

Section 306.

Notwithstanding W.S. 35-9-108(e), for the period beginning July 1, 2008 and ending June 30, 2010, the state department of fire prevention and electrical safety is hereby authorized to charge fees not in excess of fees authorized under W.S. 35-9-108(d) to any entity for which it performs any plan inspection or review.

[FLEX - EXECUTIVE]

Section 307.

(a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer:

(i) Between programs within any executive branch agency, excluding the University of Wyoming, ten percent (10%) of the total appropriation for the agency;

(ii) Between executive branch agencies, excluding the University of Wyoming, five percent (5%) of the total appropriation for the agency from which the funds are transferred.

(b) All transfers authorized under this section shall be approved by the governor and reported to the joint appropriations interim committee through the B-11 process.

(c) The authority granted under this section is effective for the period beginning July 1, 2008 and ending June 30, 2010.

(d) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for

any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[FLEX – JUDICIARY]

Section 308.

(a) Except as otherwise provided in this section, the supreme court may transfer up to five percent (5%) of the total general fund appropriation between programs within the supreme court. With the approval of the district court budget committee up to five percent (5%) of the general fund appropriation to each district court may be transferred to one (1) or more other district courts. Authority pursuant to this section shall be effective for the period commencing July 1, 2008 and ending June 30, 2010. Any transfers pursuant to this section shall be reported annually to the joint appropriations interim committee. The report shall specify the appropriations and authorized positions transferred including transfers between expenditure series, programs and courts.

(b) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[POSITION FREEZE]

Section 309.

No legislative appropriations of general fund monies shall be used to hire new employees from July 1, 2008, through June 30, 2010, except to fill a vacancy within the authorized number of positions as indicated by the agency's appropriation act or otherwise specified by legislation enacted in the 2008 budget session or the 2009 general session. The governor may authorize additional positions in any agency, even if in excess of the positions authorized by the legislature, provided that at least an identical number of vacant positions existing in other agencies are terminated. The additional positions shall be funded using money authorized for the vacant positions.

[BORROWING AUTHORITY – CASH FLOW]

Section 310.

(a) The state auditor is authorized to borrow from pooled fund investments in the treasurer's office amounts necessary to assist the state's general fund cash flow. The amounts borrowed shall be repaid when sufficient general fund revenue is available. The auditor shall borrow funds under this section only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this section when total appropriations together with outstanding encumbrances and obligations for the biennium exceed projected revenues, including transfers from the budget reserve account as authorized by the legislature, for the biennium.

(b) The state auditor is authorized to borrow from pooled fund investments in the state treasurer's office an amount not to exceed one hundred million dollars (\$100,000,000.00), if necessary, for the purpose of assisting the department of transportation's cash flow. The amounts borrowed shall be repaid when sufficient revenue is available. Interest on the unpaid balance shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[BUDGET REDUCTION AUTHORITY - REVENUE SHORTFALL]

Section 311.

The governor shall review all agency budgets and expenditures every six (6) months. If the governor determines during the review that the probable receipts for the next six (6) month period from taxes or other sources of revenue for any fund or account will be less than were anticipated, and if the governor determines that these receipts plus existing revenues in the fund or account, which are available for the next six (6) month period will be less than the amount appropriated, the governor, within sixty (60) days after reviewing the budget, shall give notice to the state agencies concerned and reduce the amount appropriated to prevent a deficit.

[MAJOR MAINTENANCE FUNDING PROCESS FOR STATE FACILITIES, UNIVERSITY AND COMMUNITY COLLEGES]

Section 312.

(a) For the biennium beginning July 1, 2008, there is appropriated from the general fund for major building and facility repair and replacement to the entities and in the amounts specified as provided in this subsection. The formula amount is based on a formula similar to that used for determining major maintenance payments to the public schools, but in amounts to maintain the facilities in a fair condition:

(i) Formula amount	Funding level	=	Appropriation
\$54,824,623.00 times	100%		\$54,824,623.00

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) 42.41% - To the department of administration and information for state facilities managed by the state building commission, state institutions and to fund projects contained within the five (5) year plan submitted by the department of state parks and cultural resources as approved by the state building commission;

(B) 35.95% - To the University of Wyoming for university facilities, excluding student housing, the student union and auxiliary services areas, the latter being those areas funded by university self-sustaining revenues;

(C) 21.64% - To the community college commission for community college district facilities.

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) appropriations made under subsection (a) of this section shall be separately accounted for by the recipient and shall not revert. Expenditures from

these appropriations shall be restricted to expenses incurred for major building and facility repair and replacement as defined in paragraph (d)(i) of this section and as prescribed by rule and regulation of the state building commission.

(c) Not later than October 31, 2009, the general services division of the department of administration and information, the University of Wyoming and the community college commission shall report to the state building commission and the joint appropriations interim committee on the expenditures and commitments made from the appropriations under subsection (a) of this section.

(d) As used in this section:

(i) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use, including for compliance with the Americans with Disabilities Act, and including installing fire suppression systems in residential facilities and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;

(ii) "Routine maintenance and repair" means activities necessary to keep a building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, groundskeeping and maintenance tasks done on a routine basis and typically accomplished by state, university or community college personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance.

(e) Not later than September 1, 2009, the general services division of the department of administration and information shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2010, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation shall be based on a formula adopted by the state building commission, which shall be based on the following:

(i) The gross square footage of buildings and facilities for each category of buildings for state facilities, university facilities, and community college facilities, not to exceed seven (7) building categories for each entity, excluding student housing, the student union and auxiliary services areas funded exclusively through university or community college generated revenues;

(ii) A multiplier to maintain facilities in fair condition based on criteria from organizations with expertise in this area, such as the National Association of College and University Business Officials;

(iii) The gross square footage of buildings and the other components of the formula shall otherwise be computed in the same manner as for

major maintenance for school facilities under W.S. 21-15-109, including using the most current edition of the R.S. Means construction cost index, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis to calculate replacement cost.

[SUPREME COURT/DISTRICT COURT BUDGETS]

Section 313.

The supreme court and all district courts shall submit 2009-2010 supplemental budget requests to the legislature no later than November 1, 2008, and 2011-2012 biennial budget requests to the legislature no later than November 1, 2009. The supreme court and district courts shall prepare all 100 series personal services budget requests using the same methods and practices as the executive branch.

[RETIREMENT STUDY]

Section 314.

(a) There is appropriated one hundred thousand dollars (\$100,000.00) or as much thereof as necessary from the general fund to the state auditor for an independent review of the principles the retirement board has adopted with respect to the methods used in recognizing gains and losses as well as actuarial liabilities and assets. The state auditor shall prepare a request-for-proposal and provide copies to the joint appropriations interim committee prior to release of the proposal. The study shall provide an analysis of the following:

- (i) Investment policies with respect to the actuarial soundness of the plan with current employer and employee contributions;
- (ii) Investment policies with respect to the ability of the plan to provide cost-of-living adjustments;
- (iii) Appropriateness of the structure of the board;
- (iv) Investment policies with respect to the actuarial requirements of the plan;
- (v) The assumptions used to determine actuarial soundness of the plan.

(b) The state auditor shall provide results of the report to the joint appropriations interim committee not later than December 1, 2008.

[COMPUTER LEASING – REVIEW BY CIO]

Section 315.

No appropriation for computer hardware or software leasing contained in this act shall be expended for leases beginning on or after July 1, 2008 until the chief information officer has completed an analysis of the benefits/costs of leasing versus purchase and made a recommendation to the governor and the joint appropriations interim committee. No appropriations for computer leases contained in this act shall be contained in any agency's 2011-2012 standard budget request.

[GUARDIAN AD LITEM PROGRAM TRANSFER]

Section 316.

(a) The administration of the guardian ad litem program established pursuant to 2005 Wyoming Session Laws, Chapter 237 is transferred from the Wyoming Supreme Court to the office of the public defender for the period commencing July 1, 2008 and ending June 30, 2010. The program shall reimburse attorneys providing legal representation as guardians ad litem in child protection cases under W.S. 14-3-101 through 14-3-440, children in need of supervision cases under W.S. 14-6-401 through 14-6-440, or termination of parental rights actions brought as a result of a child protection or children in need of supervision action. The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys as guardians ad litem in child protection or children in need of supervision cases and for the training of those attorneys. Any attorney who seeks reimbursement from the appropriation under this section for legal representation of a child as a guardian ad litem shall meet the standards for guardians ad litem established by the office. Notwithstanding any other provision of this section, an attorney appointed to serve only as a guardian ad litem in a case in which a child has been charged with the commission of a delinquent act may, subject to rules adopted by the office, be eligible for reimbursement under this section. The rules shall include a method for legal representation for juveniles based upon a system which mandates a negotiated contract between the office and each service provider for services on an hourly basis, a per case basis or by a time limited contract. The office shall adopt standards for attorneys that will ensure their advice remains independent of private providers and that their recommendations consider cost impacts and savings to the state of Wyoming. The office shall:

(i) Enter into agreements with the individual counties of the state participating in the program to provide reimbursement for the legal representation of children by attorneys as guardians ad litem in child protection or children in need of supervision cases;

(ii) Provide necessary administrative support for the reimbursement program.

(b) No state money appropriated under this section shall be expended in any county unless the county agrees to match, at a minimum, twenty-five percent (25%) of the state money for the reimbursement of legal representation of children by attorneys in child protection or children in need of supervision cases. The office and the individual county shall establish the reimbursement rate within the county for attorneys providing legal representation as guardians ad litem in child protection and children in need of supervision cases.

(c) One (1) full-time equivalent position is transferred from the supreme court to the office of the public defender to assist in the administration of the reimbursement program authorized by this section. The salary and benefits of the position and all equipment necessary to implement the program shall be provided from the appropriation in this section.

(d) The validity of contracts, agreements and other obligations of the state under the program previously administered by the supreme court shall not be affected by this section. The office of the public defender may adopt policies, rules and regulations under this section upon the effective date of this subsection. This subsection is effective immediately.

(e) For the fiscal period beginning July 1, 2008 and ending June 30, 2010, there is appropriated from the general fund to the office of the public defender four million two hundred thousand dollars (\$4,200,000.00). This appropriation shall only be expended for the purpose of the program transferred under this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. A request for this appropriation shall be included in the office of the public defender's 2011-2012 standard biennial budget request.

(f) The office of the public defender shall report on or before November 1, 2008 and November 1, 2009 to the joint judiciary interim committee and the joint appropriations interim committee on the results of the program transferred by this section including the number of cases and the amount of monies expended for reimbursements and the amounts of matching monies from participating counties.

(g) Any unexpended unobligated funds appropriated to the supreme court for the period beginning July 1, 2006 and ending June 30, 2008 for the guardian ad litem program shall revert pursuant to law and shall not be transferred or used for any other purpose.

(h) 2005 Wyoming Session Laws, Chapter 237 is repealed.

(j) Except as provided in subsection (d) of this section, this section is effective July 1, 2008.

[CARRYOVER APPROPRIATIONS]

Section 317.

[CARRYOVER OF COLORECTAL CANCER FUNDS]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) any unexpended unobligated monies appropriated from the general fund to the department of health in 2006 Wyoming Session Laws, Chapter 35, Section 2, Section 048 as amended by 2007 Wyoming Session Laws, Chapter 136, Section 2, Section 048 for the colorectal cancer program shall not revert on June 30, 2008, and are hereby appropriated to the department of health for the colorectal cancer program for the period beginning July 1, 2008 and ending June 30, 2010.

[CARRYOVER OF SCHOOL INFRASTRUCTURE APPROPRIATION]

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) any unexpended unobligated monies appropriated from the school foundation program account and from the school capital construction account to the school facilities commission in 2007 Wyoming Session Laws, Chapter

136, Section 3, Section 027, Footnote 7 for purposes of school infrastructure, shall not revert on June 30, 2008, and are hereby appropriated and shall be expended for the purpose of funding school infrastructure under Section 2, Section 027, Footnote 1 of this act for the period beginning July 1, 2008 and ending June 30, 2010.

[CARRYOVER OF UNIVERSITY OF WYOMING
SCHOOL OF ENERGY RESOURCES]

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) an amount not to exceed two million twenty thousand one hundred seventy-seven dollars (\$2,020,177.00) of unexpended, unobligated monies appropriated from the general fund to the University of Wyoming in 2006 Wyoming Session Laws, Chapter 69, Section 2 for the school of energy resources shall not revert on June 30, 2008, and are hereby appropriated to the University of Wyoming for the school of energy resources for the period beginning July 1, 2008 and ending June 30, 2010. This appropriation shall only be expended for the purposes specified in 2006 Wyoming Session Laws, Chapter 69, Section 2. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

(d) This section is effective immediately.

[COMMUNITY COLLEGES – ENDOWMENTS]

Section 318.

There is appropriated four million dollars (\$4,000,000.00) from the general fund to the state treasurer for deposit into the community college endowment challenge fund established under W.S. 21-16-1103. This appropriation shall be deposited in equal amounts to the challenge fund account of each community college receiving total distributions from their account under W.S. 21-16-1104 of at least six million five hundred thousand dollars (\$6,500,000.00) before July 1, 2008. These funds shall be expended as prescribed under W.S. 21-16-1101 through 21-16-1104. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended unobligated funds shall not lapse as of June 30, 2010, but shall revert on June 30, 2012.

[UNIVERSITY OF WYOMING –
CAPITAL CONSTRUCTION AMENDMENTS]

Section 319.

(a) 2006 Wyoming Session Laws, Chapter 35, Section 3, Section 067 as amended by 2007 Wyoming Session Laws, Chapter 136, Section 3, Section 067 is amended to read:

3. (a) This general fund appropriation shall only be expended to provide the state match for the following projects in an amount not to exceed the amounts listed for each project:

Kendall House – IENR	\$750,000 <u>1,100,000</u>
Engineering Labs	\$2,000,000

Law School Moot Court	\$2,000,000 - <u>2,250,000</u>
School of Energy Resources Facility	\$20,000,000
International Center	\$1,000,000 - <u>1,750,000</u>
[Animal Science—Molecular Biology Addition	 <u>\$2,500,000</u>
Interdisciplinary Learning Center	 <u>\$500,000</u>
Other Engineering, Agriculture and College of Education -Lab and Facilities	\$1,600,000 - <u>6,250,000</u>
Natural History Center	\$10,000,000

(b) The university shall create a sinking fund for the purposes of operation and maintenance of facilities resulting from new construction built as a result of this appropriation. Funding for this sinking fund shall be from university sources and shall be in an amount equal to fifteen percent (15%) of the cost of new construction resulting from this appropriation.

(b) This section is effective immediately.

[AML FUNDING]

Section 320.

(a) No application to the federal office of surface mining for grants from the state of Wyoming's share of abandoned mine land funds from the Surface Mining Control and Reclamation Act Amendments of 2006, Section 411(h)(i), pursuant to 2007 H.R. 6111, shall be made except as expressly authorized by the legislature. The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of such funds for the period ending June 30, 2009, for the following projects:

(i) Twenty-nine million nine hundred ten thousand one hundred thirty-one dollars (\$29,910,131.00) for abandoned coal mine reclamation;

(ii) Eighty-nine thousand eight hundred sixty-nine dollars (\$89,869.00) for the operation of the subsidence insurance program;

(iii) One million two hundred twenty-three thousand eight hundred sixty-six dollars (\$1,223,866.00) for evaluation of potential carbon dioxide sequestration sites and activities related to the advancement of clean coal and carbon management activities;

(iv) Subject to subsection (c) of this section, ten million dollars (\$10,000,000.00) to Carbon county for county road and bridge construction necessitated by the proposed construction of a coal-to-liquids conversion facility;

(v) Seventeen million four hundred twenty thousand five hundred sixty-five dollars (\$17,420,565.00) for the University of Wyoming school of energy resources for the advancement of energy resources;

(vi) Twenty million dollars (\$20,000,000.00) for the University of Wyoming school of energy research, for the development, construction and operation of a high plains gasification facility and technology center;

(vii) Three million eight hundred thousand dollars (\$3,800,000.00) for clean coal technology research to be expended pursuant to 2007 Wyoming Session Laws, Chapter 186, Section 2(f) as created in Section 325 of this act.

(b) Notwithstanding W.S. 35-11-1210, grant funds received for the projects authorized pursuant to subsection (a) of this section may, but are not required to be, deposited into the state abandoned mine land funds reserve account pursuant to W.S. 35-11-1210. All funds received from the authorized grants are appropriated to the department of environmental quality in the amounts specified in subsection (a) of this section to be expended for the purposes set forth.

(c) Grant funds received pursuant to the application authorized in paragraph (a)(iv) of this section to Carbon county for the relocation, bridge construction and improvement of roads in Carbon county to a coal-to-liquids facility shall not be expended until:

(i) The Wyoming industrial siting council has issued a siting permit for the facility;

(ii) The department of environmental quality has issued a prevention of significant deterioration air construction permit for the facility;

(iii) The Carbon county planning and zoning commission has issued a conditional use permit to allow the construction and operation of the facility;

(iv) The entity constructing the coal-to-liquids facility has provided written documentation to the attorney general that:

(A) Notice to proceed with construction of the facility has been issued under a binding contract with a construction contractor;

(B) Adequate debt and equity funding for construction of the facility has been obtained and that financial close for all such funding has been achieved.

(v) The attorney general has verified each of the requirements in this subsection and provided written notice of that verification to the governor and the joint appropriations interim committee;

(vi) The department of environmental quality has determined that the size or functions of the facility require road and bridge improvements to be made with grant funds.

(d) All contracts entered into by the state of Wyoming necessary to implement subsection (c) of this section shall be reviewed and approved by the governor.

(e) Except for funds subject to subsection (c) of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2009. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended unobligated funds subject to subsection (c) of this section shall not revert until June 30, 2012.

(f) This section is effective immediately.

[DISTRIBUTION TO COMMON SCHOOL
PERMANENT LAND FUND]

Section 321.

Any unobligated unencumbered funds remaining in the school foundation program account in excess of one hundred million dollars (\$100,000,000.00) on June 30, 2010 shall be transferred to the common school permanent land fund.

[ELECTED OFFICIALS-INCIDENTAL EXPENSES]

Section 322.

There is appropriated thirty thousand dollars (\$30,000.00) or as much thereof as necessary from the general fund to the state auditor for reimbursement of incidental expenses incurred by the five (5) state elected officials in the performance of their official duties. Reimbursement of expenditures incurred, not to exceed seven hundred fifty dollars (\$750.00) per official per calendar quarter, shall be made from this appropriation by warrants drawn by the state auditor, upon vouchers issued and signed by the elected official claiming reimbursement, under penalty of false swearing pursuant to W.S. 6-5-303. This appropriation shall be for expenses incurred during the period beginning July 1, 2008 and ending June 30, 2010. This appropriation shall only be expended for the purpose of this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall be included in the state auditor's 2011-2012 standard biennial budget request.

[NEPA REVIEW]

Section 323.

(a) The natural resource staff of the governor's office shall study the importance of federal land development, uses and decisions as they impact Wyoming's citizens and businesses throughout the state. The study shall include:

(i) A review and analysis of the communication, coordination and development involved in current federal agency resource management plans, forest plans and other federal land use plans and related environmental impact statements throughout the state with respect to their adequacy to address all issues, including but not limited to oil and natural gas production, coal mining, timber development, recreation, impacts to rural residences and subdivisions, surface and subsurface impacts, notice to landowners, opportunity for public input and impacts on the human environment, as required under the National Environmental Policy Act (NEPA) of 1969 as amended;

(ii) Addressing whether the process allowed state and local agencies to address whether the plans and environmental impact statements considered impacts to the human environment of the following as required in NEPA regulations:

(A) Oil, natural gas, mining, timber, agriculture, wildlife, municipal, recreation, tourism, social services, groundwater and water issues, soil surveys, the potential for secondary beneficial uses of produced water, state and local land use plans.

(iii) An analysis of whether the plans and environmental impact statements properly considered actions necessary to develop the state's resources, including oil, natural gas, mining, timber, agriculture, wildlife, municipal, recreation, tourism, social services, rural residential, aesthetics and roads.

(b) All state agencies, including the Wyoming department of environmental quality, the Wyoming water development commission, the Wyoming oil and gas conservation commission, the Wyoming game and fish department, the Wyoming department of agriculture, the office of state lands and investments and the state engineer shall cooperate with and assist the governor's natural resource staff as requested in performing the duties required under this section.

(c) The governor's natural resource staff may consult and coordinate with county and local governmental entities and with local conservation districts as deemed necessary.

(d) The governor's natural resource staff shall report the results of the study to the joint minerals, business and economic development interim committee by September 1, 2008. The report shall include any recommendations for statutory or rule changes to Wyoming's natural resource policy account as well as recommendations for protocols or procedures for reviewing resource plans and environmental impact statements in the future.

(e) There is appropriated twenty thousand dollars (\$20,000.00) from the natural resource policy account to the governor's office. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2009. This appropriation shall only be expended for the purpose of this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2009. This appropriation shall not be included in the governor's 2011-2012 standard biennial budget request.

[ATHLETICS BRIDGE LOAN]

Section 324.

(a) The purpose of this section is to authorize the university to receive a bridge loan from the corpus of the University of Wyoming permanent land fund account for the purpose of proceeding with construction of the remainder of the previous legislatively approved athletics facilities plan. The state treasurer shall invest funds in the University of Wyoming permanent land fund account in a bridge loan to the University of Wyoming which shall not exceed a total of four million three hundred thousand dollars (\$4,300,000.00) or the amount of binding commitments from donors which have been secured but not yet paid, whichever is less. The

loan made under this section shall be repaid not later than December 31, 2011, and the unpaid balance of the loan shall bear interest at five and thirty-five hundredths percent (5.35%) annually.

(b) Transfers of loan funds by the state to the university under this section are subject to the following terms and conditions so that the university can complete its previously authorized athletics facilities plan by receiving an advance on donor commitments:

(i) Transfers shall be made only to the extent that binding commitments from donors for gifts that qualify for the athletics facilities matching program under W.S. 21-16-1001(a)(ii) have been made. The university shall provide documentation satisfactory to the state treasurer regarding binding commitments eligible for the transfer of funds;

(ii) Transfers made to the university under this section shall be deemed to be qualifying contributions for the purpose of the state match and the university's access to funds under the athletics facilities matching program, W.S. 21-16-1003;

(iii) When donors make payments toward their binding commitments under paragraph (i) of this subsection, those payments shall be immediately transferred to the state treasurer to repay accrued interest and then to reduce the outstanding balance of the loan funds transferred;

(iv) Not later than January 1, 2012, the university shall repay all loans made under this section and accrued interest. If the payments from donors are insufficient to repay the loan, the loan balance together with any state matching funds exceeding the paid qualifying contributions shall be fully repaid from nonstate revenues generated by the university's department of intercollegiate athletics. Repayment of the loan principal shall be deposited into the university permanent land fund account, and payments of interest shall be deposited in the university permanent land fund income account. Any repayment of unmatched state funds shall be deposited to the challenge account created by W.S. 21-16-1002(a).

[CLEAN COAL TECHNOLOGY-APPROPRIATIONS]

Section 325.

(a) There is appropriated from the clean coal research account created by W.S. 39-14-802 one million eight hundred twenty-two thousand four hundred eighty-one dollars (\$1,822,481.00) that shall only be expended to fund the research projects which were recommended by the clean coal research task force to the joint minerals, business and economic development interim committee as provided under 2007 Wyoming Session Laws, Chapter 186, Section 2(c). None of the appropriation for a project shall be expended until the full matching amount specified for that project has been received by the university. The projects and dollar amounts are as follows:

Name of Proposal	Submitted By	Funding Request	Match	Outside Match Source	Total Funds	Technology Areas
Pre-Gasification Treatment of PRB Coals for Improved Advanced Clean Coal Gasifier Design	Western Research Institute	\$399,981	\$399,981	Department of Energy, National Energy Technology Lab	\$799,962	Pre-combustion/pre-gasification technologies
Capture & Mineralization of Carbon Dioxide from Coal Combustion Flue Gas Emissions: Pilot Scale Studies	University of Wyoming, Department of Renewable Resources	\$485,000	\$487,115	Jim Bridger Power Plant	\$972,115	Carbon capture and sequestration technologies
Carbon Capture from Coal Flue Gas on Carbonaceous Sorbents	Super-critical Fluids, Inc., Laramie, WY.	\$375,000	\$375,000	PacifiCorp Energy EPRI Super-critical Fluids, Inc.	\$750,000	Carbon capture and sequestration technologies
Novel Fixed-Bed Gasifier for Wyoming Coals	Emery Energy Company, Salt Lake City, UT.	\$562,500	\$562,549	Emery Energy Co. WRI	\$1,124,049	Combustion and gasification design technologies
Totals		\$1,822,481	\$1,824,645		\$3,647,126	

(b) 2007 Wyoming Session Laws, Chapter 186, Section 2(c), (e) and by creating a new subsection (f) and Section 3(b) are amended to read:

Section 2.

(c) The task force shall issue a report to the governor and the joint minerals, business and economic development interim committee no later than September 30, ~~2007-2008~~ and 2009 including, but not limited to, recommendations regarding funding specific proposals for research into clean coal technologies in Wyoming.

(e) The task force shall exist until ~~September 30, 2008~~ June 30, 2010. Members of the task force who are not legislators shall not receive a salary but shall receive reimbursement for necessary travel and per diem expenses in the manner and amount provided for state employees under W.S. 9-3-102 and 9-3-103. Members of the task force who are legislators shall be paid salary, per diem and travel expenses as provided in W.S. 28-5-101 for their official duties as members of the task force.

(f) If paragraph (a)(vii) of section 320 of this act is enacted into law, the clean coal task force may award funding provided under that paragraph to proposals for clean coal after submitting the task force's recommendations to the joint minerals, business and economic development interim committee for review and comment.

Section 3.

(b) There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from the general fund to a separate account for the purpose of clean coal technology research. Funds deposited in the account shall not be expended until a dollar for dollar match has been provided from nonstate funds, and only upon appropriation by the legislature. Notwithstanding W.S. 9-2-1008 or 9-4-207, unexpended funds shall revert on June 30, ~~2009~~ 2010.

[REAUTHORIZATION OF
WILDLIFE TRUST CHALLENGE ACCOUNT]

Section 326.

(a) The Wyoming wildlife trust challenge account created by 2006 Wyoming Session Laws, Chapter 35, Section 320 is continued. Any unexpended, unobligated monies appropriated from the general fund to the account by 2006 Wyoming Session Laws, Chapter 35, Section 320 shall not revert on June 30, 2008 and shall remain in the account for the purpose of providing a state match pursuant to subsections (c) through (e) of this section. Unexpended, unobligated monies in the account on June 30, 2010 shall revert as provided by law. The state treasurer shall invest monies within the account and shall deposit the earnings from investments to the general fund.

(b) To the extent funds are available in the wildlife trust challenge account, the state treasurer shall match gifts actually received during the donation period provided in this subsection by the Wyoming wildlife and natural resource trust account board. A match shall be paid under this section by the state treasurer following any accumulated gift amounts actually received by the Wyoming wildlife and natural resource trust account board in a total of five thousand dollars (\$5,000.00) or more. The match shall be made by transferring from the wildlife trust challenge account to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) an amount equal to the accumulated amount of the gift. The match applies to gifts received during the donation period commencing July 1, 2006 and ending June 30, 2010.

(c) The state treasurer shall make transfers to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) not later than the end of the calendar quarter following the quarter during which gifts total at least five thousand dollars (\$5,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least five thousand dollars (\$5,000.00).

(d) Matching funds paid under this section shall not be distributed to or encumbered by the board in excess of the amount in the wildlife challenge account and shall not be transferred to the Wyoming wildlife and natural resource trust account by the state treasurer except to match gifts actually received by the board.

(e) For the purpose of computing the matching amount, the state treasurer shall use the value of a gift based upon its fair market value at the time the gift is received by the board. The board shall provide evidence of fair market value for any gift if requested by the state treasurer and shall fund the cost of providing any requested evidence.

(f) This section is effective immediately.

[COMMUNITY COLLEGES – TASK FORCE PLANNING STUDY]

Section 327.

(a) There is created a community college planning task force to consist of the following:

(i) The chairman of the senate education committee and two (2) additional members of the senate appointed by the president of the senate, not more than one (1) of which shall be from the same political party. The chairman, or another senate member designated by the chairman, shall serve as cochairman of the task force;

(ii) The chairman of the house education committee and two (2) additional members of the house of representatives appointed by the speaker of the house, not more than one (1) of which shall be from the same political party. The chairman, or another house member designated by the chairman, shall serve as cochairman of the task force;

(iii) Nine (9) members appointed by the governor as follows:

(A) Two (2) representatives of community colleges to reflect academic and vocational missions of the colleges;

(B) One (1) member representing the department of workforce services;

(C) One (1) member representing the Wyoming travel, recreation and tourism industry;

(D) One (1) representative of the Wyoming oil and gas industry;

(E) One (1) representative of the Wyoming mining industry;

(F) One (1) representative of the small business community in Wyoming;

(G) One (1) representative of the Wyoming health care industry;

(H) One (1) representative of the public.

(b) The task force shall review and evaluate the existing community college system and in conjunction with the statewide college system strategic plan required under 2008 House Bill 0017, if enacted into law, develop recommendations to:

(i) Conduct a statewide study on the current capacity level of the college system based upon established student population projections and projected state academic and workforce needs and provide estimates on recommended future capacity needs;

- (ii) Create a system which evaluates and prioritizes community college capital construction;
 - (iii) Identify options for funding of community college capital construction;
 - (iv) Allocate programming to meet the needs of students in the most cost effective manner;
 - (v) Address the needs of industry in the development of a trained and skilled workforce;
 - (vi) Restructure the governance of the community college system to provide for unified oversight and accountability;
 - (vii) Explore a statewide community college system in respect to governance, revenue generation and representation on the commission; and
 - (viii) Create a seamless educational system between K-12 to post secondary education.
- (c) Appointments shall be in sufficient time to enable the first meeting of the task force to be held not later than May 1, 2008. Thereafter, task force meetings shall be scheduled upon the call of the cochairmen.
- (d) The task force may retain consultants as necessary to fulfill its duties under this section and shall administer contracts for consultants to the legislature as approved by management council. The management council may expend funds appropriated under this section for contractual agreements between the council, on behalf of the task force, and professional consultants retained pursuant to this section. The legislative service office, with the assistance of the Wyoming community college commission, shall staff the task force and state agencies shall provide information to the task force as requested in order to fulfill its duties.
- (e) Legislative members of the task force shall receive compensation, per diem and travel expenses in the manner and amount as prescribed by W.S. 28-5-101. Remaining task force members who are not state employees shall receive the per diem and mileage at the rate paid members of the Wyoming legislature under W.S. 28-5-101 for each day of actual task force meetings and travel to those meetings.
- (f) The task force shall report its findings and recommendations to the joint appropriations interim committee and the joint education interim committee by November 1, 2008. The joint education interim committee shall forward any legislation necessary to implement task force recommendations in the 2009 legislative session.
- (g) One hundred thirty-five thousand dollars (\$135,000.00) is appropriated from the general fund to the legislative service office for the period commencing on the effective date of this section and ending March 31, 2010, as necessary to fund the community college planning task force in carrying out its duties under this section.
- (h) This section is effective immediately.
- (j) This section is repealed March 31, 2010.

[LOCAL GOVERNMENT DISTRIBUTIONS-I]

Section 328.

(a) There is appropriated one hundred seventy million dollars (\$170,000,000.00) from the general fund to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

(i) Forty-four million eight hundred twenty-six thousand six hundred sixty-seven dollars (\$44,826,667.00) for direct distribution to cities and towns;

(ii) Sixteen million nine hundred thirteen thousand three hundred thirty-three dollars (\$16,913,333.00) for direct distribution to counties;

(iii) Four million one hundred thirty thousand dollars (\$4,130,000.00) for revenue challenged cities and towns;

(iv) Four million one hundred thirty thousand dollars (\$4,130,000.00) for revenue challenged counties;

(v) One hundred million dollars (\$100,000,000.00) for county block distribution for capital projects.

[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

(b) Funds appropriated in paragraph (a)(i) of this section are to be distributed to cities and towns in two (2) equal distributions on August 15, 2008 and on August 15, 2009, subject to the following:

(i) From these distributions each city or town with a population of thirty-five (35) or less shall first receive two thousand five hundred dollars (\$2,500.00) and each city or town with a population over thirty-five (35) shall first receive five thousand dollars (\$5,000.00). From the remainder each city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph with each city or town receiving amounts in the proportion which the adjusted population of the city or town bears to the adjusted population of all cities and towns in Wyoming. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the fiscal year beginning July 1, 2006 and ending June 30, 2007 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) Distribute the remainder of the revenues under this paragraph on a per capita basis using the total adjusted population for all cities and towns and the adjusted population for each city or town as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraph (a)(ii) of this section are to be distributed to counties in two (2) equal distributions on August 15, 2008 and on August 15, 2009. From these distributions each county shall receive the following:

(i) An equal share of fifteen percent (15%) of the total amount to be distributed; and

(ii) Of the remaining eighty-five percent (85%), an amount to be distributed to each county in the proportion each county's population bears to the total population of the state.

[CITY AND TOWN REVENUE CHALLENGED ALLOCATIONS]

(d) Funds appropriated in paragraph (a)(iii) of this section are to be distributed to eligible cities and towns in two (2) equal distributions on August 15, 2008 and on August 15, 2009, subject to the following:

(i) Each eligible city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the period beginning July 1, 2006 and ending June 30, 2007 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under

W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the

adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) From the adjusted population of a city or town as calculated in subparagraphs (A) through (D) of this paragraph, subtract the actual population of the city or town to determine the resulting population adjustment. Distribute the funding under this paragraph in the proportion which the population adjustment of the city or town bears to the population adjustments of all cities and towns in Wyoming as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY REVENUE CHALLENGED ALLOCATIONS]

(e) Funds appropriated in paragraph (a)(iv) of this section are to be distributed to eligible counties in two (2) equal distributions on August 15, 2008 and on August 15, 2009. The office of state lands and investments shall calculate the amounts to be distributed to eligible counties as determined by this subsection as follows:

(i) Multiply each county's total assessed valuation for tax year 2007 by twelve mills (.012). This amount shall represent the county property tax available;

(ii) Calculate the sum of the following to determine the county funding need:

(A) Nine hundred thousand dollars (\$900,000.00); plus

(B) The product of the county population from zero (0) to five thousand (5,000) multiplied by one hundred fifty dollars (\$150.00); plus

(C) The product of the county population from five thousand one (5,001) to twenty-five thousand (25,000) multiplied by one hundred twenty dollars (\$120.00); plus

(D) The product of the county population above twenty-five thousand (25,000) multiplied by eighty dollars (\$80.00).

(iii) Calculate the property tax shortfall for each county by subtracting the property tax available as determined by paragraph (i) of this subsection from the county funding need as determined by paragraph (ii) of this subsection. If the amount is greater than zero (0), the county shall be eligible for distribution of money under this subsection;

(iv) The amount distributed under this subsection to each eligible county shall be in the proportion that the county's property tax shortfall bears to the total property tax shortfall of all counties eligible to receive a distribution under this subsection.

[COUNTY BLOCK ALLOCATIONS – CAPITAL PROJECTS]

(f) Funds appropriated in paragraph (a)(v) of this section shall only be expended for the purpose of grants for capital improvement projects and subject to subsection (g) of this section shall be allocated for each county as follows:

(i) To each county an amount equal to the amount allocated in paragraph (a)(v) of this section multiplied by eighty percent (80%) divided by the total state population and multiplied by the county's population; plus

(ii) To each county, an amount equal to the remainder of the amount allocated in paragraph (a)(v) of this section multiplied by each county's inverse per capita assessed valuation factor computed as follows:

(A) Divide each county's tax year 2007 assessed valuation by that county's population to compute county assessed valuation per capita and the total state tax year 2007 assessed valuation by the total state population to compute state assessed valuation per capita;

(B) Divide the state assessed valuation per capita by each county's assessed valuation per capita to compute an inverse ratio for each county;

(C) Sum all the county inverse ratios computed in subparagraph (f)(ii)(B) of this section for a state total inverse ratio;

(D) Divide each county's inverse ratio by the state total inverse ratio to compute each county's inverse per capita assessed valuation factor.

(g) Funds subject to subsection (f) of this section shall only be expended for capital projects including capital projects constructed by special districts. To be eligible for the grants, the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the incorporated population shall certify to the state loan and investment board that they have reached agreement on the projects for which the funds will be used.

(h) For purposes of this section, population is to be determined by resort to the latest decennial federal census as updated by the bureau of census.

(j) Any political subdivision which impedes the establishment of any necessary cellular tower or other equipment site required for the WyoLink interoperable public safety communications system on any property owned by that political subdivision shall not be eligible to receive monies distributed under this section.

[LOCAL GOVERNMENT DISTRIBUTIONS-II]

Section 329.

(a) There is appropriated one hundred seventy million dollars (\$170,000,000.00) from the general fund to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

(i) Thirty-three million eight hundred twenty-six thousand six hundred sixty-seven dollars (\$33,826,667.00) for direct distribution to cities and towns;

(ii) Sixteen million nine hundred thirteen thousand three hundred thirty-three dollars (\$16,913,333.00) for direct distribution to counties;

(iii) Four million one hundred thirty thousand dollars (\$4,130,000.00) for revenue challenged cities and towns;

(iv) Four million one hundred thirty thousand dollars (\$4,130,000.00) for revenue challenged counties;

(v) Ninety-one million dollars (\$91,000,000.00) for county block distribution for capital projects;

(vi) Twenty million dollars (\$20,000,000.00) for loss of revenue from the exemption of food for domestic home consumption from excise taxation. In conjunction with the department of revenue the office of state lands and investments is authorized to distribute funds appropriated under this paragraph monthly for the period beginning July 1, 2008 and ending June 30, 2010 to cities, towns and counties based upon historical data on distributions made to local governments from sales and use tax revenues from sales of food for domestic home consumption, or based upon the industry average calculated by the department, whichever is greater. The "industry average calculated by the department" means the North American Industry Classification System (NAICS) code for 3318 bakeries, 4451 grocers, 4452 specialty foods, 4471 convenience stores, 4521 department stores and 4529 general merchandise.

[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

(b) Funds appropriated in paragraph (a)(i) of this section are to be distributed to cities and towns in two (2) equal distributions on August 15, 2008 and on August 15, 2009, subject to the following:

(i) From these distributions each city or town with a population of thirty-five (35) or less shall first receive two thousand five hundred dollars (\$2,500.00) and each city or town with a population over thirty-five (35) shall first receive five thousand dollars (\$5,000.00). From the remainder each city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this para-

graph with each city or town receiving amounts in the proportion which the adjusted population of the city or town bears to the adjusted population of all cities and towns in Wyoming. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the fiscal year beginning July 1, 2006 and ending June 30, 2007 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) Distribute the remainder of the revenues under this paragraph on a per capita basis using the total adjusted population for all cities and towns and the adjusted population for each city or town as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraph (a)(ii) of this section are to be distributed to counties in two (2) equal distributions on August 15, 2008 and on August 15, 2009. From these distributions each county shall receive the following:

(i) An equal share of fifteen percent (15%) of the total amount to be distributed; and

(ii) Of the remaining eighty-five percent (85%), an amount to be distributed to each county in the proportion each county's population bears to the total population of the state.

[CITY AND TOWN REVENUE CHALLENGED ALLOCATIONS]

(d) Funds appropriated in paragraph (a)(iii) of this section are to be distributed to eligible cities and towns in two (2) equal distributions on August 15, 2008 and on August 15, 2009, subject to the following:

(i) Each eligible city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the period beginning July 1, 2006 and ending June 30, 2007 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) From the adjusted population of a city or town as calculated in subparagraphs (A) through (D) of this paragraph, subtract the actual population of the city or town to determine the resulting population adjustment. Distribute the funding under this paragraph in the proportion which the population adjustment of the city or town bears to the population adjustments of all cities and towns in Wyoming as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY REVENUE CHALLENGED ALLOCATIONS]

(e) Funds appropriated in paragraph (a)(iv) of this section are to be distributed to eligible counties in two (2) equal distributions on August 15, 2008 and on August 15, 2009. The office of state lands and investments shall calculate the amounts to be distributed to eligible counties as determined by this subsection as follows:

(i) Multiply each county's total assessed valuation for tax year 2007 by twelve mills (.012). This amount shall represent the county property tax available;

(ii) Calculate the sum of the following to determine the county funding need:

(A) One million two hundred thousand dollars (\$1,200,000.00); plus

(B) The product of the county population from zero (0) to five thousand (5,000) multiplied by one hundred sixty dollars (\$160.00); plus

(C) The product of the county population from five thousand one (5,001) to twenty-five thousand (25,000) multiplied by one hundred thirty dollars (\$130.00); plus

(D) The product of the county population above twenty-five thousand (25,000) multiplied by one hundred dollars (\$100.00).

(iii) Calculate the property tax shortfall for each county by subtracting the property tax available as determined by paragraph (i) of this subsection from the county funding need as determined by paragraph (ii) of this subsection. If the amount is greater than zero (0), the county shall be eligible for distribution of money under this subsection;

(iv) The amount distributed under this subsection to each eligible county shall be in the proportion that the county's property tax shortfall bears to the total property tax shortfall of all counties eligible to receive a distribution under this subsection.

[COUNTY BLOCK ALLOCATIONS – CAPITAL PROJECTS]

(f) Funds appropriated in paragraph (a)(v) of this section shall only be expended for the purpose of grants for capital improvement projects and subject to subsection (g) of this section shall be allocated for each county as follows:

(i) To each county an amount equal to one percent (1%) of the total amount appropriated in paragraph (a)(v) of this section; plus

(ii) To each county an amount equal to the remainder of the amount allocated in paragraph (a)(v) of this section multiplied by seventy-five percent (75%) divided by the total state population and multiplied by the county's population; plus

(iii) To each county, an amount equal to the remainder of the amount allocated in paragraph (a)(v) of this section after distributions under paragraphs (i) and (ii) of this subsection, multiplied by each county's inverse per capita assessed valuation factor computed as follows:

(A) Divide each county's tax year 2007 assessed valuation by that county's population to compute county assessed valuation per capita and the total state tax year 2007 assessed valuation by the total state population to compute state assessed valuation per capita;

(B) Divide the state assessed valuation per capita by each county's assessed valuation per capita to compute an inverse ratio for each county;

(C) Sum all the county inverse ratios computed in subparagraph (f)(iii)(B) of this section for a state total inverse ratio;

(D) Divide each county's inverse ratio by the state total inverse ratio to compute each county's inverse per capita assessed valuation factor.

(g) Funds subject to subsection (f) of this section shall only be expended for capital projects including capital projects constructed by special districts. To be eligible for the grants, the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the incorporated population shall certify to the state loan and investment board that they have reached agreement on the projects for which the funds will be used.

(h) For purposes of this section, population is to be determined by resort to the latest decennial federal census as updated by the bureau of census.

(j) Any political subdivision which impedes the establishment of any necessary cellular tower or other equipment site required for the WyoLink interoperable public safety communications system on any property owned by that political subdivision shall not be eligible to receive monies distributed under this section.

[LOCAL GOVERNMENT DISTRIBUTION-III]

Section 330.

(a) There is appropriated ten million dollars (\$10,000,000.00) from the general fund to the office of state lands and investments for emergency capital project grants to local governments as determined by the state loan and investment board.

(b) There is appropriated thirty-three million four hundred thousand dollars (\$33,400,000.00) from the local government capital construction account for grants to local governments for unfunded or partially funded large capital construction projects under the process set forth in subsection (g) of Sections 328 and 329 of this act or for operating grants as determined by the state loan and investment board:

(i) Of this local government capital construction appropriation one million dollars (\$1,000,000.00) may be awarded by the state loan and investment board for the purpose of providing grants to local governments for investment grade energy audits of buildings and operations. Grants pursuant to this paragraph shall be matched by local governments with a contribution of not less than one dollar (\$1.00) for each two dollars (\$2.00) of the grant amount. If the full one million dollars (\$1,000,000.00) allocated is not fully expended by June 30, 2010, the remaining funds shall be expended for unfunded or partially funded large capital construction projects.

[PERSONAL SERVICES - TRANSFERS]

Section 331.

Nonfederal fund appropriations for 100 series personal services contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. Nonfederal fund appropriations for 100 series personal services for the department of corrections shall not be subject to this section.

[BITTER CREEK CLEAN-UP PROJECT]

Section 332.

The department of environmental quality shall expend any unencumbered and unobligated funds available from funds distributed to Wyoming from the abandoned mine land program under W.S. 35-11-1201 through 35-11-1209 in an amount not to exceed four million five hundred thousand dollars (\$4,500,000.00) for phase 1 of the Bitter Creek clean-up project. Funds authorized under this section shall not revert until the project is completed. This section is effective immediately.

[FACULTY ENDOWMENT DECREASE]

Section 333. 2006 Wyoming Session Laws, Chapter 45, Section 1(c)(intro) and (ii) is amended to read:

(c) There is appropriated from the common school permanent fund reserve account created by W.S. 9-4-713(f) a total of ~~four million two hundred thousand dollars (\$4,200,000.00)~~ three million two hundred thousand dollars (\$3,200,000.00) to be distributed as specified in this subsection to permit the community colleges and the University of Wyoming to begin to implement the plan for the excellence in higher education endowment as submitted by the excellence in higher education endowment committee on October 1, 2005, during the biennium commencing July 1, 2006. The purpose of this appropriation is to permit the community colleges and university to implement the plan during the first two (2) years of a three (3) year phase-in period. Of this appropriation:

(ii) ~~Two million eight hundred thousand dollars (\$2,800,000.00)~~ One million eight hundred thousand dollars (\$1,800,000.00) shall be distributed to the University of Wyoming and shall be expended exclusively for the purposes specified in W.S. 21-16-1202(b).

[PUBLIC LIBRARY ENDOWMENT CHALLENGE FUND]

Section 334.

If 2008 Senate File 0029 is enacted into law, then eight hundred thousand dollars (\$800,000.00) from the general fund and one million dollars (\$1,000,000.00) from the common school permanent fund reserve account created by W.S. 9-4-713(f) is appropriated to fund the Wyoming public library endowment challenge fund account created by that act. The amount appropriated into the endowment challenge fund under this

section shall be deposited in equal amounts by the state treasurer into each of the twenty-three (23) separate endowment challenge fund accounts established for the Wyoming public libraries under that act. Any unexpended funds from the amounts deposited under this section shall revert to the budget reserve account on July 1, 2015.

[RAILROAD QUIET ZONE]

Section 335.

The Wyoming department of transportation and the transportation commission shall cooperate with the development of quiet zone projects funded by local governments that include roads under the jurisdiction of the state, provided the proposed quiet zone would conform with the requirements of 49 C.F.R. Part 222, and provided further that the Wyoming department of transportation and the commission shall not impose any greater requirement than provided in 49 C.F.R. Part 222.

[UW – URANIUM RESEARCH CENTER]

Section 336.

The University of Wyoming school of energy resources shall work with other University of Wyoming departments to develop a plan and timeline for establishing a uranium research center within the school of energy research. The center shall focus on developing expertise and outreach in uranium recovery technology, specifically by “in-situ” recovery. The plan shall be submitted to the joint minerals, business and economic development interim committee by October 1, 2008.

[REPEALER]

Section 399.

(a) 2007 Wyoming Session Laws, Chapter 136, Section 4, Section 327 is repealed.

(b) This section is effective immediately.

[EFFECTIVE DATE]

Section 400.

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act which is effective immediately shall not lapse until June 30, 2010, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 49**CRIME VICTIMS' COMPENSATION**

Original House Bill No. 44

AN ACT relating to the Crime Victims Compensation Act; increasing the surcharge assessed in certain criminal cases as specified; authorizing the victim services division of the attorney general's office to initiate contempt and collection proceedings as specified; and providing for an effective date.

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

Section 1. W.S. 1-40-119(a)(intro) and (d) is amended to read:

1-40-119. Surcharge to be assessed in certain criminal cases; paid to account.

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of, the following criminal offenses shall be assessed a surcharge of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) nor more than ~~three hundred dollars (\$300.00)~~ three hundred dollars (\$300.00) for the offenses specified in paragraph (v) of this subsection, ~~and not less than one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150.00) nor more than ~~three hundred fifty dollars (\$350.00)~~ three hundred fifty dollars (\$350.00) for the first plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection, ~~and not less than two hundred dollars (\$200.00) nor more than four hundred dollars (\$400.00) for each subsequent plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection:~~

(d) The surcharge shall be paid within ten (10) days of imposition unless the court determines that it shall be paid in installments over a reasonable period of time. Failure to comply with the provisions for payment of the surcharge is punishable as contempt of court. Contempt proceedings or other proceedings to collect the surcharge may be initiated by the prosecuting attorney, ~~or~~ by the court on its own motion or by the division.

Section 2. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 50

SCHOOL DISTRICT IMMUNITY AND LIABILITY INSURANCE

Original House Bill No. 134

AN ACT relating to school districts; clarifying that school districts have the same governmental immunity as other governmental entities; authorizing school districts to purchase liability insurance and establish self-insurance pools as specified; waiving governmental immunity as specified; repealing inconsistent provisions; and providing for an effective date.

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

Section 1. W.S. 21-3-129(a) is amended to read:

21-3-129. Comprehensive liability insurance; waiver of governmental immunity.

(a) The board of trustees of each school district within the state may procure a policy or policies of comprehensive liability insurance ~~which would save the school district harmless from financial loss arising out of any claim, demand, suit, or judgment for personal injury or death occasioned by the alleged tort of any officer, employee, or agent of the school district. The policy or policies shall specify a maximum amount of fifty thousand dollars (\$50,000.00) or more payable for injury to any one (1) person and a maximum amount of five hundred thousand dollars (\$500,000.00) or more payable for any one (1) accident regardless of the number of persons injured as provided in W.S. 1-39-118(b), self-insure as provided in W.S. 1-39-118(c)(i) or join with other school districts as provided in W.S. 1-39-118(c)(ii).~~

Section 2. W.S. 21-3-129(b) and (c) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 5, 2008.

Chapter 51

MENTAL HEALTH PROFESSIONS PRACTICE ACT-AMENDMENTS

Original Senate File No. 13

AN ACT relating to the Mental Health Professions Practice Act; modifying certification and provisional licensing requirements; clarifying licensure and certification reciprocity; and providing for an effective date.

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

Section 1. W.S. 33-38-106(b)(intro), (c)(intro), (d)(i), by creating a new paragraph (iii), by renumbering (iii) as (iv), by amending and renumbering (iv) as (v), by renumbering (v) as (vi) and (n)(intro) and 33-38-108 are amended to read:

33-38-106. Requirements for licensure and certification.

(b) Certification under this subsection shall allow practice as a certified social worker only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified social worker to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(c) Certification under this subsection shall allow practice as a certified addictions practitioner only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified addictions practitioner to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(d) Provisional licensure is a means to continue progress towards satisfactory completion of all licensure requirements under this act. Upon review and approval by the designated board member or board, the board shall issue a provisional license to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(i) The applicant has ~~satisfied all requirements for licensure other than the requirements for examination and completion of the required hours of supervised clinical experience~~ reached the age of majority;

(iii) The applicant meets any of the following educational requirements:

(A) Holds a master's or doctorate degree in one (1) of the disciplines identified from an accredited program and institution of higher education which is professional in content and which meets the academic and training content standards established by the board; or

(B) Holds a master's or doctorate degree which is clinical in content from a regionally accredited institution of higher education in one (1) of the disciplines identified. During the term of provisional licensure under this subsection, the applicant shall complete any program deficiencies required to meet the academic and training content standards established by the board; or

(C) Holds a license for independent clinical practice in good standing in the identified discipline for another licensing jurisdiction which does not meet the criteria for reciprocal licensure under this act. During the term of provisional licensure under this subsection, the appli-

cant shall complete any program deficiencies required to meet the academic and training content standards established by the board.

~~(iii)~~(iv) The provisional licensed professional counselor, clinical social worker, marriage and family therapist and addictions therapist shall be allowed to practice only under the supervision of a qualified clinical supervisor and in accordance with any other restrictions specified by the board;

~~(iv)~~(v) Unless extended, the provisional license shall expire thirty-six (36) months after issuance or upon ~~receipt by the board of the applicant's passing examination results, and completion of the required hours of supervision~~ issuance of a license by the board under this act, whichever occurs first;

~~(v)~~(vi) The board may, for good cause shown, grant an extension of a provisional license subject to any additional restrictions specified by the board.

(n) Certification under this subsection shall allow practice as a certified addictions practitioner assistant only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. Unless extended, an applicant has six (6) months from the date of employment to become certified. The board may for good cause grant an extension of this period. The board shall grant certification as a certified addictions practitioner assistant to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

33-38-108. Reciprocity.

(a) The board may issue a license or certification by endorsement. Any individual holding a license in good standing to engage in the practice of professional counseling, clinical social work, ~~social work,~~ marriage and family therapy ~~and or~~ addictions therapy ~~and treatment to any applicant who has a license or certificate in good standing with no formal complaints or sanctions as a professional counselor, a marriage and family therapist, a clinical social worker,~~ under the laws of another state having licensure requirements substantially similar to those required by this act may, upon approval of the board, be issued a license to practice in this state.

(b) Any individual holding a certification in good standing to engage in the practice of ~~social worker, mental health worker, addictions practitioner work or an addictions therapist therapy~~ under the laws of another jurisdiction if the applicant presents proof satisfactory to the board that, at the time of application for a Wyoming license or state having certification by endorsement, the applicant possesses credentials and qualifications requirements substantially ~~comparable similar~~ to those required by this act ~~as determined by~~ may, upon approval of the board, be issued certification to practice in this state.

(c) The board shall promulgate rules and regulations setting forth the manner in which credentials ~~will~~ shall be reviewed by the board.

Section 2. W.S. 33-38-106(b)(iv), (c)(iv) and (n)(iv) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 52

NATIONAL GUARD LIFE INSURANCE CONTRIBUTION OPTION

Original Senate File No. 25

AN ACT relating to the Wyoming National Guard; providing the option of premium reimbursement of state sponsored life insurance for qualified members of the Wyoming national guard group life insurance program; and providing for an effective date.

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

Section 1. W.S. 19-9-601, 19-9-602(a)(i) and by creating a new paragraph (iv) and 19-9-603(a)(intro) and (b) are amended to read:

19-9-601. Wyoming national guard members group life insurance premium.

The Wyoming national guard ~~servicemembers~~ ~~members~~ group life insurance premium assistance plan is established to reimburse qualified members of the Wyoming national guard for group life insurance premiums. The plan shall be administered by the adjutant general in accordance with the provisions of this article. The adjutant general shall promulgate rules for the administration, implementation and proper utilization of the plan.

19-9-602. Definitions.

(a) As used in this article:

(i) "Premium" means the cost of ~~servicemembers~~ group life insurance determined as provided in 38 U.S.C. § 1969(a)(1) or the cost of state sponsored life insurance as determined by the insurers;

(iv) "State sponsored life insurance" means the group life insurance program pursuant to 37 U.S.C. 707.

19-9-603. Requirements for premium reimbursement.

(a) Subject to legislative appropriation and in accordance with the provisions of this article, the adjutant general or his designee, may authorize the ~~payment-reimbursement~~ of premiums for qualified members who:

(b) A qualified member meeting the requirements of subsection (a) of this section may receive reimbursement for premiums paid by the member during the previous calendar year for ~~servicemembers~~ group life

insurance or state sponsored life insurance, with a coverage amount of up to two hundred fifty thousand dollars (\$250,000.00). Premiums for members of the qualified member's family and premiums paid or reimbursed by the United States shall not be reimbursed.

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 53

NATURAL RESOURCE LARGE PROJECT FUNDING

Original Senate File No. 63

AN ACT relating to the Wyoming Wildlife and Natural Resource Funding act; providing for funding of large projects under that act; specifying large projects approved for funding in 2008; amending funding for specified previously approved large projects; providing appropriations; providing for reversion of funds; and providing for an effective date.

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

Section 1. W.S. 9-15-301 through 9-15-311 are created to read:

ARTICLE 3 2008 LARGE PROJECT FUNDING

9-15-301. Lake DeSmet Grasslands.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Lake DeSmet Grasslands:

(i) Project sponsor: Lake DeSmet conservation district;

(ii) Project purpose: Enhancement of sagebrush and native grassland habitats in Johnson county in order to:

(A) Improve hydrologic functions of the watershed;

(B) Improve quality of herbaceous forages on antelope and mule deer ranges;

(C) Improve overall habitat conditions for big sagebrush obligate species.

(iii) Project description: Mechanical treatment of undesirable vegetation and decadent stands of desirable plant communities, including deferment and rest from seasonal livestock use, in order to create positive response from sagebrush, native grasses and forbs;

(iv) Total project budget: Two million five hundred fifty-two thousand six hundred ninety-nine dollars (\$2,552,699.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thirty-five thousand dollars (\$235,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thirty-five thousand dollars (\$235,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-302. Wyoming Range Aspen Enhancement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Wyoming Range Aspen Enhancement:

(i) Project sponsors: Wyoming game and fish department and rocky mountain elk foundation;

(ii) Project purpose: Enhancement of aspen and sagebrush habitats, and removal of conifer encroachment in the Wyoming Range in order to:

(A) Improve hydrologic functions of the watershed;

(B) Improve quality of herbaceous forages on elk and mule deer summer and transitional ranges;

(C) Improve overall habitat conditions for big sagebrush obligates and aspen dependent wildlife.

(iii) Project description: Prescribed fire and mechanical treatment of undesirable vegetation and decadent stands of desirable plant communities, including deferment and rest from seasonal livestock use, in order to set back succession in aspen communities and create uneven aged aspen stands on the eastern slope of the Wyoming Range;

(iv) Total project budget: Seven hundred sixty thousand dollars (\$760,000.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors two hundred sixty thousand dollars (\$260,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred sixty thousand dollars (\$260,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-303. Diamond H Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Diamond H Easement:

(i) Project sponsor: Wyoming game and fish department;

(ii) Project purpose: Permanent use restriction on approximately three thousand eight (3,008) acres in Lincoln county in order to:

(A) Preclude loss of habitat for sage grouse, mule deer, elk, moose, cutthroat trout, amphibians, songbirds and other species.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million dollars (\$2,000,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2010.

9-15-304. Thunder Basin Grasslands.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Thunder Basin Grasslands:

(i) Project sponsor: Thunder Basin grassland prairie ecosystem association and Wyoming game and fish department;

(ii) Project purpose: Enhancement of sagebrush and native grassland habitats in Campbell, Converse and Weston counties in order to:

(A) Improve hydrologic functions of the watershed;

(B) Improve quality of herbaceous forages on antelope, sage grouse, grassland bird and mule deer habitats;

(C) Improve overall habitat conditions for sagebrush obligate species.

(iii) Project description: Mechanical and chemical treatment of undesirable vegetation and decadent stands of desirable plant communities, including deferment and rest from seasonal livestock use, in order to create positive response from sagebrush, native grasses and forbs;

(iv) Total project budget: Two million three hundred forty-six thousand nine hundred fifty-two dollars (\$2,346,952.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors three hundred thou-

sand dollars (\$300,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-305. Carney Ranch Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Carney Ranch Easement:

(i) Project sponsor: The conservation fund;

(ii) Project purpose: Permanent use restriction on approximately twelve thousand one hundred eighty-six (12,186) acres in Sublette county in order to:

(A) Preclude loss of habitat for sage grouse, mule deer, elk, moose, antelope, trumpeter swans, amphibians, songbirds and other species;

(B) Maintain essential migration routes for antelope, elk and mule deer.

(iii) Project description: Conservation easement;

(iv) Total project budget: Five million six hundred ninety-five thousand dollars (\$5,695,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thousand dollars (\$200,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2010.

9-15-306. North Laramie Range Restoration.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – North Laramie Range Restoration:

(i) Project sponsor: Wyoming game and fish department and rocky mountain elk foundation;

(ii) Project purpose: Enhancement of aspen and sagebrush habitats, removal of conifer encroachment in the North Laramie Range in order to:

- (A) Improve hydrologic functions of the watershed;
- (B) Improve quality of herbaceous forages on elk and mule deer summer and transitional ranges;
- (C) Improve overall habitat conditions for sagebrush obligates and aspen dependent wildlife.

(iii) Project description: Prescribed fire and mechanical treatment of undesirable vegetation and decadent stands of desirable plant communities, including deferment and rest from seasonal livestock use, in order to set back succession in aspen communities and create uneven aged aspen stands throughout the North Laramie Range;

(iv) Total project budget: Six hundred sixty-six thousand nine hundred forty dollars (\$666,940.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors two hundred thousand dollars (\$200,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-307. Kirby Creek Watershed.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Kirby Creek Watershed:

- (i) Project sponsor: Hot Springs county conservation district;
- (ii) Project purpose: Stabilization of main stem and tributaries of Kirby Creek in Hot Springs county in order to:
 - (A) Improve hydrologic functions of the watershed;
 - (B) Reduce or eliminate excessive soil and vegetation loss;
 - (C) Improve water quality and reduce sediment loads into the Big Horn River.

(iii) Project description: Installation of instream structures, off-stream water retention, vegetation treatment and grazing management in order to decrease soil loss and retain water within the natural system;

(iv) Total project budget: Two million two hundred sixteen thousand eight hundred twenty-eight dollars (\$2,216,828.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thou-

sand dollars (\$200,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-308. Cross Lazy Two Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Cross Lazy Two Easement:

(i) Project sponsor: Green River Valley land trust;

(ii) Project purpose: Permanent use restriction on approximately four thousand four hundred fifty (4,450) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, sage grouse, cutthroat trout, amphibians, songbirds and other species;

(B) Maintain essential migration routes for moose, elk and mule deer.

(iii) Project description: Conservation easement;

(iv) Total project budget: Four million five hundred twenty-five thousand nine hundred fifty dollars (\$4,525,950.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2010.

9-15-309. Yellowtail CRM II.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Yellowtail CRM II:

(i) Project sponsor: Shoshone conservation district;

(ii) Project purpose: Removal of invasive Russian olive and saltcedar in proximity to Yellowtail Reservoir and Yellowtail Recreation Area in order to:

(A) Reduce or eliminate invasive species and enhance production of native and acclimated species which provide habitat for waterfowl, upland game birds, deer and other species;

(B) Improve hydrologic functions of the watershed;

(C) Improve water quality and increase water quantity.

(iii) Project description: Removal of invasive species through mechanical means and treatment with chemical agents to prevent resprouting or regrowth;

(iv) Total project budget: Nine hundred forty-four thousand five hundred dollars (\$944,500.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thousand dollars (\$200,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

9-15-310. Ladder Livestock Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Ladder Livestock Easement:

(i) Project sponsor: Little Snake River conservation district;

(ii) Project purpose: Permanent use restriction on approximately one thousand five hundred fifty (1,550) acres in Carbon county in order to:

(A) Preclude loss of habitat for elk, mule deer, sage grouse, fisheries, songbirds and other species.

(iii) Project description: Conservation easement;

(iv) Total project budget: Three million dollars (\$3,000,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2010.

9-15-311. Shirley Basin Grasslands III.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project – Shirley Basin Grasslands III:

- (i) Project sponsor: Medicine Bow conservation district;
- (ii) Project purpose: Enhancement of sagebrush and native grassland habitats in Carbon county in order to:
 - (A) Improve hydrologic functions of the watershed;
 - (B) Improve quality of herbaceous forages on antelope, sage grouse, grassland bird species and mule deer habitats;
 - (C) Improve overall habitat conditions for sagebrush obligate species;
 - (D) Enhance forage for livestock operations.
- (iii) Project description: Mechanical and chemical treatment of undesirable vegetation, water development and wetland enhancement, deferment and rest from season long livestock use, in order to create positive response from sagebrush, native grasses and forbs;
- (iv) Total project budget: One million eight thousand six hundred ten dollars (\$1,008,610.00) over an anticipated period of approximately three (3) years;
- (v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred forty-seven thousand four hundred twenty dollars (\$247,420.00) over a period of not more than three (3) years for the purposes specified in this subsection;
- (vi) Appropriation: There is appropriated from the income account to the board two hundred forty-seven thousand four hundred twenty dollars (\$247,420.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, 2011.

Section 2. W.S. 9-15-102(a)(intro), 9-15-201(b)(v), (vi), (c)(v) and (vi) are amended to read:

9-15-102. Definitions.

- (a) As used in this ~~act~~ chapter:

9-15-201. Wyoming wildlife and natural resource large project funding; 2007.

- (b) Project – Bates Creek Watershed Restoration:

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors not to exceed ~~two hundred thousand dollars (\$200,000.00)~~ three hundred thousand dollars (\$300,000.00) over a period of not more than ~~five (5)~~ three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board ~~two hundred thousand dollars (\$200,000.00)~~ three hundred

thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2008, but shall revert to the income account on June 30, ~~2012-2011~~.

(c) Project – Lander Front mule deer:

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor not to exceed two hundred thirty thousand dollars (\$230,000.00) over a period of not more than ~~five (5) three (3)~~ years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thirty thousand dollars (\$230,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2008, but shall revert to the income account on June 30, ~~2012-2011~~.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 54

COMMERCIAL VEHICLE LICENSING

Original Senate File No. 30

AN ACT relating to commercial vehicles; authorizing staggered annual registration of commercial vehicles; and providing for an effective date.

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

Section 1. W.S. 31-2-201(a)(i) and 31-2-206(a) are amended to read:

31-2-201. Required applications; contents; weight certificate; exemptions; fees; certificate of title as precondition.

(a) Every owner of a vehicle shall apply for registration of and license plates for the vehicle at the following times:

(i) Annually ~~between January 1 through March 31 for vehicles registered under W.S. 31-18-201, and for all others annually~~ not later than the last day of the annual registration month. Applications may be by mail;

31-2-206. Annual renewal; delivery of license plates and stickers; staggered registration.

(a) Except as otherwise provided vehicle registrations expire on the last day of the annual registration month. Renewals are effective for one (1) year beginning the first day of the month following the annual registration month. The initial registration for a vehicle in this state expires on the last day of the annual registration month in the following year; ~~except that registration for commercial vehicles registered under W.S. 31-18-201 shall expire on March 31 of the succeeding calendar year.~~ Except as provided in subsection (h) of this section, nothing in this section prohibits an owner from registering a vehicle for more than twelve (12) but less than twenty-four (24) months.

Section 2. This act is effective January 1, 2009.

Approved March 7, 2008.

Chapter 55

PUBLIC HEALTH EMERGENCIES-VOLUNTEERS

Original Senate File No. 36

AN ACT relating to public health and safety; providing immunity from liability for volunteer health care providers without active licenses as specified; providing for temporary health care provider licensure during a public health emergency; and providing for an effective date.

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

Section 1. W.S. 35-4-114 is amended to read:

35-4-114. Immunity from liability.

(a) During a public health emergency as defined by W.S. 35-4-115(a)(i), any health care provider or other person who in good faith follows the instructions of the state health officer in responding to the public health emergency is immune from any liability arising from complying with those instructions. This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The licensing boards for any health care provider holding a permit or license as a health care provider regulated under title 33 of the Wyoming statutes shall provide by rule and regulations for the temporary licensure of health care providers during a public health emergency as declared by the governor pursuant to W.S. 35-4-115(a)(i). If necessary

during a declared public health emergency, the state health officer may issue temporary practice licenses to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license pending action on an application for issuance of a temporary license by the appropriate licensing board pursuant to this subsection.

(c) All temporary health care provider licenses issued by the state health officer under subsection (b) of this section shall terminate automatically upon declaration by the governor, pursuant to W.S. 35-4-115(a)(i), that the public health emergency has ended.

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 56

FIRE PROTECTION DISTRICTS-NEW ENTITIES

Original Senate File No. 81

AN ACT relating to fire protection districts; providing that entry into a mutual aid agreement does not create a new taxing entity; providing that division of a fire protection district shall not be treated as creating new entities as specified; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 15-1-121 by creating a new subsection (d), 35-9-201 and 35-9-215 by creating a new subsection (c) are amended to read:

15-1-121. Fire protection agreements authorized; limitation; liability.

(d) Entry into an agreement or contract pursuant to this section does not create a new or reorganized taxing entity as provided in W.S. 39-13-104(m).

35-9-201. Applicability; powers of districts generally.

This act shall apply to a fire protection district created under the provisions of this act or under the provisions of article 1, chapter 45, Wyoming Compiled Statutes, 1945, as amended. Such fire protection district is hereby authorized to provide protection from fire and other public safety emergencies for all persons and property within its boundaries, and to contract, including mutual aid agreements, to give or receive such protection to or from one (1) or more other municipal corporations, other fire protection districts, private organizations or individuals. No fire protection district is liable for damages to persons or property resulting from the operation or presence of fire fighting equipment outside the district boundaries pursuant to an agreement or contract under this section.

Entry into an agreement or contract pursuant to this section does not create a new or reorganized taxing entity as provided in W.S. 39-13-104(m).

35-9-215. Distribution of assets and liabilities following division.

(c) New fire protection districts created by a division of a fire protection district pursuant to W.S. 35-9-212 through 35-9-215 shall not be treated as a new or reorganized taxing entity for purposes of W.S. 39-13-104(m).

Section 2. This act shall apply to all ad valorem taxes assessed and levied on any property on and after January 1, 2008.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 57

COMMUNITY JUVENILE SERVICES

Original Senate File No. 66

AN ACT relating to community juvenile services; amending services that may be provided to juveniles as specified; specifying membership of community juvenile services boards; specifying requirements for community juvenile services boards to qualify for state funding; amending how services for juveniles will be paid; amending rulemaking requirements; repealing definitions; requiring a report; and providing for an effective date.

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

Section 1. W.S. 14-9-102(a)(i), 14-9-103(a)(iv)(intro) and by creating a new subparagraph (M), 14-9-105, 14-9-107(b) by creating new paragraphs (iv) and (v) and 14-9-108(a) by creating a new paragraph (iv) and by creating new subsections (c) and (d) are amended to read:

14-9-102. Purpose.

(a) The purpose and intent of this act is to:

(i) Establish, maintain and promote the development of juvenile services in communities of the state aimed at allowing early identification and diversion of children at risk of entry into the juvenile court system; ~~and preventing juvenile delinquency; and treating seriously emotionally disturbed youth; and~~

14-9-103. Definitions.

(a) As used in this act:

(iv) "Juvenile services" means programs or services provided to children at risk of coming under the jurisdiction of the juvenile court,⁵ ~~including seriously emotionally disturbed youth.~~ Programs or services may include:

(M) Pretrial diversion programs and graduated sanctions.

14-9-105. Community juvenile services boards.

(a) A county may, in accordance with the Wyoming Joint Powers Act, enter into an agreement with one (1) or more counties, any or all cities within the county or counties, and any or all school districts within the county or counties, to form a joint powers board to serve as a community juvenile services board under this act. The board shall include representation from the following entities within the jurisdictional boundaries of the community juvenile services board:

(i) A representative of local field offices of the department of family services;

(ii) A representative of local public health;

(iii) A representative from the local school districts;

(iv) A representative from prosecuting attorneys' offices;

(v) A representative from local police departments and sheriff's offices;

(vi) Representatives from the boards of county commissioners;

(vii) A representative from a local or regional mental health or substance abuse provider;

(viii) A representative from the public defender's office;

(ix) Any other professional the board of county commissioners or joint powers board may appoint, who has particular knowledge or expertise in children or young adult services.

14-9-107. Department of family services to administer block grant program; powers and duties.

(b) The departments of education, family services and health shall promulgate reasonable rules and regulations necessary to carry out the purposes of this act including rules relating to:

(iv) Research based strategies;

(v) Graduated sanctions and intervention levels for all juveniles.

14-9-108. Grant eligibility; allocation of funds.

(a) To qualify for a grant under this act, an applicant shall:

(iv) Develop a system approved by the department for:

(A) Central intake and assessment of juveniles with an initial point of contact established within the community;

(B) The development or adoption of criteria for juvenile diversion, short-term detention and longer-term shelter care services, including standards for assessments, admissions, twenty-four (24) hour intakes, predispositional detentions and shelter care standards;

(C) The development of a continuum of nonsecure services, including early intervention, diversion, community service and other sanctions which may include citations, counseling, parenting education, day treatment and aftercare following twenty-four (24) hour placements; and

(D) The identification of other funding sources for local juvenile services.

(c) Services for juveniles under this section shall be paid cooperatively by the departments of family services, health and education to the providers of those services.

(d) Systems approved by the department under this section shall provide for confidential proceedings and records.

Section 2. W.S. 14-9-103(a)(v) and (vi) and 14-9-106(b)(iii)(D) and (v) are repealed.

Section 3. The department of family services shall report to the joint judiciary interim committee and the joint appropriations interim committee no later than June 30, 2009, with respect to the community juvenile services boards receiving funds under this act, the scope of juvenile offender services identified or developed by the community juvenile services boards, the costs of services provided through the efforts of the community juvenile services boards, the number of juvenile offenders served and the dispositions of their cases, and any recommendations for improvements to the delivery of juvenile justice services throughout the state.

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

Approved March 7, 2008.

Chapter 58

PRIVATE ROADS

Original Senate File No. 76

AN ACT relating to private roads; providing for certification of applications by the board of commissioners to the district court for hearing as specified; and providing for an effective date.

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

Section 1. W.S. 24-9-101 by creating new subsections (m) is amended to read:

24-9-101. Petition; initial hearing; appointment of viewers and appraisers; bond; rules; certification to district court.

(m) If at the completion of the hearing the board finds that the applicant has satisfied the requirements of this section and access is necessary because the applicant has no legally enforceable access, the board shall, within twenty (20) days of so finding, certify the application directly to the district court unless the board elects to retain jurisdiction. Notice of the board's certification shall be made in writing to the clerk of the district court and to all affected parties having an interest in the lands through which the proposed road or any alternative road may pass. The district court shall treat the certified application as a newly filed civil action upon payment of a filing fee by the applicant as provided in W.S. 5-3-206(a)(i).

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 59

TAXATION OF HELIUM

Original House Bill No. 133

AN ACT relating to taxation and revenue; providing for the taxation of helium as specified; providing definitions; providing legislative findings; and providing for an effective date.

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

Section 1. W.S. 39-14-212 is created to read:

39-14-212. Taxation of certain helium.

(a) As used in this section:

(i) "Helium" means helium which is a component of a natural gas stream leased by the United States to any lessee pursuant to the Mineral Leasing Act of 1920, 30 U.S.C. section 181. All other helium shall be subject to taxation pursuant to the provisions of this article;

(ii) "Present and continuing privilege of removing, extracting, severing or producing" means the right to physically separate the helium, by itself, or as a component of the gas stream, from the ground;

(iii) All other definitions in W.S. 39-14-201 are incorporated herein by reference to the extent that they may apply.

(b) Administration; confidentiality: The department shall annually value and assess helium production at its fair market value for taxation in accordance with the applicable provisions of W.S. 39-14-202.

(c) Taxable event: There is levied a severance tax on the value of the gross product extracted for the present and continuing privilege of removing, extracting, severing or producing helium in this state. The tax imposed by this subsection shall be in addition to all other taxes imposed by law.

(d) Basis of tax: Helium shall be valued for taxation as natural gas as provided in W.S. 39-14-203(b).

(e) Taxpayer: Any person removing, extracting, or severing helium from the ground; or, to the extent of his interest ownership, any person owning an interest in the helium, is liable for the payment of the severance taxes together with any penalties and interest, provided however, that helium shall be subject to the severance tax only once.

(f) Tax rate: Helium shall be subject to the severance tax rate for natural gas as provided in W.S. 39-14-204.

(g) Exemptions: The exemptions from taxation provided by W.S. 39-14-205 for natural gas shall apply to natural gas containing helium.

(h) Compliance; collection procedures: The severance tax related provisions of W.S. 39-14-207 shall apply to helium production.

(j) Enforcement: All severance tax related provisions of W.S. 39-14-208 shall apply to helium production.

(k) Taxpayer remedies: All severance tax related provisions of W.S. 39-14-209 shall apply to helium production.

(m) Distribution: Severance tax revenues from helium production shall be distributed as provided by W.S. 39-14-211.

Section 2.

(a) The legislature finds that:

(i) There are in Wyoming extensive reserves of natural gas which contain helium, much of which underlie lands which are owned by the United States, and the leases of the natural gas by the federal government under laws which are now obsolete and outdated operate in a fashion which allows the producer to avoid taxation for the privilege of removing, extracting, severing or producing the helium;

(ii) All helium producers in this state should be taxed in the same manner;

(iii) Under certain unique circumstances, more particularly described in *Department of Revenue v. Exxon Mobil Corporation*, 162 P.3d 515 (Wyo. 2007), natural gas is leased to an oil and gas producer, reserving the title to the helium component of the natural gas in the United States; however, the producer takes possession of the natural gas, transports, processes and extracts the helium from the gas stream, and the title to the helium first passes to the producer downstream of the point of valuation;

(iv) These circumstances occur in cases in which the federal lease is issued pursuant to the Mineral Leasing Act of 1920, 30 U.S.C. section

181, which requires that the United States reserve “the ownership of and the right to extract helium from all gas produced from lands leased or otherwise granted,” and title to the helium is passed pursuant to a sale and purchase agreement, as opposed to a federal lease;

(v) From and after the effective date of the Helium Privatization Act of 1996, 50 U.S.C. section 167a, the United States may lease helium as it does any other mineral rendering helium production subject to state taxation; however, the removal, extraction, severance and production of helium which is leased pursuant to the Mineral Leasing Act of 1920, avoids taxation by the state of Wyoming, and thus is treated differently than all other components of natural gas produced within the state of Wyoming;

(vi) Production of helium-containing natural gas leased pursuant to the Mineral Leasing Act of 1920 should be treated similarly to the production of helium leased pursuant to the Helium Privatization Act of 1996, or helium produced from nonfederal lands with regard to taxation by the state of Wyoming;

(vii) The severance tax is defined multiple times in Title 39, Chapter 14, as “an excise tax imposed on the present and continuing privilege of removing, extracting, severing or producing any mineral in this state.” It is the intent of the legislature that the tax be imposed on either the person who physically removes, extracts or severs the mineral from the ground, or the person who owns the right to do so, but that no mineral be subject to double taxation. To that extent the decision in *Lance Oil & Gas Co. v. Wyoming Department of Revenue*, 101 P.3d 899 (Wyo. 2004), does not reflect the intent of the legislature with regard to the imposition of the severance tax; however, in the case of all other minerals produced in this state, the holding did not allow minerals other than helium produced pursuant to leases issued under the Mineral Leasing Act of 1920 to avoid taxation;

(viii) Helium within natural gas leased pursuant to the Mineral Leasing Act of 1920 is a valuable deposit, but its production avoids taxation in violation of the requirements of Wyoming constitution, article 15, sections 3 and 19, and taxation statutes enacted pursuant thereto.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 60

STATE LOAN AND INVESTMENT BOARD LOANS

Original House Bill No. 48

AN ACT relating to state loan and investment board loans; including the University of Wyoming as an entity authorized to receive certain loans; increasing total loan amount authorized to be made to joint powers boards and other entities; modifying interest requirement; clarifying and specifying limitation on grants made in connection with certain loans; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 16-1-109(a), (c) and (d)(i) is amended to read:

16-1-109. State loan and investment board loans; amount; interest; security; conditions.

(a) The state loan and investment board may negotiate and make loans to one (1) or more agencies, the University of Wyoming, or joint powers boards presently existing, permitted or created pursuant to the statutes, from the permanent mineral trust funds and other permanent funds of Wyoming not otherwise obligated, not to exceed ~~thirty million dollars (\$30,000,000.00)~~ sixty million dollars (\$60,000,000.00) including all loans previously made and outstanding, and not to exceed a term of forty (40) years for repayment. The board ~~may~~ shall set rates of interest on all such loans ~~to joint powers boards~~ according to the current rates of interest for similar securities on the commercial market upon a basis which will not be less than ~~six percent (6%) nor more than twelve percent (12%)~~ the average rate of return realized on all permanent mineral trust fund investments as determined by the state treasurer for the five (5) calendar years immediately preceding the year in which the loan is made. For all loans under this section approved after July 1, 1996, a loan origination fee of one percent (1%) of the loan shall be paid to the state loan and investment board by the borrowing agency, university or joint powers board. The revenue produced by this fee shall be credited to the loss reserve account as provided by W.S. 16-1-110. The limitation on legislatively designated investments under W.S. 9-4-712 applies to this investment.

(c) Upon approval of a loan, an agency, the university, participating agencies, or a joint powers board shall transfer title or its interest to the property upon which facilities are to be constructed, including later improvements, to the state loan and investment board, or the state loan and investment board may require the security it deems necessary. The recipient of the loan shall make reasonable annual rental charges or loan payments as specified by the state loan and investment board. Upon repayment of the loan, title to or interest in the property and improvements shall be reconveyed to the appropriate agency, university, participating agencies or joint powers board. Where the transfer of title or interest in the property would preclude the obtaining of federal grants or

where transfer of title or interest is prohibited by or would be in violation of existing grant-in-aid agreements, the state loan and investment board may waive the requirements of transfer of title or transfer of any interest in the property, and substitute other security of sufficient value as it deems necessary.

(d) For all loans made prior to July 1, 1979, all tangible personal and real property pledged for the repayment of loans under this section, excluding pledges of revenue or property generating user fees to repay the loans, is released as security for any loans under this section and the state loan and investment board shall have prepared, execute and have filed all necessary instruments to carry out this provision. Effective July 1, 1979, loans under this section shall be made only under the following conditions:

(i) Loans shall be made only for facilities generating user fees only to the extent that the user fees will repay the loan such that the loan can be considered a reasonable and prudent investment of state permanent funds. Any portion of the revenue generating facility unable to be financed by user fees may be financed by a grant under W.S. 9-4-604(g) and (h) to agencies and joint powers boards otherwise authorized to receive grants under those provisions;

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 61

EMERGENCY POWERS-RIGHT TO BEAR ARMS

Original House Bill No. 57

AN ACT relating to homeland security; explicitly restricting the power to confiscate firearms in an emergency; providing exceptions; adding definitions; and providing for an effective date.

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

Section 1. W.S. 19-13-102(a) by creating new paragraphs (vii) and (viii) and 19-13-104 by creating a new subsection (e) is amended to read:

19-13-102. Definitions.

(a) As used in this act:

(vii) “Ammunition” means a cartridge, shell or other device containing explosive or incendiary material designed and intended for use in a firearm;

(viii) “Firearm” means any weapon which will or is designed to expel any projectile by the action of an explosive.

19-13-104. Powers of governor generally; director, office of homeland security.

(e) Nothing in this chapter shall be construed to confer upon the governor, the director, the executive heads or governing bodies of the political subdivisions of the state, sheriffs, chiefs of police or any employee or agent of the state or any governmental unit within the state the power to:

(i) Confiscate a firearm from a person, unless:

(A) The person is in unlawful possession of the firearm as provided in title 6 of the Wyoming statutes;

(B) The person is unlawfully carrying the firearm as provided in title 6 of the Wyoming statutes; or

(C) The firearm is confiscated by a peace officer who is acting in the lawful discharge of his duties and under the reasonable belief that the confiscation is necessary for the protection of the peace officer, the person carrying the firearm or a third party. The peace officer shall return the firearm to the person before discharging the person unless the officer arrests that person for engaging in criminal activity or seizes the firearm as evidence pursuant to an investigation for the commission of a crime.

(ii) Impose additional restrictions as to the lawful possession, transfer, sale, carrying, storage, display or use of:

(A) Firearms;

(B) Ammunition; or

(C) Components of firearms or ammunition.

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 62

VETERAN’S PROPERTY TAX EXEMPTION

Original House Bill No. 33

AN ACT relating to taxation and revenue; providing for ownership of property to qualify for the veteran’s property tax exemption as specified; amending qualifying dates for claiming the exemption; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-13-105(a)(ii) through (iv) and (c)(ii) is amended to read:

39-13-105. Exemptions.

(a) The following persons who are bona fide Wyoming residents for at least three (3) years at the time of claiming the exemption are entitled to receive the tax exemption provided by W.S. 39-11-105(a)(xxiv):

(ii) An honorably discharged veteran of the Second World War, who served in the military service of the United States between December 7, 1941 and ~~August 14, 1945~~ December 31, 1946;

(iii) An honorably discharged veteran of the Korean War emergency, who served in the military service of the United States between June 27, 1950 and ~~July 28, 1953~~ January 31, 1955;

(iv) An honorably discharged veteran of the Vietnam War emergency, who served in the military service of the United States between February 28, 1961 and ~~August 15, 1973~~ May 7, 1975;

(c) Except as provided in subsection (g) of this section, in order to receive the exemption provided by this section the claimant shall file an annual sworn claim therefor on or before the fourth Monday in May with the county assessor of the county in which the property against which the exemption is sought is located indicating:

(ii) That ~~only during the lifetime of the claimant or the claimant's spouse, the claimant or the claimant's spouse owns~~ is listed as an owner of the property, or that the property is the subject of a trust created by or for the benefit of the claimant or the claimant's spouse, or the claimant or the claimant's spouse is listed as a purchaser on a valid and effective contract for deed for the property and evidence of the contract for deed has been recorded with the county clerk;

Section 2. There is appropriated from the general fund to the state treasurer two million nine hundred thousand dollars (\$2,900,000.00). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of reimbursing local governments for the exemptions provided under section 1 of this act. When it appears to the state treasurer that the monies appropriated are insufficient to reimburse counties as provided herein, the money available shall be prorated among the counties at an amount less than one hundred percent (100%).

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 63**STATE VETERANS' MUSEUM**

Original House Bill No. 6

AN ACT relating to the state veterans' museum; transferring oversight of the state veterans' memorial museum to the military department; repealing museum designation as a state park; providing for the disposition of unexpended funds and other property; and providing for an effective date.

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

Section 1. W.S. 19-7-107 is created to read:

19-7-107. Description and declaration of Wyoming veterans' memorial museum.

The lands in Natrona county described as follows are hereby declared to be the Wyoming veterans' memorial museum to be managed by the military department: a parcel of land situate in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 34 North, Range 80 West, 6th P.M., Natrona County, Wyoming, said parcel being more particularly described as follows: commencing at the southeast corner of said Section 20, monumented by a brass cap; thence N01°27'16"W, a distance of 2597.39 feet to the southeast corner of the parcel monumented by a nail and being the point of beginning; thence S43°17'47"W, a distance of 163.93 feet to the southwest corner of the parcel, monumented by a nail; thence N46°42'21"W, a distance of 359.92 feet to the northwest corner of the parcel, monumented by a nail; thence N43°17'47"E, a distance of 163.93 feet to the northeast corner of the parcel, monumented by a nail; thence S46°42'21"E, a distance of 359.92 feet to the point of beginning, containing 1.35 acres, more or less.

Section 2. W.S. 36-4-121(p) and 36-8-1301 are repealed.

Section 3.

(a) It is the intention and direction of the legislature that:

(i) All duties of the department of state parks and cultural resources with respect to the Wyoming veterans' memorial museum be transferred to the Wyoming military department. All duties of the department of state parks and cultural resources with respect to the Wyoming veterans' memorial museum not assumed by the military department are terminated;

(ii) All unexpended funds not otherwise obligated and any other property, if any, of the department of state parks and cultural resources exclusively dedicated to the Wyoming veterans' memorial museum be transferred to the military department;

(iii) Any contract, agreement or obligation entered into or assumed by the department of state parks and cultural resources with respect to

the Wyoming veterans' memorial museum, if the execution or assumption was within the lawful powers of the department of state parks and cultural resources, be assumed by the military department, except that the military department shall enter into a new lease agreement with the Natrona County Board of County Commissioners for the lease of the building where the museum is located;

(iv) Any policy adopted by the department of state parks and cultural resources with respect to the Wyoming veterans' memorial museum remain in effect unaltered as policy of the military department until amended or repealed by the military department.

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

Approved March 7, 2008.

Chapter 64

CAMPAIGN FINANCE REPORTING-ELECTRONIC FILING

Original House Bill No. 3

AN ACT relating to campaign finance reporting; providing for electronic filing of campaign finance reports; specifying where reports shall be filed; providing for a searchable database of reports; providing for training; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 22-25-105, 22-25-107(a)(iv), (b), (c)(i) and by creating a new subsection (e) and 22-25-109 are amended to read:

22-25-105. Campaign reporting forms; instructions and warning.

(a) The secretary of state shall prescribe ~~and furnish~~ the forms for reporting receipts and expenditures for primary, general and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and that a vacancy will exist if the forms are not completed and filed pursuant to law. Until January 1, 2010, the forms along with instructions and warning shall be distributed to the county clerk and shall be given by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. Until January 1, 2010, the county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.

(b) The secretary of state shall promulgate rules to allow the forms required pursuant to subsection (a) of this section and any other forms

and reports required to be filed with him pursuant to this chapter to be filed electronically after December 31, 2009.

22-25-107. Where statements to be filed.

(a) All statements required under this chapter shall be filed as follows:

(iv) A county party central committee shall file with the secretary of state; ~~and county clerk;~~

(b) Until December 31, 2009, statements required to be filed at least seven (7) days before any primary, general or special election may be filed by facsimile transmission without the original signatures. Until December 31, 2009, statements required to be filed after any primary, general or special election may be filed by facsimile transmission provided that an original with the required signatures is sent. After December 31, 2009, all statements filed with the secretary of state shall be filed electronically.

(c) Any statement required under this chapter to be filed with:

(i) The secretary of state, ~~may shall~~ be filed electronically as provided under W.S. 9-2-2501 if the secretary of state has adopted rules which allow for the electronic filing;

(e) After December 31, 2009, the secretary of state shall maintain a searchable database of reports filed pursuant to this chapter available to the public on or through the Internet, the World Wide Web or a similar proprietary or common carrier electronic system. The secretary of state shall be responsible for the provision of training and instruction for filers on how to access and use the campaign finance electronic filing system. The training shall be for the purpose of educating filers about use of the system, and is not intended to assist filers with filing their reports.

22-25-109. Reporting candidates in violation.

The secretary of state and the county clerks shall report the names of all candidates in violation of the Election Code of the state of Wyoming to the attorney general or to the district attorney, respectively, for appropriate action.

Section 2. There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from the general fund to the secretary of state. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purposes of establishing a system of electronic filing as provided in this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall not be included in the secretary of state's 2011-2012 standard biennial budget request.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 65**SPEECH PATHOLOGISTS LICENSING**

Original House Bill No. 98

AN ACT relating to professions and occupations; amending the licensing act for speech pathologists and audiologists; authorizing audiologists and speech pathologists licensed in other jurisdictions to provide consultation services in Wyoming through telephonic or other remote means; amending educational requirements for licenses as specified; repealing obsolete provisions; repealing authorization for temporary unlicensed practice; providing for a provisional license; amending license renewal requirements; amending maximum fines for violations; and providing for an effective date.

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

Section 1. W.S. 33-33-103 by creating a new subsection (c), 33-33-104(a)(v) and (vi), 33-33-105(a)(i), 33-33-303 by creating a new subsection (d), 33-33-306(b) and 33-33-308 are amended to read:

33-33-103. Persons and practices affected.

(c) The provision of speech pathology or audiology services in this state, through telephonic, electronic or other means, regardless of the location of the speech pathologist or audiologist, shall constitute the practice of speech pathology or audiology and shall require licensure as provided in this chapter, and a person located outside of this state providing speech pathology or audiology consultation services to any person in this state shall be appropriately licensed in the jurisdiction in which he is located.

33-33-104. Persons and practices not affected.

(a) Nothing in this chapter prevents or restricts:

(v) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and the person is designated audiology intern, audiology trainee or other title appropriate to his level of training; or

(vi) The activities and services of persons fulfilling the clinical experience requirement of W.S. 33-33-201(d), if such activities and services constitute a part of the experience required for that section's fulfillment;
~~or~~

33-33-105. Eligibility for licensing.

(a) To be eligible for licensing by the board as a speech pathologist or audiologist, a person shall:

(i) Possess at least a master's degree or its equivalent in the area of speech pathology or audiology from an educational institution recognized by the board. Effective July 1, 2012, all new applicants for audiology licensing shall possess at least a doctor of audiology degree or mas-

ter's degree in audiology or equivalent granted before July 1, 2012 from an educational institution recognized by the board;

33-33-303. Waiver of examination or parts thereof.

(d) The board may issue a provisional license to practice for twelve (12) months and renewal for one (1) additional period of twelve (12) months, to an applicant who has obtained clinical fellowship year status, subject to the following:

(i) The applicant has completed all requirements for licensure except for the clinical experience requirement;

(ii) The applicant has a written agreement with an individual licensed pursuant to this chapter to serve as the applicant's supervisor for the clinical fellowship year;

(iii) The applicant is seeking or has accepted employment in Wyoming as a speech pathologist or audiologist; and

(iv) During the clinical fellowship year, the applicant continues to meet all other requirements for continued licensure as provided in this chapter and in rules and regulations promulgated by the board, including applicable continuing education requirements.

33-33-306. Renewal of license.

(b) Every person licensed under this act shall annually, on or before December 31, 1976, and each year thereafter, pay a license renewal fee for renewal of license to the board. The board may, in the event payment of the renewal fee is rendered after December 31 of any given year, renew a license upon payment of the renewal of license fee plus a late renewal payment penalty, which penalty shall equal the amount fee prescribed by the board, and shall not exceed twenty dollars (\$20.00). No person who requests renewal of an expired license, whose license has expired, shall be required to submit to examination as a condition to renewal, if such renewal application is made within two (2) years from the date of such expiration. Renewal applications shall include proof that the applicant has complied with any continuing education requirements, as prescribed by rule and regulation of the board, accruing during the time the license was expired.

33-33-308. Penalties.

Any person who violates any provision of this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00) seven hundred fifty dollars (\$750.00) or imprisoned in the county jail for a period not exceeding six (6) months, or both.

Section 2. W.S. 33-33-104(a)(vii), 33-33-303(a) and 33-33-306(c) are repealed.

Section 3. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 66**REVERSE 911 EMERGENCY SYSTEMS**

Original House Bill No. 86

AN ACT relating to local governments; providing for use of 911 emergency taxes to purchase and support systems to disseminate warnings to the public of impending hazards and emergencies; and providing for an effective date.

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

Section 1. W.S. 16-9-102(a)(iv) and (vii) is amended to read:

16-9-102. Definitions.

(a) As used in this act:

(iv) "911 emergency reporting system" or "911 system" means a telephone system consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using the single three-digit number 911 for reporting police, fire, medical or other emergency situations and enabling the users of a public telephone system, other technology or wireless telecommunications system to reach a public safety answering point to report emergencies by dialing 911. 911 emergency reporting systems may include systems consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using 911 databases and public safety answering points to disseminate warnings to the public of impending hazards, including storms, floods, hazardous materials incidents or other emergencies that could compromise the public safety. For any 911 emergency reporting system that operates a reverse 911 warning system, a quarterly test on the warning system will be conducted by calling random numbers. The level of technology for provision of the 911 emergency reporting system is to be determined by the governing body and may include enhanced wireless 911 services, however, the 911 system shall include a device for telecommunications for the deaf. Effective January 1, 2009, the governing body shall file with the Wyoming public service commission a certified statement of its annual gross receipts and detailed and itemized annual expenditures of any taxes collected pursuant to this act from 2004 through and including the most recent calendar year;

(vii) "Public safety answering point" means a twenty-four (24) hour local jurisdiction communications facility receiving 911 service calls and directly dispatching emergency response services or relaying calls to the appropriate public or private safety agency or disseminating warnings to the public of impending hazards, including storms, floods, hazardous materials incidents or other emergencies that could compromise the public safety;

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 67

FORCIBLE ENTRY AND DETAINER AMENDMENTS

Original House Bill No. 141

AN ACT relating to civil procedure; amending the forcible entry and detainer provisions as specified; and providing for an effective date.

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

Section 1. W.S. 1-21-1008(b) is amended to read:

1-21-1008. Trial by judge or jury; judgment and costs.

(b) If the case is one based on failure to pay rent, the court shall further find the amount of rent due and payable at the time of ~~commencement of the action~~ ~~the hearing~~, together with the terms and conditions of the agreement between the parties in relation to the amount and time of payment of rent. If the trial is by jury the verdict shall contain a finding of these facts and the court shall recite such findings in the docket entry of proceedings. The court, upon these findings, in addition to entering judgment for the plaintiff to have restitution, shall render judgment in accordance with the findings for the amount of rent found due, together with costs and attorney's fees as provided by the lease, and shall issue execution separate from the writ of restitution for the rent found due and costs as in other actions.

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 68

LEGISLATIVE PER DIEM

Original House Bill No. 75

AN ACT relating to the legislature; increasing the statutory per diem rate for legislative activities; providing for legislators to be reimbursed for actual expenses in lieu of per diem as specified; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 28-5-101(b) and (e) is amended to read:

28-5-101. Schedule of compensation, per diem and travel expenses.

(b) The amount to be received by each member of the legislature for expenses is increased to forty-four dollars (\$44.00) per day effective Jan-

uary 1, 1980, to sixty dollars (\$60.00) per day effective January 1, 1983, to eighty dollars (\$80.00) per day effective January 9, 1995, ~~and to~~ eighty-five dollars (\$85.00) per day effective January 3, 2005 and to one hundred nine dollars (\$109.00) per day effective April 1, 2008.

(e) During the interim each member of the legislature shall be paid the full daily statutory salary for only the days during which the member is engaged in work for the management council, a standing committee, interim committee, select committee or a committee authorized by law. The member shall be paid full daily statutory per diem, or actual expenses in lieu of per diem if authorized by management council policy, for each day during which he travels to engage in, return from or engages in an interim activity for which he is entitled to receive salary or an activity approved by the management council or the chairman of an interim committee of which he is a member. The member shall be paid statutory mileage for necessary travel to attend and return from an approved interim activity.

Section 2. W.S. 28-5-101(e)(v) as effective on January 5, 2009, is amended to read:

28-5-101. Schedule of compensation, per diem and travel expenses.

(e) During the interim each member of the legislature shall be paid the following amounts, subject to subsection (f) of this section:

(v) Full daily statutory per diem, or actual expenses in lieu of per diem if authorized by management council policy, for each day during which he travels to engage in, return from or engages in an interim activity for which he is entitled to receive salary under paragraph (ii) of this subsection, or an activity approved by the management council or the chairman of an interim committee of which he is a member; and

Section 3.

(a) There is appropriated from the general fund to the legislative service office three hundred thirty-four thousand six hundred eighty-eight dollars (\$334,688.00) to supplement legislative per diem for the period July 1, 2008, through June 30, 2010.

(b) There is appropriated from the general fund to the state auditor sixty-eight thousand dollars (\$68,000.00) for the period July 1, 2008, through June 30, 2010, to be distributed as necessary to supplement per diem for any state board, commission, council, authority or other state entity whose rate of per diem is based upon the amount of per diem paid to state legislators.

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

Approved March 7, 2008.

Chapter 69

DYED FUEL-ENFORCEMENT

Original House Bill No. 136

AN ACT relating to motor vehicles; providing for inspections of the load and fuel of certain vehicles; and providing for an effective date.

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

Section 1. W.S. 31-1-203(b) and 39-17-208(c)(viii) are amended to read:

31-1-203. Special enforcement officers; summons and notice to appear for violations; deposit for appearance; disposition of deposit.

(b) Employees designated under subsection (a) of this section may issue summons for violations of W.S. 31-4-101, 31-7-106, 31-7-133, 31-18-101 through 31-18-603, 31-18-701, ~~and 31-18-801~~ through 31-18-808 and 39-17-208. The department shall submit a report to the joint transportation and highways interim committee no later than December 1, 2002, providing data with respect to the number of port-of-entry officers issuing summonses, the types and numbers of violations for which summonses were issued and an estimate of the time saved for commercial vehicle operators and highway patrol troopers as a result of summonses being issued by port-of-entry officers.

39-17-208. Enforcement.

(c) Penalties. The following shall apply:

(viii) Except as otherwise provided for by law, no person shall operate a motor vehicle upon any public road or highway in this state with dyed diesel fuel contained in the tank or tanks which supply diesel fuel to the engine of the motor vehicle. A state trooper or special enforcement officer, may, during an inspection under W.S. 31-18-301 or during a weight or safety inspection, withdraw and inspect any diesel fuel. A state trooper or special enforcement officer may, upon probable cause to believe that the vehicle is operating in violation of this paragraph or other law, withdraw and inspect any diesel fuel in the supply tank or tanks of the vehicle as authorized by W.S. 31-1-203(b). Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than ~~three hundred dollars (\$300.00)~~ five hundred dollars (\$500.00) or ~~three dollars (\$3.00)~~ five dollars (\$5.00) for every gallon of fuel involved, whichever is greater. The penalty under this subsection shall increase with subsequent violations by multiplying the penalty imposed by the number of prior violations;

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 70

PEOPLE FIRST LANGUAGE

Original Senate File No. 38

AN ACT relating to descriptive terms for persons with cognitive deficiencies; amending or replacing references to mental retardation and other similar references; requiring use of similar language in rules and policy statements as specified; providing definitions; and providing for an effective date.

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

Section 1. W.S. 3-1-101(a)(ix) and (xii), 7-11-301(a)(iii), 8-1-102(a) by creating a new paragraph (xiii), 9-2-106(a)(vii), 9-2-109(a)(iii)(C), 9-2-2104(a) by creating a new paragraph (ix), 9-2-2601(c), 14-4-102(b)(vii), 14-6-219(b), (c) and (d), 14-6-419(b), (c) and (d), 21-9-101(c)(i), 25-5-114(b), 26-22-102(a)(intro), 26-22-401(a)(i), 35-1-613(a)(ii), 35-2-901(a)(x) and (xiv), 42-4-102(a) by creating a new paragraph (x), 42-4-206(a)(ii) and 42-4-207(c)(i) and (j) are amended to read:

3-1-101. Definitions

(a) As used in this title, unless otherwise required by the context or unless otherwise defined:

(ix) "Incompetent person" means an individual who, for reasons other than being a minor, is unable unassisted to properly manage and take care of himself or his property as a result of the ~~infirmities~~ medical conditions of advanced age, physical disability, disease, the use of alcohol or controlled substances, mental illness, mental deficiency or ~~mental retardation~~ intellectual disability;

(xii) "Mentally incompetent person" means an individual who is unable unassisted to properly manage and take care of himself or his property as the result of mental illness, mental deficiency or ~~mental retardation~~ intellectual disability;

7-11-301. Definitions.

(a) As used in this act:

(iii) "Mental deficiency" means a defect attributable to ~~mental retardation~~ intellectual disability, brain damage and learning disabilities;

8-1-102. Definitions.

(a) As used in the statutes unless the legislature clearly specifies a different meaning or interpretation or the context clearly requires a different meaning:

(xiii) "Intellectual disability" means significantly subaverage general intellectual functioning with concurrent deficits in adaptive behav-

ior manifested during the developmental period. "Intellectually disabled" means a person with an intellectual disability.

9-2-106. Duties and powers of director of department.

(a) The director shall:

(vii) Ensure that the department and all of its divisions promulgate reasonable rules and regulations, after consultation with the departmental advisory council and in compliance with the Wyoming Administrative Procedure Act, for the implementation of all state and federal public health, mental health and medical services laws. When promulgating such rules and regulations the director shall assure that the department uses language which focuses on the importance of a person, rather than a person's disability.

9-2-109. Vocational rehabilitation; definitions.

(a) As used in W.S. 9-2-109 through 9-2-115:

(iii) "Individual with a significant disability" means an individual:

(C) Who has one (1) or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, ~~mental retardation~~ intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end stage renal disease or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

9-2-2104. Duties and powers of director of department.

(a) The director shall:

(ix) Ensure all rules and other written statements of policy or interpretation formulated or adopted by the department use language which focuses on the importance of a person, rather than a person's disability.

9-2-2601. Department of workforce services; duties and responsibilities; agreements with other agencies authorized; definition.

(c) The department shall adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act to implement requirements of the federal Workforce Investment Act. When adopting such rules and regulations the department shall use language which focuses on the importance of a person, rather than a person's disability.

14-4-102. Certification required; exceptions.

(b) W.S. 14-4-101 through 14-4-111 do not apply to:

(vii) Ranches or farms not offering services to children who are homeless, delinquent or ~~retarded children~~ have an intellectual disability; and

14-6-219. Physical and mental examinations; involuntary commitment of incompetents; subsequent proceedings.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not suffering from mental illness or ~~mental retardation~~ intellectual disability to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be delinquent is incompetent to participate in further proceedings by reason of mental illness or ~~mental retardation~~ intellectual disability to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the Wyoming state hospital, the Wyoming state training school or any other facility or institution for treatment and care of ~~the mentally ill or the mentally retarded~~ people with a mental illness or an intellectual disability, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child ~~is not mentally ill or mentally retarded~~ does not have a mental illness or intellectual disability to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

14-6-419. Physical and mental examinations.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not ~~suffering from mental illness or mental retardation~~ mentally ill or intellectually disabled to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be in need of supervision is incompetent to participate in further proceedings by reason of mental illness or ~~mental retardation~~ intellectual disability to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming state training school, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the Wyoming state hospital, the Wyoming state training school or any other facility or institution for treatment and care of ~~the mentally ill people with mental illness or the mentally retarded-intellectual disability~~, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child ~~is not mentally ill does not have a mental illness or mentally retarded-an intellectual disability~~ to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.

(c) In addition to subsection (b) of this section, each school district within this state shall provide programs designed for the special needs of those student populations specified within this subsection. Programs under this subsection shall be provided and shall identify special student populations in accordance with rules and regulations of the state board of education. The state board shall monitor the proportion of students in each special needs category, compared to available regional averages. Special needs student populations include:

(i) Children with disabilities evaluated in accordance with rules and regulations of the state board as having ~~mental retardation-intellectual disability~~, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deafness and blindness or other multiple disabilities, and who, because of the impairments, need special education and related services; and

25-5-114. Eligibility for admission; appropriateness of services; effect of criminal conviction or charge.

(b) A person convicted of a criminal act shall not be admitted to the training school unless the preadmission evaluation indicates that the act was due directly to ~~mental retardation-intellectual disability~~, or that the person can benefit from resident services without penal restrictions. A person charged with a criminal act shall not be admitted to the training school pending disposition of the charge.

26-22-102. Requirements of accident and sickness insurance to tax supported institutions.

(a) No individual or group policy of accident and sickness insurance delivered or issued for delivery to any person in this state which provides coverage for mental illness or ~~mental retardation-intellectual disability~~ or both shall exclude benefits for the care or treatment of the mental illness or ~~mental retardation-intellectual disability~~ provided by a tax supported institution of the state, provided:

26-22-401. Required provision of individual or group policy or contract.

(a) Any individual or group hospital or medical expense insurance policy or hospital service plan contract or medical service plan contract, delivered or issued for delivery in this state which provides that coverage of a dependent child of a policyholder or subscriber, or of an employee or other member of the covered group, as the case may be, terminates upon attainment of the limiting age for dependent children specified in the policy or contract, shall also provide in substance that attainment of the limiting age does not terminate the child's coverage while the child is and continues to be both:

(i) Incapable of self-sustaining employment by reason of ~~mental retardation~~ intellectual disability or physical ~~handicap~~ disability; and

35-1-613. Definitions.

(a) As used in this act:

(ii) "Developmental disabilities" means a disability attributable to ~~mental retardation~~ intellectual disability, cerebral palsy, epilepsy, autism or any other ~~neurologically handicapping neurological~~ neurological condition requiring services similar to those required by ~~mentally retarded individuals~~ persons with intellectual disabilities, that has continued or can be expected to continue indefinitely and constitutes a substantial ~~handicap~~ impairment to the individual's ability to function ~~normally~~ in society;

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(x) "Health care facility" means any ambulatory surgical center, assisted living facility, adult day care facility, adult foster care home, alternative eldercare home, birthing center, boarding home, freestanding diagnostic testing center, home health agency, hospice, hospital, intermediate care facility for ~~the mentally retarded~~ people with intellectual disability, medical assistance facility, nursing care facility, rehabilitation facility and renal dialysis center;

(xiv) "Intermediate care facility for ~~the mentally retarded~~ people with intellectual disability" means a facility which provides on a regular basis health related care and training to ~~mentally retarded individuals~~ persons with intellectual disabilities or persons with related conditions, who do not require the degree of care and treatment of a hospital or nursing facility and services above the need of a boarding home. The term also means "intermediate care facility for the mentally retarded" or "ICFMR" or "ICFs/MR" as those terms are used in federal law and in other laws, rules and regulations;

42-4-102. Definitions.

(a) As used in this chapter:

(x) "Intermediate care facility for people with intellectual disability" means "intermediate care facility for the mentally retarded" or

“ICFMR” or “ICFs/MR” as those terms are used in federal law and in other laws, rules and regulations.

42-4-206. Claims against estates.

(a) If an individual receives any medical assistance pursuant to this chapter, upon the individual's death, if single, or upon the death of the survivor of a married couple, either of whom received medical assistance, the total amount paid for medical assistance rendered for the individual or the spouse shall be filed by the department as a claim against the estate of the individual or the estate of the surviving spouse in the court having jurisdiction to probate the estate. A claim shall be filed if medical assistance was rendered for either person under one (1) of the following circumstances:

(ii) The person was an inpatient in a nursing facility, intermediate care facility for ~~the mentally retarded people with intellectual disability~~ or other medical institution when he received medical assistance.

42-4-207. Recovery of incorrect payments; recovery of correct payments; liens.

(c) The department may file a pre-death lien upon real property of an individual for medical assistance correctly paid under this chapter to an individual:

(i) Who is an inpatient in a nursing facility, intermediate care facility for ~~the mentally retarded people with intellectual disability~~, or other medical institution; and

(j) The department may file a lien against the property of any estate, as defined in W.S. 42-4-206(g), of a deceased recipient for the amount of medical assistance provided while the recipient was fifty-five (55) years of age or older or while the recipient was an inpatient in a nursing facility, intermediate care facility for ~~the mentally retarded people with intellectual disability~~ or other medical institution. The department shall perfect this lien by filing a notice in the county in which the real property exists. The department may file an amended lien prior to the entry of the final order closing the estate.

Section 2. W.S. 25-5-102(a)(vii) is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2008.

Chapter 71

DOMESTIC VIOLENCE COUNSELING PERIOD

Original Senate File No. 31

AN ACT relating to domestic violence; amending the time period a respondent in a domestic violence incident may be required to participate in counseling or other appropriate treatment; and providing for an effective date.

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

Section 1. W.S. 35-21-105(a)(vii) is amended to read:

35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(vii) If, after a hearing, it finds by a preponderance of evidence that an act of domestic abuse has occurred or that there exists a danger of further domestic abuse, require the respondent to ~~undergo appropriate participation in counseling or other appropriate treatment~~ for a specified period of time not to exceed ~~ninety (90) days~~ the term of the order of protection and any extension of the order of protection granted under W.S. 35-21-106(b).

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 72

PUBLIC LIBRARY ENDOWMENT CHALLENGE PROGRAM

Original Senate File No. 29

AN ACT relating to the Wyoming public library endowment challenge program; establishing the endowment fund; providing for separate accounts for each Wyoming public library; defining terms; establishing a matching fund program administered by the state treasurer based upon gifts received by each institution's foundation; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 18-7-201 through 18-7-205 are created to read:

ARTICLE 2
WYOMING PUBLIC LIBRARY
ENDOWMENT CHALLENGE PROGRAM

18-7-201. Wyoming public library endowment challenge program.

The Wyoming public library endowment challenge program is created.

18-7-202. Definitions.

(a) As used in this article:

(i) "Challenge fund" means the public library endowment challenge fund created under this article;

(ii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming public library foundation of money or other property, whether real, personal, tangible or intangible, and whether or not the donor or transferor retains an interest in the property, where the gift of the foundation's interest in the property is required to be used by the foundation exclusively for endowment purposes, where:

(A) The gift was received or the transfer occurred during the period July 1, 2008, through June 30, 2013; or

(B) A commitment to make the gift or transfer was made in writing to the respective public library foundation, which commitment was received during the period July 1, 2008, through June 30, 2013, and the gift was received or the transfer occurred not later than December 31, 2014.

(iii) "Foundation" means an organization established for each public library that among other purposes, exists to generate additional revenues for public library programs and activities;

(iv) "Match" means the level of funds the state treasurer will provide to each public library foundation, where:

(A) The amount disbursed by the state treasurer will be three (3) times the amount raised by the library foundation of any of the following counties: Albany, Big Horn, Hot Springs, Platte, Crook, Weston, Washakie, Goshen and Niobrara;

(B) The amount disbursed by the state treasurer will be two (2) times the amount raised by the library foundation of any of the following counties: Johnson, Lincoln, Carbon, Uinta, Laramie, Park, Sheridan and Converse;

(C) The amount disbursed by the state treasurer will be equal to the amount raised by the library foundation of any of the following counties: Campbell, Sublette, Sweetwater, Fremont, Natrona and Teton.

(v) "Permanent endowment funds managed by a Wyoming public library foundation" means the endowment funds that are invested by the respective Wyoming public library foundation on a permanent basis and

the earnings on those investments are dedicated to be expended exclusively to benefit and promote the mission, operation or any program or activity of the respective public library, including but not limited to augmentation of collections, programs and projects, capital improvements, increases to the corpus of the endowment and defraying reasonable costs of endowment administration.

18-7-203. Wyoming public library endowment challenge fund.

(a) The Wyoming public library endowment challenge fund is created and shall consist of twenty-three (23) separate accounts, one (1) account for each Wyoming public library established pursuant to W.S. 18-7-101.

(b) The state treasurer shall invest funds within the fund created under subsection (a) of this section and shall deposit the earnings from fund investments to the general fund.

18-7-204. Endowment challenge fund matching program; matching payments; agreements with foundations; annual reports.

(a) To the extent funds are available in the separate account of any public library within the endowment challenge fund, the state treasurer shall match endowment gifts actually received by that public library's foundation. A match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a public library foundation total ten thousand dollars (\$10,000.00) or more. The match shall be made by transferring from the separate challenge fund account to the appropriate public library a match amount calculated as provided by W.S. 18-7-202(a)(iv). The recipient public library shall immediately transfer matching funds received under this subsection to the public library foundation.

(b) Each public library shall enter into an agreement with its foundation under which the foundation shall manage the matching funds received under subsection (a) of this section and under W.S. 18-7-205 in the same manner as other permanent endowment funds are managed by its foundation, including the permanent investment of funds, maintenance of the fund corpus as inviolate and the expenditure of fund earnings for endowment purposes only.

(c) Earnings from endowment funds established with matching funds under this section, and funds received under W.S. 18-7-205, shall be expended only for the purpose of the endowment, including increasing the balance in the fund corpus and reasonable costs of administration.

(d) The state treasurer shall make transfers to the appropriate public library under this section not later than the end of the calendar quarter following the quarter during which foundation gifts total at least ten thousand dollars (\$10,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00).

(e) Matching funds transferred under this article shall not be distributed to or encumbered by any public library foundation in excess of the

amount in the challenge fund account for that library. Matching funds shall not be transferred to any public library by the state treasurer except to match gifts actually received by its foundation.

(f) If any public library board determines that the purpose of an endowment gift to the public library's foundation is not consistent with the mission or capability of that library, the gift shall not qualify for matching funds under this section.

(g) For the purpose of computing the matching amount, the state treasurer shall use the value of an endowment gift based upon its fair market value at the time the gift is received by the public library foundation. The public library shall provide evidence of fair market value for any gift if requested by the state treasurer and shall fund the cost of providing any requested evidence.

(h) Each public library shall on or before October 1 of each year, submit a report to the state treasurer from its foundation on the endowment matching program under this section for the preceding fiscal year. The report shall include a summary of funds raised under this program and the expenditure of endowment earnings. The report required under this subsection shall be for each applicable fiscal year through June 30, 2015.

18-7-205. Additional transfer of funds.

(a) In addition to the transfer of matching funds authorized under W.S. 18-7-204, when the state treasurer determines that the cumulative amount of endowment gifts received by all twenty-three (23) of the public library foundations has reached two million three hundred thousand dollars (\$2,300,000.00), the treasurer shall transfer to each of the public libraries, from its separate challenge fund account, the amount of one hundred thousand dollars (\$100,000.00) or the amount of the balance remaining in the library's challenge fund account, whichever is less.

(b) A library receiving funds under this section shall immediately transfer the funds to its public library foundation.

Section 2.

(a) There is appropriated from the general fund seven million three hundred thousand dollars (\$7,300,000.00) to fund the Wyoming public library endowment challenge fund as created under section 1 of this act.

(b) The amount appropriated into the endowment challenge fund under subsection (a) of this section shall be equally deposited by the state treasurer into each of the twenty-three (23) separate endowment challenge fund accounts established for the Wyoming public libraries pursuant to section 1 of this act.

(c) Notwithstanding any other provision of law, any unexpended funds from the amounts deposited under this section shall revert to the budget reserve account on July 1, 2015.

Section 3. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 73

FUEL DISCLOSURE

Original House Bill No. 135

AN ACT relating to standards for petroleum products; requiring disclosure of nonrefined fuels and nonpetroleum products included in gasoline or diesel when sold to a wholesaler, retailer or consumer; providing definitions; granting rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 40-7-102(a) by creating new paragraphs (xx) through (xxiv) and by renumbering (xx) as (xxv) and 40-7-103(a) by creating a new paragraph (vi) are amended to read:

40-7-102. Definitions.

(a) As used in this act:

(xx) "Biodiesel" means a fuel comprised of mono alkyl esters of long chain fatty acids derived from vegetable oils or animal fats which may or may not be blended with diesel fuel;

(xxi) "Biofuel" means any commercially produced liquid or gas used to propel motor vehicles or otherwise substitute for liquid or gaseous fuels that is derived from agricultural crops or residues or from forest products or byproducts, as distinct from petroleum or other fossil carbon sources. "Biofuel" includes, but is not limited to, ethanol, methanol derived from biomass, levulinic acid, biodiesel, pyrolysis oils from wood, hydrogen or methane from biomass, or combinations of any of the above that may be used to propel motor vehicles either alone or in blends with conventional gasoline or diesel fuels;

(xxii) "Nonrefined products" means any liquid or gas added to diesel, gasoline or gasohol comprising more than one-half of one percent (.5%) by volume and that:

(A) Is not refined; or

(B) Was added after the diesel fuel, gasoline or gasohol left the refinery.

(xxiii) "Oxygenate" means an oxygen-containing, ashless, organic compound which can be used as a fuel, or fuel supplement such as, but not limited to, ether, ethanol, methanol and other alcohols;

(xxiv) "Refining" means the cracking, distillation, separation, conversion, upgrading, and finishing of petroleum products;

~~(xx)~~(xxv) "This act" means W.S. 40-7-101 through 40-7-111.

40-7-103. Board to promulgate standards.

(a) The board shall promulgate rules and standards of quality for products to implement this act. All petroleum products shall conform to ASTM standards as adopted by the board subject to the following:

(vi) Any gasoline, gasohol or diesel fuel sold in the wholesale or retail market place that contains any oxygenate, biofuel or nonrefined product shall be clearly labeled with the name and minimum percentage by volume of any ethanol or other oxygenate, biofuel or nonrefined product.

Section 2. This act is effective July 1, 2008.

Approved March 7, 2008.

Chapter 74

WILDLIFE AND NATURAL RESOURCE FUNDING AMENDMENTS

Original Senate File No. 69

AN ACT relating to wildlife and natural resource funding; clarifying and modifying legislative approval for project grants; and providing for an effective date.

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

Section 1. W.S. 9-15-102(a)(iii) and (vi) and 9-15-104(e) and by creating a new subsection (k) are amended to read:

9-15-102. Definitions.

(a) As used in this act:

(iii) "Large project" means a project for which the ~~grant total of all grants sought or previously awarded~~ under this act equals or exceeds two hundred thousand dollars (\$200,000.00);

(vi) "Small project" means a project for which the ~~grant total of all grants sought or previously awarded~~ under this act is less than two hundred thousand dollars (\$200,000.00);

9-15-104. Wildlife and natural resource trust account board established; terms; meetings; duties.

(e) The board shall receive and evaluate applications for grants from the income account, shall forward applications for large projects to the select committee for review and recommendation. The board may approve grants for any small project. Funds in the income account are continuously appropriated for small project grants approved by the board. ~~No funds shall be expended from the income account for large projects except upon specific legislative appropriation and for approved large projects as specified by subsection (k) of this section.~~

(k) No funds shall initially be expended from the income account for large projects except upon specific legislative authorization. Following the initial legislative authorization to expend funds for a large project, the board may approve additional grants for that large project not to

exceed a total of an additional one hundred thousand dollars (\$100,000.00) and shall forward a notice of any such additional grant to the select committee within thirty (30) days of each approval. Subsequent legislative authorization shall be required for any grant in excess of the limits of this subsection.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 75

OMNIBUS WATER BILL-CONSTRUCTION

Original Senate File No. 56

AN ACT relating to water development projects; providing for construction of dams and reservoirs; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions and terms of appropriations for various specified prior projects; and providing for an effective date.

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

Section 1. W.S. 99-3-1301 through 99-3-1304 are created to read:

ARTICLE 13 2008 CONSTRUCTION PROJECTS

99-3-1301. Definitions.

The definitions in W.S. 99-3-101 apply to this article.

99-3-1302. General authorization.

The provisions of W.S. 99-3-102 apply to this article.

99-3-1303. Level III construction projects – new development.

(a) Authorization is granted for the Level III new development construction projects identified in this section subject to the general conditions specified in W.S. 99-3-103.

(b) Project – Cowley Transmission Pipeline:

(i) Project sponsor: Town of Cowley;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of transmission pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million forty thousand dollars (\$2,040,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million three hundred sixty-six thousand eight hundred dollars (\$1,366,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million three hundred sixty-six thousand eight hundred dollars (\$1,366,800.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The sponsor may use an amount not to exceed forty-six thousand nine hundred dollars (\$46,900.00) of the project grant for the design of the transmission pipeline that will connect to the Cowley Transmission Pipeline to serve rural domestic customers or sixty-seven percent (67%) of the actual design costs, whichever is less.

(c) Project – Gillette Fort Union Wells:

(i) Project sponsor: City of Gillette;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of municipal wells and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Six million nine hundred seventy thousand dollars (\$6,970,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four million six hundred sixty-nine thousand nine hundred dollars (\$4,669,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million three hundred thousand one hundred dollars (\$2,300,100.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission deter-

mines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) **Appropriation:** There is appropriated from water development account I to the commission six million nine hundred seventy thousand dollars (\$6,970,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013.

(d) Project – Glenrock Well:

(i) **Project sponsor:** Town of Glenrock;

(ii) **Project purpose:** Municipal, rural domestic water supply;

(iii) **Project description:** Design and construction of pump, motor, controls, piping and appurtenances necessary to make the project function in the manner intended;

(iv) **Total project budget:** Five hundred twenty thousand dollars (\$520,000.00);

(v) **Project grant:** The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred forty-eight thousand four hundred dollars (\$348,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) **Project loan:** The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred seventy-one thousand six hundred dollars (\$171,600.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) **Appropriation:** There is appropriated from water development account I to the commission five hundred twenty thousand dollars (\$520,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013;

(viii) **Special condition:** The sponsor shall purchase the well drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor may purchase the well with a lump sum payment or with amortized payments for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

(e) Project– Greybull Pipeline and Well Improvements:

(i) **Project sponsor:** Town of Greybull;

- (ii) Project purpose: Municipal, rural domestic water supply;
- (iii) Project description: Design and construction of pipeline and well improvements and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: One million four hundred seventy thousand dollars (\$1,470,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed nine hundred eighty-four thousand nine hundred dollars (\$984,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;
- (vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred eighty-five thousand one hundred dollars (\$485,100.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);
- (vii) Appropriation: There is appropriated from water development account I to the commission one million four hundred seventy thousand dollars (\$1,470,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013.

(f) Project – Laramie Transmission Pipeline:

- (i) Project sponsor: City of Laramie;
- (ii) Project purpose: Municipal, rural domestic water supply;
- (iii) Project description: Design of a transmission pipeline and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Eight hundred eighty thousand dollars (\$880,000.00);
- (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement and project land procurement an amount not to exceed five hundred eighty-nine thousand six hundred dollars (\$589,600.00) or sixty-seven percent (67%) of the actual costs, whichever is less;
- (vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement and project land procurement an amount not

to exceed two hundred ninety thousand four hundred dollars (\$290,400.00) or thirty-three percent (33%) of actual costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission eight hundred eighty thousand dollars (\$880,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013.

(g) Project – Lovell Transmission Pipelines:

(i) Project sponsor: Town of Lovell;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of transmission pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million nine hundred forty thousand dollars (\$1,940,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million two hundred ninety-nine thousand eight hundred dollars (\$1,299,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million two hundred ninety-nine thousand eight hundred dollars (\$1,299,800.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

[REHABILITATION CONSTRUCTION PROJECTS]

99-3-1304. Level III construction projects – rehabilitation.

(a) Authorization is granted for the Level III rehabilitation construction projects identified in this section, subject to the general conditions specified in W.S. 99-3-104.

(b) Project – Big Horn Canal Lining:

(i) Project sponsor: Big Horn Canal Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of improvements to an existing canal and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Five hundred thousand dollars (\$500,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred thirty-five thousand dollars (\$335,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred sixty-five thousand dollars (\$165,000.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2013.

(c) Project – Casper’s Rock Creek Dam Rehabilitation:

(i) Project sponsor: City of Casper;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of dam rehabilitation measures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million two hundred forty-five thousand dollars (\$1,245,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred thirty-four thousand one hundred fifty dollars (\$834,150.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission eight hundred thirty-four thousand one hundred fifty dollars (\$834,150.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2013;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(d) Project – Cheyenne’s Granite Dam Spillway Improvements:

(i) Project sponsor: City of Cheyenne;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of improvements to the spillway for the Granite Dam and other appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million dollars (\$1,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred seventy thousand dollars (\$670,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission six hundred seventy thousand dollars (\$670,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2013;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(e) Project – Gooseberry Rehabilitation:

(i) Project sponsor: Gooseberry Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of irrigation system improvements and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million one hundred ninety thousand dollars (\$1,190,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred ninety-seven thousand three hundred dollars (\$797,300.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the engineering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred ninety-two thousand seven hundred dollars (\$392,700.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million one hundred ninety thousand dollars (\$1,190,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2013.

(f) Project – Heart Mountain Rehabilitation:

(i) Project sponsor: Heart Mountain Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million three hundred fifty thousand dollars (\$2,350,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed one million five hundred seventy-four thousand five hundred dollars (\$1,574,500.00) or one hundred percent (100%) of the approved material costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million five hundred seventy-four thousand five hundred dollars (\$1,574,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2013;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(g) Project – Sidon Rehabilitation:

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of delivery ditch improvements and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred five thousand dollars (\$405,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engi-

neering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred seventy-one thousand three hundred fifty dollars (\$271,350.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the engineering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred thirty-three thousand six hundred fifty dollars (\$133,650.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of eight (8) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission four hundred five thousand dollars (\$405,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2012.

(h) Project – Taylor Ditch Siphon:

(i) Project sponsor: Taylor Watershed Improvement District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction to replace an irrigation ditch siphon and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Six hundred sixty-seven thousand dollars (\$667,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred forty-six thousand eight hundred ninety dollars (\$446,890.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the engineering design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed fifty thousand twenty-five dollars (\$50,025.00) or seven and five-tenths percent (7.5%) of actual development costs, whichever is less, for a term of fifteen (15) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission four hundred ninety-six thousand nine hundred fifteen dollars (\$496,915.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appro-

riated under this subsection shall revert to water development account II on July 1, 2013;

(viii) Special condition: The sponsor is responsible for acquiring twenty-five and five-tenths percent (25.5%) of the total project budget from other sources.

(j) Project Sponsor's Inflation Fund - Rehabilitation:

(i) Project sponsor: Any eligible sponsor;

(ii) Project purpose: Variable purpose water supplies;

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III rehabilitation construction projects where construction budgets have been rendered insufficient due to inflation and the rapid increase in material cost;

(iv) Total project budget: Five hundred thousand dollars (\$500,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission sufficient supplemental funds which may be used to complete construction of projects up to an amount not to exceed sixty-seven percent (67%) of the difference between the original project budget and the actual cost of construction;

(vi) Project loan: The state of Wyoming shall loan to sponsors from water development account II through the commission sufficient supplemental funds which may be used to complete construction of projects up to an amount not to exceed thirty-three percent (33%) of the difference between the original project budget and the actual cost of construction, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2013;

(viii) Special condition: The commission is authorized to consider and approve supplemental funding to complete existing water development program Level III construction projects any time during the calendar year.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-203(m)(iv) through (vii) and by creating a new paragraph (viii), 99-3-703(f)(iv) through (vii), (ix) through (xii) and (xiii)(C), 99-3-803(c)(vi), (x) and (e)(iv) through (vii), 99-3-804(d)(iv) through (viii), (j)(iv) through (vii) and by creating a new paragraph (viii), 99-3-904(b)(vi), 99-3-1003(h)(vi), 99-3-1004(k)(vi), 99-3-1103(d)(ii), (iv) through (vii), (k)(iv) through (viii) and (o)(iv) through (vi), 99-3-1104(j)(ii) through (vii) and by creating a new paragraph (viii), 99-3-1203(e)(vii), (f)(vii), (j)(iii) through (vii) and (o)(vii), 99-3-1204(c)(iii) through (vii) and (e)(iii) through (vii) are amended to read:

99-3-203. Level III construction projects – new development.(m) Project - Torrington Water Supply Project:

(iv) Total project budget: ~~Four million five hundred thousand dollars (\$4,500,000.00)~~ Five million one hundred five thousand dollars (\$5,105,000.00);

(v) Project loan: The state of Wyoming may loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million eight hundred thousand dollars (\$1,800,000.00)~~ three hundred twenty-nine thousand seven hundred eighty-three dollars (\$329,783.00) or ~~forty percent (40%)~~ six and forty-six hundredths percent (6.46%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of seven and one-quarter percent (7.25%); ~~In lieu of this loan, the sponsor is encouraged to seek application for funding forty percent (40%) of project costs from United States department of agriculture rural development;~~

(vi) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~two million seven hundred thousand dollars (\$2,700,000.00)~~ three million sixty-three thousand dollars (\$3,063,000.00) or sixty percent (60%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account I to the commission ~~four million five hundred thousand dollars (\$4,500,000.00)~~ three million three hundred ninety-two thousand seven hundred eighty-three dollars (\$3,392,783.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2007-2008;~~

(viii) Special condition: The sponsor is responsible for acquiring thirty-three and fifty-four hundredths percent (33.54%) of the total project budget from other sources.

Source notes for subsection (m): (Laws 1998, Ch. 38, 2; 2002, Ch. 88, 3.)

99-3-703. Level III construction projects – new development.(f) Project - Little Snake River Small Dams and Reservoirs Phase II Project:

(iv) Total project budget: ~~Five hundred thousand dollars (\$500,000.00)~~ Four hundred sixty-five thousand dollars (\$465,000.00);

(v) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~two hun-~~

~~red thousand dollars (\$200,000.00)~~ one hundred eighty-six thousand dollars (\$186,000.00) or forty percent (40%) of the actual development costs, whichever is less, for a term of twenty-five (25) years from the date the commission determines project benefits accrue to the sponsor, at an annual interest rate of six percent (6%);

(vi) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~three hundred thousand dollars (\$300,000.00)~~ two hundred seventy-nine thousand dollars (\$279,000.00) or sixty percent (60%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account I to the commission ~~five hundred thousand dollars (\$500,000.00)~~ four hundred sixty-five thousand dollars (\$465,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010-2013~~;

(ix) Supplemental project budget: ~~One hundred sixty-seven thousand dollars (\$167,000.00)~~ Three hundred eighty-seven thousand dollars (\$387,000.00);

(x) Supplemental project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission an amount not to exceed ~~one hundred eleven thousand eight hundred ninety dollars (\$111,890.00)~~ two hundred fifty-nine thousand two hundred ninety dollars (\$259,290.00) or sixty-seven percent (67%) of the additional funds needed to complete the project, whichever is less. Supplemental grant funds may be used for design, construction engineering and construction of the project;

(xi) Supplemental project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission an amount not to exceed ~~fifty-five thousand one hundred ten dollars (\$55,110.00)~~ one hundred twenty-seven thousand seven hundred ten dollars (\$127,710.00) or thirty-three percent (33%) of the additional funds needed to complete the project, whichever is less for a term of twenty-five (25) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%). Supplemental loan funds may be used for design, construction engineering and construction of the project;

(xii) Supplemental appropriation: There is appropriated from water development account I to the commission an additional ~~one hundred sixty-seven thousand dollars (\$167,000.00)~~ three hundred eighty-seven thousand dollars (\$387,000.00), which when combined with the original appropriation, as described in paragraphs (iv) through (vi) of this subsection, total ~~six hundred sixty-seven thousand dollars (\$667,000.00)~~ eight hundred fifty-two thousand dollars (\$852,000.00), or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010-2013~~; and

(xiii) Special supplemental conditions:

(C) Supplemental funding shall be limited to the twelve (12) projects identified and recommended for construction in the Little Snake River Basin Small Reservoir Development Project, ~~and the Doty Mountain Five Project~~ and the Grieve Reservoir Project. The sponsor shall obtain the approval of the commission prior to the construction of any individual facility.

Source notes for subsection (f): (Laws 2002, Ch. 88, 1; 2006, Ch. 105, 5.)

99-3-803. Level III construction projects – new development.

(c) Buffalo Water Storage Tank Project:

(vi) Appropriation: There is appropriated from water development account I to the commission two million seven hundred two thousand five hundred dollars (\$2,702,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010~~ 2008;

(x) Supplemental appropriation: There is appropriated from water development account I to the commission an additional five hundred seventy-six thousand eight hundred seventy dollars (\$576,870.00), which when combined with the original appropriation, as described in paragraphs (iv) through (vi) of this subsection, total three million two hundred seventy-nine thousand three hundred seventy dollars (\$3,279,370.00), or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010~~ 2008; and

(e) Project - Moorcroft Madison Well Water Supply Project:

(iv) Total project budget: ~~Three million seven hundred fifty thousand dollars (\$3,750,000.00)~~ Five million seven hundred seventy thousand dollars (\$5,770,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed ~~two million two hundred fifty thousand dollars (\$2,250,000.00)~~ three million eight hundred sixty-five thousand nine hundred dollars (\$3,865,900.00) or ~~sixty percent (60%)~~ sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~two million two hundred fifty thousand dollars (\$2,250,000.00)~~ three million eight hundred sixty-five thousand nine hundred dollars (\$3,865,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2008~~ 2011; and

(vii) Special ~~condition~~ conditions:

(A) The sponsor shall purchase the well completed during the Level II study for a price of not to exceed one hundred twenty-nine thousand thirty-one dollars and forty cents (\$129,031.40) or forty percent (40%) of the actual construction costs of the groundwater well completed during the Level II study, whichever is less. The sponsor may purchase the well with a lump sum payment or with amortized payments for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor at an annual interest rate of six percent (6%). In either event, the well purchase agreement shall be completed prior to commencement of the project; and

(B) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

Source notes for subsection (e):(Laws 2003, Ch. 69, 1.)

99-3-804. Level III construction projects rehabilitation.(d) Project - Byron Raw Water Supply:

(iv) Total project budget: ~~Two million eighty thousand dollars (\$2,080,000.00)~~ Two million three hundred fifty thousand dollars (\$2,350,000.00);

(v) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, ~~permit procurement, and construction engineering, project land procurement and construction~~ of the project an amount not to exceed ~~six hundred twenty four thousand dollars (\$624,000.00) or thirty percent (30%)~~ four hundred thirty-five thousand dollars (\$435,000.00) or one hundred percent (100%) of the actual development engineering costs, as described in subparagraph (d)(viii)(B), whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual interest rate of ~~six percent (6%)~~ four percent (4%);

(vi) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for ~~design, permit procurement, construction engineering, project land procurement and construction of the project~~ purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed ~~one million forty thousand dollars (\$1,040,000.00) or fifty percent (50%)~~ one million one hundred twenty-six thousand dollars (\$1,126,000.00) or one hundred percent (100%) of the actual development approved material costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million six hundred sixty four thousand dollars (\$1,664,000.00)~~ one million five hundred sixty-one thousand dollars (\$1,561,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2008 2013; and

(viii) Special ~~condition~~ conditions:

(A) The sponsor is responsible for acquiring the balance of the total project budget from other sources;

(B) The loan provided in paragraph (v) of this subsection includes one hundred seventy thousand two hundred thirteen dollars and ninety cents (\$170,213.90) to reimburse the commission for funds provided to the sponsor prior to December 31, 2007. With the remaining balance of the loan, the sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents, and monitor construction activities including the installation of project components and the tracking of project expenditures.

Source notes for subsection (d): (Laws 2003, Ch. 69, 1; 2004, Ch. 118, 9.)

(j) Project - Highline Canal Rehabilitation Project:

(iv) Total project budget: ~~Five hundred thirty one thousand dollars (\$531,000.00)~~ One million one hundred seventy-six thousand dollars (\$1,176,000.00);

(v) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project development costs paid through December 1, 2007, an amount not to exceed ~~two hundred sixty five thousand five hundred dollars (\$265,500.00)~~ sixty-one thousand dollars (\$61,000.00) or ~~fifty percent (50%)~~ one hundred percent (100%) of the actual development costs paid through December 1, 2007, whichever is less, for a term of ~~thirty (30)~~ ten (10) years from the date the commission determines project benefits accrue to the sponsor, at an annual interest rate of six percent (6%);

(vi) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed ~~two hundred sixty five thousand five hundred dollars (\$265,500.00)~~ seven hundred forty-seven thousand fifty dollars (\$747,050.00) or ~~fifty percent (50%)~~ one hundred percent (100%) of the actual development approved material costs, whichever is less; ~~and~~

(vii) Appropriation: There is appropriated from water development account II to the commission ~~five hundred thirty one thousand dollars (\$531,000.00)~~ eight hundred eight thousand fifty dollars (\$808,050.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2008~~ 2012; and

(viii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents, and monitor construction activities including the installation of project components and the tracking of project expenditures.

Source notes for subsection (j):(Laws 2003, Ch. 69, 1.)

99-3-904. Level III construction projects - rehabilitation.

(b) Project - Albin Pipelines and Well Rehabilitation:

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering, and construction of the project an amount not to exceed two hundred fifteen thousand dollars (\$215,000.00) or fifty percent (50%) of the actual development costs, whichever is less; ~~and~~

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred fifteen thousand dollars (\$215,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2008-2011~~; and

Source notes for subsection (b): (Laws 2004, Ch. 118, § 1.)

99-3-1003. Level III construction projects - new development.

(h) Project - Gillette Fort Union Well Field, Phase I:

(vi) Appropriation: There is appropriated from water development account I to the commission one million dollars (\$1,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010-2008~~;

Source notes for subsection (h): (Laws 2005, Ch. 147, 1; 2006, Ch. 105, 17; 2007, Ch. 121, 2.)

99-3-1004. Level III construction projects - rehabilitation.

(k) Project - Stonegate Water Supply Project:

(vi) Appropriation: There is appropriated from water development account II to the commission one hundred thirty thousand dollars (\$130,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2009-2008~~;

Source notes for subsection (k): (Laws 2005, Ch. 147, 1.)

99-3-1103. Level III construction projects - new development.

(d) Project - Dubois Well No. Eleven Supply:

(ii) Project purpose: Municipal, rural domestic water supply;

(iv) Total project budget: ~~Two hundred five thousand dollars (\$205,000.00)~~ Four hundred fifteen thousand dollars (\$415,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering, and construction of the project an amount not to exceed ~~one hundred thirty seven thousand three hundred fifty dollars (\$137,350.00)~~ two hundred seventy-eight thousand fifty dollars (\$278,050.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed ~~sixty seven thousand six hundred fifty dollars (\$67,650.00)~~ one hundred thirty-six thousand nine hundred fifty dollars (\$136,950.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~two hundred five thousand dollars (\$205,000.00)~~ four hundred fifteen thousand dollars (\$415,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010-2011~~; and

Source notes for subsection (d) :(Laws 2006, Ch. 105, 3.)

(k) Project - Pine Bluffs Lance, Fox Hills Well:

(iv) Total project budget: ~~Three hundred twenty five thousand dollars (\$325,000.00)~~ Five hundred forty thousand dollars (\$540,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering, and construction of the project an amount not to exceed ~~two hundred seventeen thousand seven hundred fifty dollars (\$217,750.00)~~ three hundred sixty-one thousand eight hundred dollars (\$361,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed ~~one hundred seven thousand two hundred fifty dollars (\$107,250.00)~~ seventy-three thousand four hundred forty dollars (\$73,440.00) or ~~thirty-three percent (33%)~~ thirteen and six-tenths percent (13.6%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~three hundred twenty five thousand dollars~~

~~(\$325,000.00)~~ four hundred thirty-five thousand two hundred forty dollars (\$435,240.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010~~ 2011; and

(viii) Special ~~condition~~ conditions:

(A) The sponsor shall purchase the well completed during the Level II study for a price not to exceed forty thousand three hundred fifty-nine dollars (\$40,359.00) or thirty-three percent (33%) of the well's actual construction costs, whichever is less. The sponsor may purchase the well with a lump sum payment or with amortized payments for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%);

(B) The sponsor is responsible for acquiring nineteen and four-tenths percent (19.4%) of the total project budget from other sources.

Source notes for subsection (k): (Laws 2006, Ch. 105, 3.)

(o) Project - Wardwell Water Supply Improvements:

(iv) Total project budget: ~~Two million eight hundred sixteen thousand dollars (\$2,816,000.00)~~ Six million eight hundred seventy thousand dollars (\$6,870,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, construction engineering, and project land procurement of the project an amount not to exceed ~~one million eight hundred eighty six thousand seven hundred twenty dollars (\$1,886,720.00)~~ four million six hundred two thousand nine hundred dollars (\$4,602,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~one million eight hundred eighty six thousand seven hundred twenty dollars (\$1,886,720.00)~~ four million six hundred two thousand nine hundred dollars (\$4,602,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010~~ 2011; and

Source notes for subsection (o): (Laws 2006, Ch. 105, 3.)

99-3-1104. Level III construction projects - rehabilitation.

(j) Project - Thermopolis Storage Replacement and Rehabilitation:

(ii) Project purpose: Municipal, domestic water supply;

(iii) Project description: Rehabilitation of the town's water storage system, including addition of new storage, the rehabilitation of an existing storage tank, and removing and subsequent storing of another existing tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Seven hundred seventy five thousand dollars (\$775,000.00)~~ Two million eight hundred eighty thousand dollars (\$2,880,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed ~~five hundred nineteen thousand two hundred fifty dollars (\$519,250.00)~~ one million nine hundred twenty-nine thousand six hundred dollars (\$1,929,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~five hundred nineteen thousand two hundred fifty dollars (\$519,250.00)~~ two million three hundred twenty-four thousand one hundred sixty dollars (\$2,324,160.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2010-2012;~~ and

(vii) Special condition: The sponsor is responsible for acquiring ~~thirty three percent (33%)~~ nineteen and three-tenths percent (19.3%) of the total project budget from other sources; and

(viii) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed three hundred ninety-four thousand five hundred sixty dollars (\$394,560.00) or thirteen and seven-tenths percent (13.7%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%).

Source notes for subsection (j):(Laws 2006, Ch. 105, 3.)

99-3-1203. Level III construction projects - new development.

(e) Project - Lander Paleozoic Well:

(vii) Appropriation: There is appropriated from water development account I to the commission seven hundred fifteen thousand dollars (\$715,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2012;~~ 2008.

Source notes for subsection (e):(Laws 2007, Ch. 121, 1.)

(f) Project - Northern Arapaho Well and Transmission Project:

(vii) Appropriation: There is appropriated from water development account I to the commission three million two hundred thousand dollars (\$3,200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2012;~~ 2008.

Source notes for subsection (f):(Laws 2007, Ch. 121, 1.)

(j) Project - Saratoga Well Field Project:

(iii) Project description: ~~Engineering services for well field design, permitting and right of way acquisition~~ Design and construction of a well-field and pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Four hundred thirty seven thousand five hundred dollars (\$437,500.00)~~ Six million nine hundred fifty thousand dollars (\$6,950,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, ~~and~~ project land procurement, ~~construction engineering and construction of the project~~ an amount not to exceed ~~two hundred ninety three thousand one hundred twenty five dollars (\$293,125.00)~~ four million six hundred fifty-six thousand five hundred dollars (\$4,656,500.00) or sixty-seven percent (67%) of the actual ~~design, permit procurement and land acquisition~~ development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~two hundred ninety three thousand one hundred twenty five dollars (\$293,125.00)~~ four million six hundred fifty-six thousand five hundred dollars (\$4,656,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2012;

(vii) Special ~~condition~~ conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources; ~~and~~

(B) The sponsor shall purchase the wells drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the wells' actual construction costs. The sponsor may purchase the wells with a lump sum payment or with amortized payments for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

Source notes for subsection (j):(Laws 2007, Ch. 121, 1.)

(o) Project - Alpine Water Supply Project:

(vii) Special ~~condition~~ conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources; ~~and~~

(B) The sponsor shall purchase the well drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor may purchase the well with a lump sum payment or with amortized payments for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

Source notes for subsection (o): (Laws 2007, Ch. 121, 1.)

99-3-1204. Level III construction projects rehabilitation.

(c) Project - Cody Canal Phase I Rehab Project:

(iii) Project description: Design and construction of rehabilitation measures to reconstruct siphons, miscellaneous checks, head gates, drop structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~One hundred twenty five thousand dollars (\$125,000.00)~~ One million three hundred seventy-five thousand dollars (\$1,375,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering design, ~~and permit procurement, project land procurement, construction engineering and construction of the project~~ an amount not to exceed ~~eighty three thousand seven hundred fifty dollars (\$83,750.00)~~ nine hundred twenty-one thousand two hundred fifty dollars (\$921,250.00) or sixty-seven percent (67%) of the actual ~~engineering design and permit procurement~~ development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, ~~and permit procurement, project land procurement, construction engineering and construction of the project~~ an amount not to exceed ~~forty one thousand two hundred fifty dollars (\$41,250.00)~~ four hundred fifty-three thousand seven hundred fifty dollars (\$453,750.00) or thirty-three percent (33%) of actual ~~engineering design and permit procurement~~ development costs, whichever is less, for a term of ~~twenty (20)~~ thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one hundred twenty five thousand dollars (\$125,000.00)~~ one million three hundred seventy-five thousand dollars (\$1,375,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2012.

Source notes for subsection (c):(Laws 2007, Ch. 121, 1.)

(e) Project - Heart Mountain Lining Project:

(iii) Project description: Design and construction of rehabilitation measures for the Buck Springs Siphon and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Seventy eight thousand dollars (\$78,000.00)~~ Nine hundred seventy-eight thousand dollars (\$978,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering design, ~~and permit procurement, project land procurement, con-~~

struction engineering and construction of the project an amount not to exceed ~~fifty two thousand two hundred sixty dollars (\$52,260.00)~~ ~~six hundred fifty-five thousand two hundred sixty dollars (\$655,260.00)~~ or sixty-seven percent (67%) of the actual ~~engineering design and permit procurement-development~~ costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the ~~engineering design, and permit procurement, project land procurement, construction engineering and construction of the project~~ an amount not to exceed ~~twenty five thousand seven hundred forty dollars (\$25,740.00)~~ ~~three hundred twenty-two thousand seven hundred forty dollars (\$322,740.00)~~ or thirty-three percent (33%) of actual ~~engineering design and permit procurement-development~~ costs, whichever is less, for a term of ~~thirty (30)~~ ~~ten (10)~~ years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~seventy eight thousand dollars (\$78,000.00)~~ ~~nine hundred seventy-eight thousand dollars (\$978,000.00)~~ or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2012.

Source notes for subsection (e): (Laws 2007, Ch. 121, 1.)

Section 4. W.S. 99-3-1203(e)(viii) and (f)(viii) is repealed.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 76

RESIDENTIAL MORTGAGES PRACTICES ACT

Original Senate File No. 44

AN ACT relating to the Wyoming Residential Mortgage Practices Act; providing for restitution orders; requiring background checks as specified; providing for fees for database processing; modifying license expiration and renewal dates; modifying bond requirements; modifying disclosure requirements; limiting collection of fees as specified; modifying conditions under which a license may be suspended or revoked; repealing certain application and disclosure requirements; and providing for an effective date.

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

Section 1. W.S. 40-23-103(a)(vi) and by creating new paragraphs (vii) through (ix), 40-23-105(a)(vi), 40-23-107(b)(ii) through (iv), 40-23-109(a),

40-23-110(b) and by creating new subsection (c), 40-23-113(a)(i), (ii) and by creating new subsections (e) and (f), 40-23-114(a), (d)(intro), (ii) and by creating a new subsection (f), 40-23-115(a)(intro) and (b), 40-23-117(a)(vii), 40-23-118(a)(vii) and (viii) and 40-23-123 are amended to read:

40-23-103. Powers and duties of commissioner.

(a) In addition to any other powers and duties imposed upon the commissioner by law, the commissioner shall:

(vi) Require that all application, renewal, licensing, examination and all other fees included under this act, except the amount paid for data processing by a nationwide mortgage licensing system and database, shall be deposited by the commissioner with the state treasurer into the financial institutions administration account within the earmarked revenue fund;

(vii) Require the mortgage broker to reimburse the borrower for undisclosed or incorrectly disclosed fees pursuant to W.S. 40-23-114(d) and require the mortgage lender to reimburse the borrower for undisclosed or incorrectly disclosed fees pursuant to W.S. 40-23-113(e);

(viii) Require a background investigation including fingerprint checks for state and national criminal history record checks as necessary. The commissioner may utilize background checks completed by the division of criminal investigation, other government agencies in this state or in other states, the federal bureau of investigation or a nationwide mortgage licensing system;

(ix) Determine the content of application forms and the means by which an applicant applies for, renews or makes changes to a license under this act. The commissioner may require applicants to utilize a nationwide mortgage licensing system and database for the processing of applications and fees.

40-23-105. Exemptions from license requirements.

(a) The provisions of this act do not apply to:

(vi) Any person who ~~funds~~ purchases or otherwise obtains a residential mortgage loan which has been originated, ~~and~~ processed and closed with the borrower by a licensee or by an exempt person, who does not directly or indirectly solicit borrowers in Wyoming for the purpose of making residential mortgage loans, and who does not participate in the negotiation of residential mortgage loans with the borrower. For the purpose of this paragraph, "negotiation of residential mortgage loans" does not include setting the terms under which a person may buy or fund a residential mortgage loan originated by a licensee or exempt person after the residential mortgage loan has closed.

40-23-107. Application for license to do business as a mortgage lender or mortgage broker.

(b) An application for license may be granted if the commissioner finds:

(ii) The applicant has not been convicted of ~~any~~ a felony or a misdemeanor involving ~~any aspect of the business; any aspect of the mortgage lending business, breach of trust or fraudulent or dishonest dealing;~~

(iii) The applicant has not been the subject of any administrative action or enforcement proceeding by any state or federal government agency involving ~~fin~~ fines, ~~penalties or the revocation or suspension of any license or authority substantially equivalent to a license under this act;~~

(iv) The applicant has not filed an application for a license which is false or misleading with respect to any material fact; and

40-23-109. License renewal and annual report.

(a) Each license issued under this act shall expire on ~~June 30~~ December 31. The license shall be renewed annually not less than thirty (30) days before the stated expiration date. The renewal fee for each license shall not exceed one thousand dollars (\$1,000.00) for the home office location and an amount not to exceed one hundred dollars (\$100.00) for each additional location, as set by rule of the commissioner.

40-23-110. Surety bonds.

(b) In the event that a licensee or person employed by or under contract with a licensee has violated any of the provisions of this act or of a rule or order lawfully made pursuant to this act, or federal law or regulation pertaining to the mortgage lending or mortgage brokering, and has damaged any person by such violation, then the bond shall be forfeited and paid by the surety to the state of Wyoming for the benefit of any person so damaged, in an amount sufficient to satisfy the violation or the bond in its entirety if the violation exceeds the amount of the bond.

(c) Surety bonds shall remain effective continuously until released in writing by the commissioner. If a bond has not been previously released by the commissioner, the bond shall expire two (2) years after the date of the surrender, revocation or expiration of the license.

40-23-113. Disclosure of mortgage lender fees.

(a) Within three (3) working days of taking a mortgage loan application and prior to receiving any consideration, other than third party fees, from the borrower, the mortgage lender shall:

(i) Disclose the terms of the loan to the borrower in compliance with the disclosure requirements of the federal Truth-in-Lending Act, ~~and~~ its associated regulations, and the federal Real Estate Settlement Procedures Act and its associated regulations and any other applicable federal and state requirements;

(ii) If a prepayment penalty may be a condition of the residential mortgage loan offered to a borrower, that fact shall be separately disclosed in writing to the borrower and the borrower shall agree in writing to accept prepayment penalty provision imposes a charge if the that condition. The disclosure shall state that a borrower refinances or pays off the mortgage loan before the date for repayment stated in the loan agreement. The written disclosure shall be in a form prescribed by the

commissioner and shall initially be delivered along with the good faith estimate of settlement costs within three (3) business days after accepting an application from the borrower. The disclosure shall subsequently be provided by the lender and signed by the borrower at the same time the borrower is given the final federal Truth-in-Lending Act disclosure.

(e) A mortgage lender shall not receive any fee that inures to the benefit of the mortgage lender, either directly or indirectly, if the fee exceeds the fee disclosed on the most recent good faith estimate unless:

(i) The need to charge the higher fee was not reasonably foreseeable at the time the good faith estimate was written; and

(ii) The mortgage lender has provided to the borrower, no less than three (3) business days prior to the signing of the mortgage loan closing documents, a new good faith estimate of settlement costs, a clear written explanation of the increase in the fee and the reason for charging a fee that exceeds the fee which was previously disclosed.

(f) If the fee was originally disclosed as a percentage of the mortgage loan amount and the dollar amount of the fee increases because the mortgage loan amount increases, but the fee as a percentage of the mortgage loan amount does not change, then no redisclosure shall be required unless the fee increased by more than one thousand dollars (\$1,000.00).

40-23-114. Disclosure of mortgage broker fees.

(a) Within three (3) business days of a borrower signing a completed mortgage loan application and before the borrower provides any consideration to the licensee, the licensee shall execute and deliver to the borrower a mortgage brokerage agreement. The mortgage brokerage agreement shall be in writing, signed and dated by both the borrower and the authorized representative of the licensed mortgage broker whose services to the borrower constitute mortgage brokering; and shall contain the following information:

(i) That the mortgage broker cannot make mortgage loans or issue loan commitments in the mortgage broker's name;

(ii) That the mortgage broker cannot guarantee acceptance into any particular mortgage loan program or promise any specific mortgage loan terms or conditions;

(iii) A good faith estimate of the fees to be collected, including a credit report fee, property appraisal fee or any other third party fee;

(iv) The terms and conditions for obtaining a refund of any fees or arranging for the transfer of third party service work products to another mortgage lender or mortgage broker, if any. The amount of any fees collected in excess of the actual cost shall be returned within sixty (60) days after rejection, withdrawal of an application or closing of the loan.

(d) A mortgage broker shall not ~~charge~~ receive any fee that inures to the benefit of the mortgage broker, either directly or indirectly if it exceeds the fee disclosed on the most recent good faith estimate unless:

(ii) The mortgage broker has provided to the borrower, no less than three (3) business days prior to the signing of the mortgage loan closing documents, a new good faith estimate of settlement costs, a clear written explanation of the increase in the fee and the reason for charging a fee that exceeds that which was previously disclosed.

(f) Any fees charged under the authority of this section shall be reasonable and customary as to the type and the amount of the fee charged.

40-23-115. Loan commitments; prepayment penalty disclosure by mortgage broker.

~~(a) Prior to entering into a written mortgage brokerage agreement or accepting any consideration from the borrower, A mortgage broker shall disclose in writing to any borrower the following information: may issue a loan commitment and may furnish a lock-in of the interest rate and program on behalf of the mortgage lender when the mortgage broker has obtained a written or electronically transmitted loan commitment or lock-in for the mortgage loan from the mortgage lender on behalf of the borrower. The loan commitment issued by the mortgage broker to the borrower on behalf of the mortgage lender shall be in the same form and substance as issued by the mortgage lender and shall identify the mortgage lender by name.~~

~~(b) The fact that certain mortgage loan products impose~~ If a prepayment penalty ~~on the borrower and the amount of, or the formula for calculating the prepayment penalty, if any, and the terms of the prepayment penalty, if any, shall be disclosed to the borrower as soon as they are known, but no later than the issuance of the commitment, if any, for the mortgage loan product chosen by the borrower is a condition of the residential mortgage loan offered to a borrower, that fact shall be separately disclosed in writing to the borrower and the borrower shall agree in writing to accept that condition. The disclosure shall state that a prepayment penalty provision imposes a charge if the borrower refinances or pays off the mortgage loan before the date for repayment stated in the loan agreement. The written disclosure shall be in a form prescribed by the commissioner and shall be delivered as soon as the condition is known, but no later than the issuance of a commitment, for the mortgage loan product chosen by the borrower.~~

40-23-117. Prohibited practices.

(a) No licensee or person required to have a license shall:

(vii) Directly or indirectly make any statement regarding value, except that a copy of the sales contract for purchase transactions may be provided, or make or provide payment, whether directly or indirectly, of any kind to any in-house or fee appraiser for the purpose of influencing the independent judgment of the appraiser with respect to the value of any real estate which is to be covered by a residential mortgage loan;

40-23-118. License suspension or revocation.

(a) The commissioner may suspend, not to exceed six (6) months, or revoke a license if the commissioner finds:

(vii) The bond of the licensee has been revoked, cancelled, expired or otherwise is not effective;

(viii) The licensee or any partner, officer, director, manager or employee of the licensee has been convicted of a felony or ~~a misdemeanor involving any aspect of the financial services business;~~ any aspect of the mortgage lending business, breach of trust, or fraudulent or dishonest dealing.

40-23-123. Hearings.

Except as otherwise provided in W.S. ~~40-23-103(a)(vii)~~, 40-23-108(c) and 40-23-109, the commissioner shall not suspend or revoke a license, issue an order to cease and desist or assess a civil penalty without notice and an opportunity to be heard.

Section 2. W.S. 40-23-107(b)(v) and 40-23-115(a)(i) through (iv) are repealed.

Section 3. The first license period under this act shall be from July 1, 2008 to December 31, 2009. Thereafter each renewal period shall end on the date specified in W.S. 40-23-109(a).

Section 4. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 77

DISPENSING ROOMS-PRODUCTS SOLD

Original Senate File No. 12

AN ACT relating to liquor licenses; expanding products which may be sold in dispensing rooms; and providing for an effective date.

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

Section 1. W.S. 12-5-201(a) is amended to read:

12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and

in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This area shall not be in another building and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, ~~and~~ alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room. The licensing authority shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.

Section 2. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 78

CLANDESTINE DRUG LABORATORIES-REMEDATION

Original Senate File No. 19

AN ACT relating to public health and safety; providing that the discovery on property of hazardous material related to clandestine laboratory operations constitutes an incident requiring response under the Wyoming Emergency Response Act; providing for rules and regulations setting standards for remediation of clandestine laboratory operations; providing for securing of incident sites as specified; restricting transfer of property declared uninhabitable; providing for reimbursement of response costs; creating a clandestine laboratory remediation account; providing for reimbursement of response costs; providing for notice and time for private remediation; providing for due process; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 1-40-102(a) by creating a new paragraph (xii), 1-40-106(a)(iv), (v) and by creating a new paragraph (vi), 1-40-118(g)(i) by creating a new subparagraph (C), 1-40-208(a), 35-9-152(a)(iv), 35-9-153 by creating new subsections (h) and (j), 35-9-156(c), (d) and by creating new subsections (e) through (h), 35-9-157(b)(intro), 35-9-158(a) and 35-9-159(b) and by creating new subsections (d) through (f) are amended to read:

1-40-102. Definitions.

(a) As used in this act:

(xii) "Clandestine laboratory operation remediation" means a remediation of a clandestine laboratory operation carried out by a law enforcement agency acting as an emergency responder pursuant to W.S. 35-9-152(a)(i).

1-40-106. Eligibility for compensation.

(a) The victim or his dependent is entitled to compensation under this act if:

(iv) The appropriate law enforcement authorities were notified of the criminal act allegedly causing the injury to or death of the victim as soon as practical under the circumstance after perpetration of the offense and the claimant cooperates with appropriate law enforcement authorities with respect to the crime for which compensation is sought; ~~and~~

(v) The application for compensation is filed with the division within one (1) year after the date of the injury to or death of the victim, or within any extension of time the division allows for good cause shown; ~~and~~

(vi) The owner of real estate has paid all claims for reimbursement pursuant to W.S. 35-9-158(a)(ii).

1-40-118. Distribution of monies to crime victim service and victim assistance providers.

(g) To the extent the legislature provides funding for victim assistance providers that serve victims of all crimes, the division of victim services shall:

(i) Distribute the state funding provided for victim assistance providers as follows:

(C) If funds have been returned to the division pursuant to unfulfilled contracts under this subsection at the end of the fiscal year, prior to reversion pursuant to W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), a law enforcement agency that has carried out a clandestine laboratory operation remediation may apply for compensation under this subsection for any remediation expenses not otherwise collected pursuant to W.S. 35-9-158(a). The maximum amount payable pursuant to this subsection to a law enforcement agency that has carried out a clandestine laboratory operation remediation shall be the amount set forth in the court approved expense report as provided under W.S. 35-9-158(a) minus amounts collected from other sources pursuant to W.S. 35-9-158(a).

1-40-208. Prompt return of property.

(a) Victims and witnesses have the right to have any personal property, which is not contraband, promptly returned and any real estate, subject to declaration as uninhabitable under W.S. 35-9-156(d), released to the control of the real estate owner, provided it does not interfere with prosecution, trial or appellate review of the case.

35-9-152. Definitions.

(a) As used in this act:

(iv) "Incident" means the release, or imminent threat of release, of a hazardous material, or a situation involving a potential weapon of mass destruction that requires the emergency action of responders to limit or prevent damage to life or property. "Incident" also includes the discovery of hazardous materials related to clandestine laboratory operations as defined in W.S. 35-7-1058;

35-9-153. State emergency response commission; creation; duties.

(h) The commission shall, by rule and regulation, establish standards for protection of the safety of responding personnel during clandestine laboratory incident responses, standards for determining a site uninhabitable under W.S. 35-9-156(d), standards for determining the extent of contamination and standards for remediation required to render former clandestine laboratory operation sites safe for re-entry, habitation or use with respect to the following:

(i) Decontamination and sampling standards and best management practices for the inspection and decontamination of property and the disposal of contaminated debris;

(ii) Appropriate methods for the testing of buildings and interior surfaces, furnishings, soil and septic tanks for contamination;

(iii) When testing for contamination may be required; and

(iv) When a site may be declared remediated.

(j) The commission shall, by rule and regulation, establish due process standards for the protection of the property interests of real estate owners, subject to subsection (h) of this section.

35-9-156. Local response authority.

(c) Any unusual incident involving hazardous materials or weapons of mass destruction and any incident involving a clandestine laboratory operation shall be investigated to determine if a criminal act has occurred until it is determined otherwise. To ensure preservation of evidence while mitigating the threat to life and property under this subsection, a command structure with primary command authority by the appropriate law enforcement agency shall be implemented.

(d) The incident commander shall declare an incident ended when he has determined the threat to public health and safety has ended. Until the incident commander has declared the threat to public safety has ended the incident commander shall have the authority to issue an order on behalf of the political subdivision that any portion of the building, structure or land is uninhabitable, secure the portion of the building, structure or land that is uninhabitable and take appropriate steps to minimize exposure to identified or suspected contamination at the site or premise. If the subject of the site or premise is commercial real estate, the incident commander shall limit the declaration of uninhabitable to

the areas affected by the clandestine laboratory operation and shall not declare the entire commercial real estate uninhabitable unless the entire commercial property has been documented and determined uninhabitable using the standards promulgated by the state emergency response commission under W.S. 35-9-153(h). The incident commander shall provide written notice to the commercial real estate owner, describing with specificity the extent of the commercial property deemed uninhabitable. Any property that is ordered uninhabitable under this subsection shall only be transferred or sold prior to remediation if full, written disclosure is made to the prospective purchaser, attached to the earnest money receipt if any, and shall accompany the sale documents but not be a part of the deed nor shall it be recorded. The transferor or seller shall notify the incident commander of the transfer or sale within ten (10) days of the transfer or sale.

(e) The order issued under subsection (d) of this section shall be in writing, shall state the grounds for the order and shall be filed in the office of the clerk of the district court of the county in which the building or structure is situated. A copy of the order shall be served in accordance with the Wyoming Rules of Civil Procedure upon the owner and any occupants of the building or structure with a written notice that the order has been filed and shall remain in force, unless the owner or occupant files his objections or answer with the clerk of the district court within the time specified in subsection (f) of this section. A copy of the order shall be posted in a conspicuous place upon the building or structure.

(f) Within twenty (20) days of service of an order issued under subsection (d) of this section, the owner or occupant may file with the clerk of the district court and serve upon the political subdivision issuing the order, an answer denying the existence of any of the allegations in the order. If no answer is filed and served, the court shall affirm the order declaring the site uninhabitable and fix a time when the order shall be enforced. If an answer is filed and served, the court shall hear and determine the issues raised as set forth in subsection (g) of this section.

(g) The court shall hold a hearing within eleven (11) days from the date of the filing of the answer. If the court sustains the order, the court shall fix a time within which the order shall be enforced. Otherwise, the court shall annul or set aside the order declaring the property to be uninhabitable.

(h) An appeal from the judgment of the district court may be taken by any party to the proceeding in accordance with the Wyoming Rules of Appellate Procedure.

35-9-157. Right to claim reimbursement.

(b) Notwithstanding subsection (a) of this section and except with respect to a response to a clandestine laboratory operation incident, no person shall be liable under this act if the incident was caused by:

35-9-158. Expense recovery and civil remedies.

(a) The decision to commence a civil action to recover expenses shall be made by the state, political subdivision of the state or other unit of local

government, including local emergency response authorities and regional response teams, in consultation with the attorney general or county or municipal attorney as appropriate. With respect to a civil action to recover expenses for a clandestine laboratory operation incident, the governing body shall first make such claim against the party responsible for the clandestine laboratory operation and shall use the proceeds of any asset forfeiture directly related to the building or structure containing the clandestine laboratory to offset expenses, including expenses for remediation of the site. Claims of expenses for remediation for a clandestine laboratory operation incident may be made against the owner of a building or structure containing a clandestine laboratory operation only as follows:

(i) The law enforcement agency acting as an emergency responder shall keep an accurate account of the expenses incurred in carrying out the remediation and shall report the actions and present a statement of the expenses incurred and the amount received from any salvage sale to the court for approval and allowance;

(ii) The court shall examine, correct, if necessary, and allow the expense account to the extent the expenses exceed those recovered from the party responsible for the clandestine laboratory operation. If the owner did not know or could not with reasonable diligence have known of the clandestine laboratory operation, the amount recoverable from the owner shall be limited to one percent (1%) of the fair market value as determined by the county assessor of that portion of the building, structure or land declared uninhabitable by the incident commander;

(iii) The amount allowed by the court constitutes a lien against the real property on which a clandestine laboratory operation incident occurred or was situated. If the amount is not paid by the owner within six (6) months after the amount has been examined and approved by the court, the real estate may be sold under court order by the county sheriff in the manner provided by law for the sale of real estate upon execution;

(iv) The proceeds of the sale shall be paid into the treasury of the governing body of the law enforcement agency acting as the emergency responder. If the amount received as salvage or upon sale exceeds the expenses allowed by the court, the court shall direct payment of the surplus to the previous owner for his use and benefit;

(v) Whenever any debt which is a lien pursuant to this subsection is paid and satisfied, the law enforcement agency acting as an emergency responder shall file notice of satisfaction of the lien statement in the office of the county clerk of any county in which the lien is filed; and

(vi) If the expenses of the law enforcement agency exceed the amount allowed by the court pursuant to paragraph (ii) of this subsection, the law enforcement agency acting as an emergency responder may apply for reimbursement of the excess expenses from the funds as authorized by W.S. 1-40-118(g)(i)(C). If the expenses further exceed amounts available under W.S. 1-40-118(g)(i)(C), the emergency responder may apply for reimbursement from the clandestine laboratory remediation account created pursuant to W.S. 35-9-159(f).

35-9-159. Exceptions to reimbursements; exception to act; clandestine laboratory remediation fund.

(b) Except with respect to a response to a clandestine laboratory operation incident, the state, political subdivisions of the state or other unit of local government shall not be entitled to reimbursement under this act from any responsible party for an incident involving less than the following quantities of hazardous materials:

Hazard Class/Division from 49 CFR Article 100-185	Hazard Type	Quantity subject to reimbursement
1.1, 1.2, 1.3 (Table 1 materials)	Explosive Materials	Any quantity
1.4, 1.5, 1.6 (Table 2 materials)	Explosive Materials	1001 pounds
2.1 (Table 2 material)	Flammable Gas	150 gallons
2.3 (Table 1 material)	Poison Gas	Any quantity
3 (Table 2 material)	Flammable Liquid	150 gallons
3 (Table 2 material)	Combustible Liquid	300 gallons
4.1 4.2 (Table 2 materials)	Flammable Solid or Spontaneously Combustible Material	11 pounds
4.3 (Table 1 material)	Dangerous When Wet	3 pounds
5.1 (Table 2 material)	Oxidizer (Includes inorganic Peroxides)	1001 pounds
5.2 (Table 1 material)	Organic Peroxide	66 pounds
6.1 (Table 1 material)	Poison (Inhalation Hazard Zone A or B)	32 pounds
6.1 (Table 2 material)	Poison (Other than Inhalation Hazard Zone A or B)	1001 pounds
6.2 (Table 2 material)	Infectious Substance	1001 pounds
Class 7 (Table 1 material)	Radioactive Material (Yellow Label III only)	Any quantity
Class 8 (Table 2 material)	Corrosive Material	1001 pounds
Class 9 (Table 2 material)	Miscellaneous Hazardous Material	1001 pounds

(d) Notwithstanding any other provision of this act, if a local law enforcement agency acting as an emergency responder does not find an immediate and substantial threat to public health when responding to a clandestine laboratory operation incident the local law enforcement

agency discovering the clandestine laboratory operation shall provide written notice of the discovery to the owner of the property. The owner of the property shall have ninety (90) days to remediate the property in accordance with standards established pursuant to W.S. 35-9-153(h). If the property is not remediated within ninety (90) days of receipt of notice pursuant to this subsection, the law enforcement agency acting as an emergency responder may take remediation action as provided in rules authorized under W.S. 35-9-153(h). If the owner is unable to complete the remediation within ninety (90) days, the owner may request an extension of time from the local law enforcement agency which shall grant the extension if it finds:

(i) The owner is making a good faith effort to remediate the property; and

(ii) The owner has a practical time schedule to complete the remediation.

(e) If the law enforcement agency denies an extension pursuant to subsection (d) of this section, the owner may appeal to the district court within sixty (60) days of the issuance of the denial. The law enforcement agency's authority to take remediation action shall be stayed while the appeal is pending.

(f) There is created the clandestine laboratory remediation account to be administered by the attorney general. A local law enforcement agency acting as an emergency responder may apply for reimbursement from the account for expenses incurred in responding to a clandestine laboratory operation incident as provided in W.S. 35-9-158(a)(vi).

Section 2. There is appropriated one hundred fifty thousand dollars (\$150,000.00) from the general fund to the clandestine laboratory remediation account created by W.S. 35-9-159(f). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall not be included in the attorney general's 2011-2012 standard biennial budget request.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 79**STATE RETIREMENT-BOARD IMMUNITY**

Original Senate File No. 9

AN ACT relating to the Uniform Management of Public Employee Retirement Systems Act; clarifying personal liability of board members of any public employer retirement system; specifying intent; and providing for an effective date.

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

Section 1. W.S. 9-3-443(a) and by creating a new subsection (e) is amended to read:

9-3-443. Liability of trustee or other fiduciary.

(a) Except as provided in subsection (e) of this section, a trustee or other fiduciary who breaches a duty imposed by this act is personally liable to a retirement system for any losses resulting from the breach and any profits made by the trustee or other fiduciary through use of assets of the system by the trustee or other fiduciary. The trustee or other fiduciary is subject to other equitable remedies as the court considers appropriate, including removal.

(e) Notwithstanding subsection (a) of this section and as provided in the Wyoming Governmental Claims Act, individual board members of a retirement system are immune from liability while acting within the scope of administering and operating a retirement system and are not personally liable for breaches of fiduciary duties in carrying out system administration and operation except in cases of willful misconduct, intentional torts or illegal acts.

Section 2. The intent of this act is to clarify the personal liability of any public employee retirement system board member under the Uniform Management of Public Employee Retirement Systems Act in the administration and operation of respective retirement programs only. Nothing in this act shall otherwise change or modify the intent and purpose of the Uniform Management of Public Employees Retirement Systems Act as provided in W.S. 9-3-433 through 9-3-452.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 80**UNIFORM TRUST CODE-AMENDMENTS**

Original Senate File No. 40

AN ACT relating to the Uniform Trust Code; providing for discretionary trusts for the benefit of disabled persons; providing an exception to the irrevocability of a qualified spendthrift trust as specified; amending the applicability of the provisions of the Uniform Trust Code as specified; amending a definition; and providing for an effective date.

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

Section 1. W.S. 4-10-103(a)(xv), 4-10-504 by creating a new subsection (f), 4-10-506(a)(ii), 4-10-510(a)(iv) by creating a new subparagraph (M), 4-10-523(a)(ix) and 4-10-1103(a)(ii), by creating a new paragraph (iii), by amending and renumbering (iii) as (iv) and (c) are amended to read:

4-10-103. Definitions.

(a) As used in this act:

(xv) "Qualified beneficiary" means a beneficiary who is currently entitled to distributions of income or principal from the trust or has a vested remainder interest in the residuary of the trust which is not subject to divestment, provided, however, if a trust has no qualified beneficiary, "qualified beneficiary" shall mean a beneficiary currently eligible to receive distributions of income or principal from the trust. The department of health is a qualified beneficiary as the vested remainder beneficiary of trusts established pursuant to W.S. 42-2-403(f)(i), (ii) and (iii) and 42 U.S.C. 1396p(d)(4)(A), (B) and (C);

4-10-504. Discretionary trusts; effect of standard.

(f) A discretionary trust created for the benefit of a disabled person under W.S. 42-2-403(f)(i) and (ii) and 42 U.S.C. 1396p(d)(4)(A) and (C) shall have the protection of discretionary trusts provided under this section and such protection shall apply regardless of the date the trust was created.

4-10-506. Creditor's claim against settlor.

(a) Whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(ii) Except for discretionary trusts created in accordance with W.S. 4-10-504(f), with respect to an irrevocable trust without a spendthrift provision, a creditor or assignee of the settlor may attach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one (1) settlor, the amount the creditor or assignee of a particular settlor may attach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

4-10-510. Creation of qualified spendthrift trust.

(a) A settlor may create a qualified spendthrift trust with a trust instrument appointing a qualified trustee for qualified trust property, which instrument:

(iv) Is irrevocable, but a trust instrument may not be deemed revocable on account of its inclusion of one (1) or more of the following:

(M) The court's right to revoke a trust created by a conservator for a ward under W.S. 3-3-607.

4-10-523. Qualified transfer affidavit.

(a) A qualified transfer affidavit shall be in writing, sworn to by the settlor, and shall state that:

(ix) The settlor has and shall maintain personal liability insurance of at least one million dollars (\$1,000,000.00) or shall provide coverage equal to the fair market value of the settlor's total qualified transfers to qualified spendthrift trusts, whichever is less. This affidavit requirement shall not apply to a qualified transfer to a trust created by a court order under W.S. 3-3-607 or an irrevocable income trust created under W.S. 42-2-403(f)(ii) and 42 U.S.C. 1396p(d)(4)(B).

4-10-1103. Application to existing relationships.

(a) Except as otherwise provided in this act and subsections (c) and (d) of this section, on July 1, 2003:

(ii) This act applies to all judicial proceedings concerning trusts ~~commenced~~ created on or after July 1, 2003, and to all judicial proceedings concerning trusts created before July 1, 2003 that have elected to be governed by this act as provided in subsection (c) of this section;

(iii) Any rule of administration, construction or presumption provided in this act shall not apply to trust instruments executed before July 1, 2003, unless subsection (c) or (d) of this section is applicable;

~~(iii)~~ (iv) An action taken before July 1, 2003, is not affected by this act and any review of actions taken before July 1, 2003 by a trustee or other person shall be reviewed under the law and standards applicable at the time the action was taken unless subsection (c) or (d) of this act is applicable.

(c) This act applies to a trust created before July 1, 2003 if the settlor, if living, and all qualified beneficiaries consent to the application. If the settlor is not living, this act may apply to a trust created before July 1, 2003 if all qualified beneficiaries and the trustee consent to the application. If all of the qualified beneficiaries do not consent to a proposed application of this act to the trust, the court may apply this act to the trust after determining that the interests of the nonconsenting qualified beneficiary will be adequately protected.

Section 2. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 81**COUNTY NUISANCE ABATEMENT AUTHORITY**

Original Senate File No. 27

AN ACT relating to counties; providing for regulation of nuisances by counties; providing procedures for declaring a nuisance; providing for resolutions establishing standards; and providing for an effective date.

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

Section 1. W.S. 18-2-115 is created to read:

18-2-115. Nuisance abatement; procedures.

(a) A board of county commissioners shall, by resolution, establish standards for determining when a site may be declared a nuisance under W.S. 18-2-101(a)(viii).

(b) A board of county commissioners may issue an order declaring a property to be a nuisance under W.S. 18-2-101(a)(viii) and shall provide written notice to the owner or occupant of the property describing with specificity the nature of the nuisance and the steps required for abatement. The order shall be in writing, shall state the grounds for the order and shall be filed in the office of the clerk of the district court of the county in which the property is situated. A copy of the order shall be served in accordance with the Wyoming Rules of Civil Procedure upon the owner or occupant with a written notice that the order has been filed and shall remain in force, unless the owner or occupant files his objections or answer with the clerk of the district court within twenty (20) days. A copy of the order shall be posted in a conspicuous place upon the property.

(c) Within twenty (20) days of service of an order issued under subsection (b) of this section, the owner or occupant may file with the clerk of the district court and serve upon the board of county commissioners issuing the order, an answer denying the existence of any of the allegations in the order. If no answer is filed and served, the order shall become a final order declaring the site a nuisance and fix a time when the order shall be enforced. If an answer is filed and served, the court shall hear and determine the issues raised as set forth in subsection (d) of this section.

(d) The court shall hold a hearing within twenty (20) days from the date of the filing of the answer. If the court sustains all or any part of the order, the court shall issue a final order and fix a time within which all or any part of the final order shall be enforced.

(e) An appeal from the judgment or final order of the district court may be taken by any party to the proceeding in accordance with the Wyoming Rules of Appellate Procedure.

Section 2. W.S. 18-2-101(a)(vi) and by creating a new paragraph (viii) and 35-10-408 are amended to read:

18-2-101. General powers.

(a) Each organized county in the state is a body corporate and politic. The powers of the county shall be exercised by a board of county commissioners which may:

(vi) Establish a surface water drainage system, utilities and drainage management; ~~and~~

(viii) Declare and abate nuisances which the commission determines to be a threat to health or safety as provided in W.S. 18-2-115. No person shall create, continue or permit nuisances to exist in violation of a final order issued pursuant to W.S. 18-2-115. Any resolution passed by a board of county commissioners pursuant to this paragraph is enforceable, in addition to other remedies provided by law, by injunction, mandamus or abatement. Whoever fails to comply with a final order shall be assessed a civil penalty of up to one hundred dollars (\$100.00) per day for each day the violation continues. No resolution issued pursuant to this paragraph shall regulate any permitted industrial facility or oil and gas or mining operations necessary to the extraction, production or exploration of the mineral resources. Nothing in this paragraph shall be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act.

35-10-408. Additional authority of counties, cities and towns to regulate nuisances.

~~(a) Nothing in this act contained shall be so construed as to prevent any city, town or village, incorporated under the laws of this state, or the proper corporate authority thereof, from passing or enforcing any ordinance, bylaw, regulation or rule, regulating, restraining, or prohibiting nuisances of any kind or character, or from enforcing any ordinance, bylaw, rule or regulation thereupon, already passed and in force.~~

(b) Nothing in this act shall be construed as to prevent any county from passing or enforcing any resolution regulating, restraining, or prohibiting nuisances which the commission determines to be a threat to health or safety pursuant to W.S. 18-2-101(a)(viii), or from enforcing any resolution already passed and in force.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 82

QUALITY CHILD CARE

Original House Bill No. 102

AN ACT relating to quality child care; amending payback requirements for educational grants as specified; conforming provisions; renaming educational grants and staff development grants as specified; and providing for an effective date.

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

Section 1. W.S. 14-4-204(a), (b), (c)(intro), (i) and by creating a new subsection (e) is amended to read:

14-4-204. Educational development scholarships and continuing education grants.

(a) The department by rule and regulation shall provide educational ~~grants~~ development scholarships to assist the owners or staff of child caring facilities to attain certificates or degrees in early childhood development or a related field. Payments under this subsection shall be conditioned upon the recipient of the ~~grant~~ educational development scholarship entering into a ~~written agreement contract~~ to work for a child caring facility in this state for a period as provided in subsection (d) of this section after receiving the certificate or degree.

(b) A recipient of a ~~grant~~ an educational development scholarship pursuant to this section who breaches the contract required by subsection (a) of this section shall immediately repay all that portion of funds provided to the recipient pursuant to this article that is for educational developmental expenses accruing during or after the semester in which the recipient breached the contract, together with attorney fees and costs incurred in collection, if the recipient breaches the contract required by subsection (a) or paragraph (c)(i) of this section.

(c) The department by rule and regulation shall provide ~~staff development~~ continuing education grants to child caring facilities to assist the owners or staff of those facilities to obtain continuing education training in early childhood development or related topics. Payments under this subsection shall be conditioned on the following:

(i) The recipient of the continuing education training provided through the grant entering into a ~~written agreement contract~~ to work for a child caring facility in this state for a period as provided in subsection (d) of this section after receiving the training; and

(e) A recipient of a continuing education grant pursuant to this section shall repay all funds provided to the recipient pursuant to the grant, together with attorney fees and costs incurred in collection, if the recipient breaches the contract required by subsection (c) of this section.

Section 2. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 83**PRESCRIPTION DRUGS-PHYSICIAN SHOPPING**

Original House Bill No. 127

AN ACT relating to controlled substances; amending the Wyoming Controlled Substances Act of 1971 to further specify illegal means of obtaining and dispensing controlled substances or obtaining prescriptions for controlled substances; amending penalties; and providing for an effective date.

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

Section 1. W.S. 35-7-1033(a)(iii), by creating a new subsection (b) and by amending and renumbering (b) as (c) is amended to read:

35-7-1033. Unlawful acts; distribution; registration; possession; records; counterfeiting; punishment.

(a) It is unlawful for any person knowingly or intentionally:

(iii) To acquire or obtain possession of, ~~a~~ to procure or attempt to procure the administration of or to obtain a prescription for any controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. The conduct prohibited by this paragraph includes but is not limited to:

(A) Failing to disclose to a practitioner that the person has received the same or similar controlled substance or prescription for a controlled substance from another source within the prior thirty (30) days;

(B) Alteration of a prescription or written order for a controlled substance; and

(C) The use of a false name or address.

(b) Except as otherwise provided:

(i) A person who is convicted upon a plea of guilty or no contest or found guilty of violating paragraph (a)(iii) of this section is guilty of 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, and the person may be ordered to receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing;

(ii) A person convicted upon a plea of guilty or no contest or found guilty of a second offense of violating paragraph (a)(iii) of this section is guilty of 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, and the person shall be ordered to receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing;

(iii) A person convicted upon a plea of guilty or no contest or found guilty of a third or subsequent offense of violating paragraph (a)(iii) of this section is guilty of 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;

(iv) In the event a substance abuse assessment ordered pursuant to this section is provided by an entity with whom the department of health contracts for treatment services, the costs of the assessment shall be paid by the offender subject to the sliding fee scale adopted pursuant to W.S. 35-1-620 and 35-1-624; provided however, if the assessment is ordered as a result of a felony conviction under this section, the assessment shall be conducted and costs assessed pursuant to W.S. 7-13-1301, et seq.;

(v) Notwithstanding any other provision of law, the term of probation imposed by a court for a violation of paragraph (a)(iii) of this section for a first or second conviction may exceed the maximum term of imprisonment established for the applicable offense under paragraph (i) or (ii) of this subsection provided the term of probation, together with any extension thereof, shall in no case exceed two (2) years.

~~(b)~~(c) Except as otherwise provided, any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars (\$10,000.00), or both.

Section 2. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 84

COMMUNITY COLLEGE COMMISSION-DUTIES

Original House Bill No. 17

AN ACT relating to community colleges; clarifying and imposing additional duties on the community college commission; granting rulemaking authority; requiring collaboration with the department of education for postsecondary education options agreements; imposing reporting requirements; providing an appropriation; authorizing an additional position; and providing for an effective date.

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

Section 1. W.S. 21-16-1104(j), 21-18-202(b) by creating new paragraphs (vi) and (vii), (c) by creating a new paragraph (viii), (d) by creating a new paragraph (ii) and by renumbering (ii) through (iv) as (iii) through (v), (e)(ii) and (v)(A) and 21-20-201(a) are amended to read:

21-16-1104. Endowment challenge fund matching program; matching payments; agreements with foundations; annual reports.

(j) Each community college shall on or before October 1 of each year submit a report from its foundation to the state treasurer ~~from its foundation~~ and the community college commission on the endowment matching program under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from endowment program expenditures. The report required under this subsection shall be for each applicable fiscal year through June 30, 2011.

21-18-202. Powers and duties of the commission.

(b) The commission shall perform the following coordination functions. In performing these coordination functions all affected colleges and the commission shall be involved:

(vi) In addition to paragraph (iv) of this subsection and for any program requested by the board of county commissioners representing a community within the existing service area of any community college and that college has determined not to provide the requested program within the community, coordinate a response to the requesting board. Any community college shall refer the requested community program to the commission if it cannot provide the requested program. Upon referral, the commission shall provide a response under this paragraph;

(vii) Coordinate the development of a biennial statewide college system strategic plan for the delivery of educational programs in Wyoming including the development of core indicators in addition to or in lieu of those specified under subparagraph (e)(v)(C) of this section to serve as a basis for annual reports to the legislature and governor under paragraph (e)(v) of this section.

(c) The commission shall perform the following administrative functions:

(viii) Following public hearing, review and modify or maintain community college service areas provided all counties to be annexed to a college service area are contiguous to that service area. Determinations made under this paragraph shall be subject to review in accordance with the Wyoming Administrative Procedure Act.

(d) The commission shall perform the following approval functions:

(ii) Review existing certificate and degree programs and terminate state funding for those programs with consistently low enrollment;

~~(ii)~~(iii) Approve enlargement and formation of community college districts in accordance with W.S. 21-18-310 and 21-18-312;

~~(iii)~~(iv) Approve the format of community college budgets as provided in W.S. 16-4-104;

~~(iv)~~(v) Approve all new capital construction projects in excess of fifty thousand dollars (\$50,000.00) for which state funds are or could be eventually applied. "New capital construction projects" include:

(A) New construction, renovation and capital renewal in excess of fifty thousand dollars (\$50,000.00) market value which is not necessary maintenance or repair; and

(B) The acquisition of real property in excess of fifty thousand dollars (\$50,000.00) market value whether by purchase or exchange.

(e) The commission shall perform the following review and report functions:

(ii) ~~Report financial and~~ In addition to audits required of colleges under W.S. 16-4-121 and to ensure uniformity of audit procedures and reporting formats, conduct enrollment audits and report financial and enrollment audit findings; to the legislature and governor. In carrying out this paragraph and maintaining the funding allocation model under paragraph (c)(i) of this section:

(A) The commission shall ensure uniform accounting in recording full-time equivalent students and reporting financial data;

(B) Each community college shall report information to the commission in a uniform, consistent and accurate manner as required by commission rule and regulation;

(C) The commission may participate in financial audits conducted by each community college and assist in the analysis of audit findings for subsequent reporting under this paragraph.

(v)(A) ~~The commission shall provide annual reports specifically requested and defined by to the legislature or and governor on the performances performance of individual community colleges and the combined colleges college system as well as on the achievement of any statewide priorities as defined by the legislature and as specified in the statewide college system strategic plan. The commission and the colleges shall work together in a collaborative effort in defining the report formats and the methodology and data elements required in preparing each of the reports and a reasonable time line for completion of reports;~~

21-20-201. Agreement between districts and postsecondary education institutions authorized; student participation; credits; financial arrangements; transportation; accessibility.

(a) A Wyoming school district board of trustees and a Wyoming community college district board of trustees or the University of Wyoming may enter into an agreement to establish a postsecondary education enrollment options program whereby students resident of the participating district may attend postsecondary education programs offered by the university or a participating community college. Additional student eligibility requirements for program participation shall be based upon criteria established by the university or the community college in collaboration with the department of education, which address the high school grade level, uniform prior curricula requirements, academic achievement levels and national examination performance indicators.

Section 2. The Wyoming community college commission shall periodically report progress to the joint education interim committee on the

development of the statewide college system strategic plan required under W.S. 21-18-202(b)(vii), as amended under Section 1 of this act, with a final report submitted to the committee not later than November 1, 2009.

Section 3. For the 2009-2010 biennium commencing July 1, 2008, and ending June 30, 2010, two hundred fifty thousand dollars (\$250,000.00) is appropriated from the general fund to the Wyoming community college commission to carry out this act. From this amount, the commission shall fund and is authorized one (1) additional full-time position. Funding for this position shall not exceed one hundred thirty thousand dollars (\$130,000.00) for the biennium. Remaining funds from this appropriation shall be one time funding and shall not be included in the commission's 2011-2012 standard biennial budget request.

Section 4. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 85

WYOMING STATE TRAINING SCHOOL AMENDMENTS

Original Senate File No. 47

AN ACT relating to state institutions; amending provisions related to the Wyoming state training school by removing archaic language; changing the name of the Wyoming state training school; authorizing placements for temporary services; amending admission and screening criteria; prohibiting isolation of residents; amending resident rights; providing for payment of employed residents, as specified; providing definitions; repealing duplicative provisions; providing for a report; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 3-3-501(a), 3-3-504, 9-2-106(d), 9-2-2005(c)(iv)(B), 14-6-219(b) through (d), 23-2-207(a)(ii), 25-1-201(a)(iv), 25-5-101, 25-5-102 by creating a new subsection (b), 25-5-103, 25-5-104, 25-5-105(a)(intro), (i) through (iv), by creating a new paragraph (vi) and by creating a new subsection (b), 25-5-106 through 25-5-108, 25-5-109(c) and (d), 25-5-110(c), 25-5-114(a), 25-5-115, 25-5-116, 25-5-117(a) and (c), 25-5-118, 25-5-119, 25-5-120(b)(ii) through (iv) and (d), 25-5-121, 25-5-124, 25-5-125, 25-5-126(a)(i), (ii) and (b), 25-5-129, 25-5-130(a)(intro) and (i), 25-5-131(a), (b)(intro), (i) through (iii), (v) and by creating a new paragraph (vi), 25-5-132(a), (b), (c)(intro), (i), (ii), (v), (vii) and by creating new paragraphs (ix) through (xv), (d)(intro), (ii) and (iii) and 25-5-133 through 25-5-135 are amended to read:

3-3-501. Designation of conservators; exception.

(a) The ~~superintendent-administrator~~ of the Wyoming ~~state training school~~ life resource center is appointed conservator of the estate of:

(i) Each adult admitted to the Wyoming ~~state training school-life resource center~~ unless a conservator or other duly authorized agent has already been appointed for the person; and

(ii) Each minor with an estate of more than five thousand dollars (\$5,000.00) admitted to the ~~institution-center~~ unless a conservator has already been appointed for the minor.

3-3-504. Transfer of funds to court appointed conservator.

If a conservator for a minor or incompetent person is appointed by a court of this state after the person has been admitted to the Wyoming ~~state training school-life resource center~~ or the Wyoming state hospital, the conservatorship created for the ward under this article shall terminate and all money and property of the ward in the possession of the conservator appointed under this article shall be delivered to the court appointed conservator upon proof of his appointment and qualification.

9-2-106. Duties and powers of director of department.

(d) The director may authorize the Wyoming ~~state training school-life resource center~~, the Wyoming state hospital, the Wyoming pioneer home, the veterans' home of Wyoming and the Wyoming retirement center to provide services to persons with conditions other than those specified in the provisions governing those state institutions in title 25 of the Wyoming statutes when the director determines that there is a need for such services, that the services can be provided effectively by the institution, that the services ~~will~~ shall be delivered in a manner that assures the safety of all individuals served by the institution and the services provided are statutorily authorized for any of these institutions, the service needs are similar to those authorized for any of these institutions or the services are necessary to protect the public health and safety. The director ~~may~~ shall promulgate rules and regulations and policies and procedures necessary to implement this subsection. Nothing in this subsection shall be construed to authorize the director to eliminate services that are otherwise required by statute. The director shall report to the joint labor, health and social services interim committee no later than October 1 of odd numbered years with respect to the status of any actions taken under this subsection and the results of those actions.

9-2-2005. Department of health created; director appointed; structure.

(c) The following agencies are assigned to the department of health under a Type 1 transfer:

(iv) The following state institutions:

(B) Wyoming ~~state training school-life resource center~~;

14-6-219. Physical and mental examinations; involuntary commitment of incompetents; subsequent proceedings.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to

participate in further proceedings and is not suffering from mental illness or mental retardation to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school-life resource center~~, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be delinquent is incompetent to participate in further proceedings by reason of mental illness or mental retardation to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school-life resource center~~, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the Wyoming state hospital, the Wyoming ~~state training school-life resource center~~ or any other facility or institution for treatment and care of ~~the mentally ill or the mentally retarded people with mental illness or intellectual disability~~, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child ~~is not mentally ill or mentally retarded~~ does not have a mental illness or an intellectual disability to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

23-2-207. Special limited fishing permit for hospitalized veterans, residents of state institutions, court placed children and residents of licensed nursing care facilities.

(a) Upon an appropriate form furnished by the appropriate institution or facility as prescribed by rule and regulation of the commission, a special limited fishing permit may be issued without charge by:

(ii) The department of health or the department of family services to any resident in the veterans' home of Wyoming, Wyoming state hospital, Wyoming ~~state training school-life resource center~~, Wyoming boys' school and the Wyoming girls' school, which entitles the institutionalized resident to fish while under the direct ~~control~~ supervision of the appropriate institution;

25-1-201. Establishment of state institutions.

(a) The following state institutions are established:

(iv) The Wyoming ~~state training school-life resource center~~ at Lander, Wyoming;

25-5-101. Short title.

This act may be cited as the "Training School Act of 1981-Life Resource Center Act".

25-5-102. Definitions.

(b) As used in this act:

(i) “Acquired brain injury” means any combination of focal and diffuse central nervous system dysfunction, at the brain stem level and above, acquired after birth through the interaction of any external forces and the body, oxygen deprivation, infection, toxicity, surgery or vascular disorders not associated with aging;

(ii) “Active treatment” means a program which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services that is directed toward:

(A) The acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible; and

(B) The prevention or deceleration of regression or loss of current optimal functional status.

(iii) “Adaptive behavior” means the collection of conceptual, social and practical skills that have been learned by people in order to function in their everyday lives;

(iv) “Administrator” means the administrator of the division;

(v) “Assistive technology device” and “assistive technology service” mean as defined in 42 U.S.C. 15002;

(vi) “Center” means the Wyoming life resource center at Lander, Wyoming;

(vii) “Child” means any person under the age of eighteen (18);

(viii) “Client” means a person who has a disability and has been determined eligible, pursuant to department rules and regulation, and is receiving services from one (1) of the center’s programs;

(ix) “Client services” means diagnosis, education, training and care of persons who have been admitted to the center;

(x) “Conservator” means as defined in W.S. 3-1-101(a)(iii);

(xi) “Department” means the state department of health;

(xii) “Director” means the director of the department of health;

(xiii) “Disability” means a developmental disability as defined in 42 U.S.C. 15002 or a disability resulting from an acquired brain injury;

(xiv) “Division” means the developmental disabilities division of the department of health;

(xv) “Guardian” means as defined in W.S. 3-1-101(a)(v);

(xvi) “Guardian ad litem” means as defined in W.S. 3-1-101(a)(vi);

(xvii) “Incompetent person” means adjudicated as meeting the definition in W.S. 3-1-101(a)(ix);

(xviii) "Individual program plan" means a written statement of long-term and short-term goals and strategies for providing specially designed services to meet each client's individual educational, physical, emotional and training needs;

(xix) "Informed choice" means making a decision based on adequate information. As appropriate, such information may include consideration regarding providers, methods, costs, duration, accessibility, customer satisfaction, probabilities, sources and consequences;

(xx) "Intellectual disability" means significantly subaverage general intellectual functioning with concurrent deficits in adaptive behavior manifested during the developmental period. "Intellectually disabled" means a person with an intellectual disability;

(xxi) "Interdisciplinary team" means a group that represents the person, the person's family or guardian, or the professions, disciplines or service areas that are relevant to identifying the client's needs, as described in the comprehensive functional assessments and program design. The department shall provide by rule and regulation for the composition of interdisciplinary teams;

(xxii) "Intermediate care facility for people with intellectual disability" means an intermediate care facility for the mentally retarded or intermediate care facility for people with mental retardation (ICFMR or ICF/MR), as those phrases are used in applicable federal statutes, rules and regulations;

(xxiii) "Least restrictive environment" means the program, service and location which least inhibits a person's freedom of movement, informed decision making and participation in community life while achieving the purposes of habilitation and treatment which best meet the needs of the person. The determination of least restrictive environment shall be individualized, based on a person's need for medical, therapeutic, rehabilitative and developmental services and as a result of informed choice of the person or, if the person is a minor or a ward, his parent or guardian;

(xxiv) "Most appropriate" means an individualized determination of a person's need for medical, therapeutic, rehabilitative and developmental services, based upon professional assessment and the informed choice of the person or, if the person is a minor or ward, his parent or guardian;

(xxv) "Most integrated" means the setting that enables a person with a disability to have access to the same opportunities as a person without a disability to the fullest extent possible, including opportunities to live, learn, work, recreate and participate in family and community activities. Determinations of most integrated shall be individualized and based upon professional assessment and the informed choice of the person or, if the person is a minor or ward, his parent or guardian;

(xxvi) "Program manager" means the on-site supervisor and manager of the center;

(xxvii) "Screening team" means a group of appropriate professionals, appointed by the director pursuant to rules and regulations of the

department, and assigned by the administrator to perform preliminary testing and assessment of persons for purposes of determining eligibility for services at the center;

(xxviii) "Ward" means as defined in W.S. 3-1-101(a)(xv);

(xxix) "This act" means W.S. 25-5-101 through 25-5-135.

25-5-103. Wyoming life resource center established; purpose.

(a) Except as otherwise authorized by rules and regulations promulgated in accordance with W.S. 9-2-106(d), the Wyoming ~~state training school-life resource center~~ is established ~~for the diagnosis, evaluation, education, training, custody and care of mentally retarded persons. to provide the following residential, active treatment and medical and therapy services to individuals with a disability:~~

(i) Intermediate care facilities for people with intellectual disability in accordance with federal Medicare and Medicaid regulations;

(ii) Services to persons with acquired brain injuries;

(iii) Disability, therapeutic and assistive technology services for persons with a disability;

(iv) Training for state employees, other service providers and caregivers on disability, medical, developmental and therapy services;

(v) Care provided under authority of the director pursuant to W.S. 9-2-106(d).

25-5-104. Administration and management of center.

The administration and management of the ~~training school-center~~ is vested in the department.

25-5-105. Rules and regulations; reports.

(a) ~~Within two (2) years after the effective date of this act~~ The department shall adopt rules and regulations which are in compliance with federal regulations for intermediate care facilities for persons with intellectual disability, and which:

(i) Establish standards for admission ~~for residential services and release/discharge of residents admitted for services~~ clients receiving services in all programs administered by the center;

(ii) Establish standards for ~~resident-client services; and temporary services;~~

(iii) Provide for the administration of the ~~training school-center~~ under the management of the division;

(iv) Prescribe professional standards for personnel employed at the ~~training school-center; and~~

(vi) Establish data reporting processes and report monthly to the director the number of persons served by the center, identified by service category, and the services provided to those persons.

(b) By October 1 of each year, the director shall report to the joint labor, health and social services interim committee and the joint appropriations interim committee regarding the number of clients served by the center, the reason for provision of services to each client at the center rather than in a community program, the staff to client ratio and the total state and federal cost of all services provided to clients, including the current Medicaid reimbursement rate for intermediate care facilities for people with intellectual disabilities.

25-5-106. Donations for benefit of center; control and disposition thereof.

Money, personal property or real estate donated for the benefit of the ~~training school center~~ shall be held, controlled and distributed by the department according to the conditions of the donation. If there are no conditions of the donation, it shall be disposed of as provided in W.S. 25-5-107.

25-5-107. Disposition of monies received from sale of products or as compensation.

Except as provided by W.S. 25-5-106, all monies received by the department for the ~~residents clients~~ in the ~~training school center~~ from the sale of products produced or grown by the ~~training school center~~ or as compensation from any source shall be deposited in the state treasury and credited to the general fund.

25-5-108. Appointment of program manager; duties; removal.

(a) The director shall appoint a ~~superintendent program manager~~ of the ~~training school center~~.

(b) The ~~superintendent program manager~~ shall administer the ~~training school center~~ as directed by the ~~director administrator~~.

(c) The director may remove the ~~superintendent program manager~~ in his discretion.

25-5-109. Inability or refusal to pay for services.

(c) No person shall be denied admission to or services by the ~~training school center~~ because of the inability of the person, his parent or guardian to pay the cost of the services received.

(d) Clients of the center who are not eligible under the Wyoming Medical Assistance and Services Act shall be responsible for the cost of services and treatment as provided in title 25, chapter 11, article 1. However, no person who was a client of the center as of June 30, 2008 shall be denied admission to or services by the ~~training school center~~ because of the refusal of the ~~resident's client's~~ parent or guardian to pay the cost of the services received.

25-5-110. Special education for minors and costs thereof.

(c) ~~Residents Clients~~ who are between the ages of five (5) and twenty-one (21) years of age shall be provided special education and related services ~~at no cost to their parents or estates through the clients' resident~~

school districts. This subsection does not relieve an insurer or similar third party from an otherwise valid obligation to pay for services provided to the ~~resident-client~~.

25-5-114. Eligibility for admission; appropriateness of services.

(a) Except as otherwise authorized by rules and regulations promulgated in accordance with W.S. 9-2-106(d), a person shall not be admitted to the ~~training school-center~~ if his preadmission evaluation ~~indicates and screening indicate~~ that he would be more appropriately served by the Wyoming state hospital, a community program or a public school program.

25-5-115. Preadmission screening for residential services; preparation and supervision thereof; disposition of findings.

(a) Admission to the ~~training school-center~~ shall be upon written application to the division pursuant to W.S. 25-5-117(b) and shall be based upon the preadmission ~~evaluation-screening and assessment~~:

(i) The preadmission ~~evaluation-screening and assessment~~ shall be made by ~~an interdisciplinary~~ a screening team under the supervision of the ~~superintendent-administrator~~ or his designee, using appropriate professionals and screening and assessment methods as provided in department rules and regulations;

(ii) The preadmission ~~evaluation-screening and assessment~~ shall be completed ~~in not less than forty eight (48) hours and not more than thirty (30) days after an application for admission; has been made to the training school;~~

(iii) No person shall be admitted unless an interdisciplinary team has determined that ~~a less restrictive alternative environment is inappropriate or unavailable to meet the proposed resident's diagnosed needs.~~ the center offers the recommended and most appropriate services in a least restrictive and most integrated environment consistent with informed choice;

(iv) As part of the application process, division staff shall provide prospective clients and their families or guardians information about center services and similar services available in the client's community or elsewhere in the state.

(b) Within ten (10) days of completion of the preadmission ~~evaluation screening and assessment~~, the findings shall be given to the applicant. If ordered by the court, the preadmission ~~evaluation-screening and assessment~~ shall also be filed with the court.

25-5-116. Individual program plan; preparation and supervision thereof; review.

Each ~~resident-client~~ admitted to the ~~training school after July 1, 1981, center~~ shall have on file at the ~~training school-center~~ an individual program plan. ~~Each resident admitted prior to July 1, 1981, shall have an individual program plan on file within two (2) years of the effective date of this act.~~ The individual program plans shall be prepared by an interdisciplinary team within thirty (30) days of admission for residential ser-

VICES under the supervision of the superintendent-program manager. The plan shall be reviewed at least annually by the interdisciplinary team for appropriateness and feasibility of discharge or transition to another level of service thirty (30) days after implementation of the plan, at the end of each quarter for the first year and annually thereafter.

25-5-117. Admission for residential services; application and contents thereof; written copy of rights; appeal of denied admissions.

(a) A person determined by the preadmission ~~evaluation screening and assessment~~ to be eligible for admission to the ~~training school center for residential services~~ may be admitted as a ~~voluntary resident client~~ under one (1) of the following procedures:

(i) An adult who has sufficient insight or capacity to make responsible application for admission for residential services may be admitted on his own application;

(ii) A minor or ~~incompetent ward~~ may be admitted upon application of his parent or guardian.

(c) At the time of admission for residential services, the ~~superintendent-program manager~~ shall give a written copy of the rights provided in W.S. ~~25-5-133~~ 25-5-132 to the ~~resident client~~, his parent or guardian.

25-5-118. Release of voluntary client upon request; exceptions.

(a) A voluntary ~~resident client~~ may be ~~released-discharged by the administrator at any time~~ within twenty (20) days of receipt ~~by the superintendent~~ of a written request for the release by the ~~resident client~~, his parent or guardian, and the administrator shall arrange for appropriate transition services, except:

(i) If the ~~resident client~~ was admitted on his own application and the request for ~~release-discharge~~ is made by a person other than the ~~resident client~~, release shall be conditioned upon the ~~resident's client's~~ consent;

(ii) If the ~~resident client~~ is a minor or ~~incompetent ward~~, his ~~release discharge~~ shall be conditioned upon the consent of his parent, or guardian; ~~or guardian ad litem~~;

(iii) If the ~~superintendent-administrator~~ has probable cause to believe release of the ~~resident client~~ will endanger the life, health or safety of the ~~resident client~~ or others and he incorporates a written statement of the facts supporting his belief in the ~~resident's client's~~ file, he may apply for involuntary admission pursuant to W.S. 25-5-119. ~~Release shall be postponed pending the court's decision.~~ The administrator, as a mandatory reporter, shall contact adult protective services for appropriate proceedings.

25-5-119. Involuntary admissions; application to district court; representation of proposed client; preadmission screening; notice; hearing; independent screening; admissibility.

(a) A person may be an involuntary ~~resident client~~ of the ~~training school center~~ if admitted pursuant to this section. Application for invol-

untary admission may be made by a parent, a guardian, the ~~superintendent administrator~~ or a social service agency. The application shall be filed with the district court in the county where the proposed ~~resident client~~, his parent or his guardian resides.

(b) When an application for involuntary admission is filed, the court shall appoint an attorney to represent the proposed ~~resident client~~ unless he retains counsel of his own choice. An attorney shall represent the proposed ~~resident client~~ at all hearings. The county shall compensate an appointed attorney in an amount fixed by the court as a reasonable fee.

(c) The court shall order the ~~training school center~~ to conduct a preadmission ~~evaluation screening and assessment~~ of the proposed ~~resident client~~. Notice of the order shall be served on the proposed ~~resident client~~, his attorney and his parent or guardian. The order and the application for admission shall be served on the ~~training school center~~ and the department. If the preadmission ~~evaluation screening and assessment~~ report finds the ~~training school center~~ would be an appropriate placement, the court shall order a hearing. The proposed ~~resident client~~ shall have a right to seek an independent ~~evaluation screening and assessment~~ of his eligibility for admission at the state's expense. The ~~evaluation screening and assessment~~ shall be admissible as evidence at the hearing as provided by W.S. 25-5-121(d).

25-5-120. Court order setting hearing on involuntary application; service of notice; waiver.

(b) The order setting the hearing shall contain:

(i) The name and address of the applicant, the proposed ~~resident's client's~~ parent or guardian, and the attorney retained by the proposed ~~resident client~~ or appointed by the court;

(iii) The grounds alleged for the commitment of the proposed ~~resident client~~;

(iv) The consequences of a finding that a person shall be admitted to the ~~training school center~~ for ~~resident client~~ services.

(d) The court may order that notice be given to other persons. Notice may be waived in writing by any party except the proposed ~~resident's client's~~ attorney.

25-5-121. Rights of proposed client and notified persons; confidentiality of hearing; admissibility of screening reports; findings by court or jury; amendment of admission order.

(a) The proposed ~~resident client~~ has the right to appear, to be heard and to participate in every stage of the hearing unless the court finds that it would not be in the best interests of the proposed ~~resident client~~. The court shall not exclude the proposed ~~resident client~~ from the hearing unless the application is accompanied by a written statement from a licensed physician and a court designated examiner, appointed at the time of the application, who is in no other manner involved in the proceedings, that attendance at the hearing would injure the proposed ~~resident's client's~~ health and well-being and describing his medical condition.

(b) The proposed ~~resident-client~~ is entitled, upon request, to a jury trial on the issue of his admission. The jury shall be selected pursuant to W.S. 1-11-101 through ~~1-11-128~~ 1-11-129.

(c) The court shall exclude all persons not having an interest in the application. Unless the court orders an open hearing or the proposed ~~resident-client~~ requests a jury trial, the hearing is confidential and shall be held in closed court.

(d) Any person to whom notice is required to be given by W.S. 25-5-120 may testify and may present and cross-examine witnesses. The court may receive the testimony of other persons in its discretion. The ~~evaluation-screening and assessment~~ report required by W.S. 25-5-115, and any independent ~~evaluation-screening and assessment~~ made under W.S. 25-5-119, may be admitted as evidence and shall not be excluded on the ground of hearsay alone.

(e) If the court or jury finds that specific care, treatment and service alternatives are available which are more appropriate than the ~~training school-center~~ for the proposed ~~resident-client~~, the application shall be denied. If the court or jury finds by clear and convincing evidence that admission to the ~~training school-center~~ would provide the most appropriate services for the proposed ~~resident-client~~, the court shall order the admission. In case of a nonjury hearing, the court shall enter findings of fact with the order of admission.

(f) The proposed ~~resident-client~~ or if a minor or ~~incompetent-ward~~, his parents, or guardian or ~~guardian ad litem~~ or the ~~training school-center~~ may petition the court to amend its order of admission on the grounds that appropriate and necessary services to the proposed ~~resident-client~~ are available in a less restrictive environment than the ~~training school-center~~. The court may amend its order after notice and hearing pursuant to this act.

25-5-124. Discharge of clients by administrator or by court; appeals to department.

(a) An interdisciplinary team may recommend to the ~~superintendent administrator~~ discharge of a ~~resident-client with an appropriate transition plan~~ from the ~~training school-center~~ when placement ~~in a less restrictive and more therapeutic environment at home, with another service provider or another program~~ is appropriate for the ~~resident's-client's~~ needs and abilities. ~~The transition plan shall identify any recommended discharge conditions in the client's best interest, including type of residence facility, supervision and any continuing medical, therapeutic, rehabilitative or developmental services.~~ Based on the recommendations of the team, and with the consent of the ~~resident-client~~, or his parent or guardian if he is a minor or ~~incompetent-ward~~, the ~~superintendent administrator~~ shall place the ~~resident in the least restrictive alternative environment-client in the alternative setting~~. The ~~superintendent may administrator shall~~ discharge the ~~resident-client~~ when the ~~resident-client~~ has been appropriately placed in an alternative program. If the ~~resident-client~~ was admitted under a court order, the ~~superintendent administrator~~ shall petition the court, pursuant to W.S. 25-5-121(f).

(b) If the ~~resident-client~~, or his parent or guardian if he is a minor or incompetent, disagrees with the decision of the ~~superintendent-administrator~~ and the interdisciplinary team, the ~~resident-client~~, parent or guardian may appeal the decision to the ~~department-director~~ in writing. The department shall provide the ~~resident-client~~, parent or guardian with a decision in writing within thirty (30) days.

25-5-125. Transfer of clients for temporary care and treatment; consent; costs to be paid by center; third-party obligations not limited.

If the ~~superintendent-program manager~~ determines it is appropriate for the welfare of a ~~resident-client~~, the ~~resident-client~~ may be placed for temporary care and treatment in any public or private hospital, institution or residence in the state which provides services which will benefit the ~~resident-client~~. The transfer shall not be made without the consent of the ~~resident-client~~ and his parents or guardian, or in the case of an involuntary ~~resident-client~~, without leave of the court, except in cases of medical emergency. During and after the transfer, the ~~resident-client~~ remains a ~~resident-client~~ of the ~~training-school-center~~. The cost of the transfer and of the temporary treatment, care and training provided shall be borne by the ~~training-school-center~~. This section does not limit the responsibility of third parties to pay for medical and other expenses incurred by contract or law.

25-5-126. Contracts with other states for interstate transfer of clients; payment of expenses therefor.

(a) The department may enter into contracts with other states to provide for:

(i) The admission to ~~institutions-facilities~~, schools or hospitals in other states of persons admitted to or entitled to admission for residential services in the ~~training-school-center~~, when it can be shown that admission to a facility in another state is in the best interests of the person and the state of Wyoming;

(ii) The admission to the ~~training-school-center~~ of residents of other states when it can be shown that admission to the ~~training-school-center~~ for residential services is in the best interests of the person and the state of Wyoming, and that the person's need for ~~resident~~-services has been determined in accordance with this act.

(b) The expense of transferring persons from the ~~training-school-center~~ to other states shall be paid by the ~~training-school-center~~. The expense of transferring persons from other states to the ~~training-school-center~~ shall be paid by the state making the transfer to the ~~training-school-center~~.

25-5-129. Admittance for temporary services; excepted provisions; limited duration.

The ~~superintendent-administrator~~ may admit individuals for ~~temporary~~ services temporarily pursuant to rules promulgated under W.S. 25-5-105(a) if the administrator determines a less restrictive environment is appropriate but unavailable. A ~~resident-client~~ admitted for ~~tem-~~

~~porary services temporarily~~ is not subject to W.S. 25-5-114, 25-5-115; ~~25-5-117(b), and 25-5-121(e), and 25-5-127.~~ No individual shall be admitted temporarily for temporary services for more than ~~ninety (90) consecutive days nor more than one hundred twenty (120) seventy-five (75) days, in a calendar year.~~

25-5-130. Consent and notice required before major surgery; exceptions.

(a) Except as provided in subsection (b) of this section, no ~~resident client~~ shall undergo major surgery until the superintendent:

(i) Obtains the prior consent of the ~~resident client~~, or if his consent cannot be given knowingly, he shall obtain the prior consent of the resident's parent or guardian; and

25-5-131. Confidentiality of records; exceptions; penalties for violations.

(a) All records of ~~residents-clients~~, former ~~residents-clients~~ and proposed ~~residents-clients~~ of the ~~training school center~~ are confidential except as provided by subsection (b) of this section, when disclosure is required by state or federal law or when disclosure is necessary to prevent imminent risk of harm to the person who is the subject of the records or others.

(b) The ~~superintendent-administrator~~ may provide access to the records of a ~~resident-client~~, former ~~resident-client~~ or proposed ~~resident client~~ by:

(i) The person who is the subject of the records or his guardian, guardian ad litem or attorney;

(ii) The subject's physician or surgeon for the person who is the subject of the records;

(iii) A person authorized by the person who is the subject of the records, or by his parent or guardian if he is a minor or ~~incompetent ward~~, to evaluate the ~~subject's person's~~ eligibility for admission to the ~~training school center for residential services~~ or to determine whether his residence is the most appropriate and ~~least restrictive,~~ therapeutic environment for the ~~subject person;~~

(v) Qualified employees of the department and the ~~state training school center~~ and professional persons while in the performance of their official duties;:-

(vi) A person as required by law, including the Wyoming Hospital Records and Information Act, the Health Insurance Portability and Accountability Act and the Medicaid program.

25-5-132. No determination of incompetency; notification of rights; deniable rights and conditions therefor; undeniable rights.

(a) The determination that a person is eligible for admission to the ~~training school center~~ is not a determination or adjudication that the person is incompetent.

(b) Upon admission to the ~~training school center~~ for residential services, a ~~resident client~~ shall be informed orally and in writing of his rights under this section. If the ~~resident client~~ is a minor, or ~~incompetent ward~~, his parents, guardian or guardian ad litem shall be informed orally and in writing of his rights under this section.

(c) ~~A resident may be denied~~ The following rights of a client may be denied or limited only as a part of his individual program plan for purposes of safety and health. The ~~resident client~~ or if the ~~resident client~~ is a minor or ~~incompetent ward~~, his parents, guardian or guardian ad litem shall be informed in writing and orally of the grounds for the denial or limitation. The grounds for denial or limitation shall be entered in the individual program plan:

(i) The right to send and receive unopened mail; ~~except as provided in paragraph (d)(v) of this section;~~

(ii) The right to choose and wear his own clothing;

(v) The right to be free from physical restraints and ~~isolation-chemical restraints that substitute for active treatment or behavior modification programs~~, except in emergency situations as necessary to protect the ~~resident client~~ or others;

(vii) The right to make and receive telephone calls; ~~and~~

(ix) The right to an appropriate personal space that provides privacy and personal safety;

(x) The right to be free from abuse;

(xi) The right to vote;

(xii) The right to choose where and with whom to live;

(xiii) The right to present grievances and complaints or to request changes in policies and services without restraint, interference, coercion, discrimination or reprisal;

(xiv) The right to participate or refuse to participate in religious worship;

(xv) The right to the least restrictive environment.

(d) A ~~resident client~~ may not be denied the following rights unless the ~~denial is~~ authorized by a court, ~~or his guardian, parent or guardian ad litem~~ the client or, if the client is a minor or ward, his parent or guardian:

(ii) The right to refuse to be subjected to experimental medical or psychological research without the express and informed consent of the ~~resident client~~ or his parent or guardian if he is a minor or ward. The ~~resident client~~ or his parent or guardian may consult with independent medical or psychological specialists and his attorney before consenting or refusing;

(iii) The right to refuse to be subjected to ~~treatment procedures such as psychosurgery or other~~ drastic treatment procedures without the

express and informed consent of the ~~resident-client~~ and his parent or guardian if he is a minor or ~~adjudicated incompetent; ward.~~

25-5-133. Restraint; conditions for use; strict administration of medication; prohibited uses.

(a) Isolation or seclusion procedures in which a person is placed alone in a locked room or in an area from which the person is physically prevented from leaving are prohibited. Restraint of a ~~resident-client~~ shall be used only when less restrictive measures are ineffective for the welfare of the ~~resident or other residents-client or others~~ and only when necessary to ensure the immediate physical safety of the client or others. Restraint ~~or isolation~~ shall be used in a manner which ensures that the dignity and safety of the ~~individual person restrained~~ are protected and shall be regularly monitored by trained staff. The reason for restrictive measures shall be reported in the ~~resident's-client's~~ records and shall be reviewed by the interdisciplinary team and program manager. In addition, the client's individual program plan shall address active treatment or less restrictive measures to manage or eliminate the behaviors for which restraint was used.

(b) Medication shall be administered to a ~~resident-client~~ only pursuant to the order of a ~~physician~~ medical professional acting within the scope of his license. A record of the medication, the dosage administered, the date and the person administering the medication to each ~~resident-client~~ shall be kept in each ~~resident's-client's~~ treatment record. Medication shall not be used as punishment, for the convenience of staff or in quantities that interfere with a ~~resident's-client's~~ treatment program.

25-5-134. Employment of clients within institution; wages; duties; discharge for cause.

~~Residents-Clients~~ who are employed within the ~~institution-center~~ shall be paid a reasonable wage based upon ~~the nature of the employment and the productivity of the resident~~ commensurate wages under special certificate as authorized by the federal Fair Labor Standards Act at 21 U.S.C. 214(c). The ~~superintendent program manager~~ shall prescribe ~~the duties and assignment of the resident employee and may discharge the resident from employment for cause for each position~~ a written job description with wages, benefits and job duties clearly defined. The employment relationship pursuant to this section shall be at will.

25-5-135. Medications aides.

Any person trained and qualified as a medication aide may administer medications in basic ~~resident-client~~ care situations at the ~~training school center~~. The ~~training school-center~~ shall develop curricula, certification criteria and protocols concerning administration of medications and use of medication aides. Every medication aide shall perform the duties authorized under this section under the direction of a person licensed by the laws of this state to administer medications. The direction of medication aides shall not constitute an unlawful delegation of professional duties by the licensed nurse or other professional licensed to administer medications.

Section 2. W.S. 25-5-102(a), 25-5-114(b), 25-5-117(b), 25-5-123, 25-5-127, 25-5-128, 25-5-131(c) and 25-5-132(d)(iv) and (v) are repealed.

Section 3. The department of health may commence rulemaking to implement the provisions of this act immediately upon the effective date of this section. No appropriation for the fiscal year commencing July 1, 2009 shall be effective until the promulgation of final rules implementing this act.

Section 4.

(a) Section 3 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 86

DEVELOPMENTAL PRESCHOOL FUNDING

Original House Bill No. 117

AN ACT relating to educational services for preschool children with disabilities; clarifying the process for calculating payments to service providers and preparing corresponding budget requests; and providing for an effective date.

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

Section 1. W.S. 21-2-706(b), by creating a new subsection (e) and by renumbering (e) as (f) is amended to read:

21-2-706. Developmental preschool funding.

(b) For purposes of calculating payments to service providers for the subsequent fiscal year and preparing the division's ~~standard budget for the subsequent biennium, request to the legislature, the division shall multiply the number of~~ children age birth through five (5) years of age with developmental disabilities who are ~~subject to an individualized education program or an individualized family service plan shall be estimated as of December 1 of~~ eligible for developmental preschool services ~~on November 1 of the current fiscal year, and that number shall be multiplied in which the budget request is being prepared~~ by eight thousand five hundred three dollars (\$8,503.00) per child per year. Eligibility for developmental preschool services shall be determined by the state rules and regulations governing an individualized education program or an individualized family service plan.

(e) Commencing with the budget request for the fiscal year 2010 and for each fiscal year thereafter, the department shall prepare an exception budget request necessary to adjust the amounts calculated pursuant to subsections (b) and (d) of this section and as previously adjusted pursuant to this subsection, to reflect the most recent external cost adjustment enacted by the legislature pursuant to W.S. 21-13-309(o). The intent of this subsection is for each budget request to incorporate all previous adjustments made pursuant to this subsection.

~~(e)~~(f) Funds appropriated under subsection (d) of this section shall only be distributed to developmental preschool service providers that have established collaborative service agreements with professional social-emotional development service providers to provide early intervention services.

Section 2. W.S. 21-2-706(c) is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 87

HEALTH INSURANCE-CLINICAL TRIALS

Original Senate File No. 24

AN ACT relating to insurance; requiring coverage in health insurance policies and certificates for routine care related to the insured's participation in a clinical trial or study as specified; providing exceptions; providing definitions; specifying applicability of the act; and providing for an effective date.

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

Section 1. W.S. 26-20-301 is created to read:

ARTICLE 3 CLINICAL TRIALS COVERAGE

26-20-301. Clinical trials and studies coverage required.

(a) All individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by any insurer including any nonprofit corporation and individual and group service contracts or certificates issued by a health maintenance organization which provide coverage for treatment of cancer shall also provide coverage for routine patient care costs which a policyholder or certificate holder, or his covered dependent, receives as part of a clinical trial or study if:

(i) The medical treatment is provided in a phase II, phase III or phase IV study or clinical trial for the treatment of cancer;

(ii) The clinical trial or study is approved by:

(A) An agency of the national institutes of health as set forth in 42 U.S.C. 281(b) or a research entity that meets the NIH granting criteria;

(B) The United States food and drug administration as an application for a new investigational drug;

(C) The United States department of veterans affairs; or

(D) The United States department of defense.

(iii) The medical treatment is provided by a licensed health care provider practicing within the scope of the provider's license and the facility and personnel providing the treatment have the experience and training to provide the treatment in a competent manner; and

(iv) The participant in the clinical trial or study, before commencing participation, has signed a statement of consent indicating that the participant has been informed of:

(A) The procedure to be undertaken;

(B) Alternative methods of treatment; and

(C) The general nature and extent of risks associated with participation in the clinical trial or study.

(b) Coverage for medical treatment required by this section shall be limited to routine patient care costs.

(c) The coverage required by this section does not include:

(i) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry;

(ii) Coverage for any drug or device that is paid for by the manufacturer, distributor or provider of the drug or device;

(iii) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study;

(iv) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant or person accompanying a participant may incur;

(v) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the patient;

(vi) Any costs for the management of research relating to the clinical trial or study.

(d) Nothing in this section shall:

(i) Preclude an insurer from excluding coverage for any claim arising from the practice of medicine or other health care by a person without an applicable physician or health care provider license;

(ii) Preclude an insurer from asserting the right to subrogate for expenses arising from complications caused by a drug or device that is subsequently approved for usage upon completion of the clinical trial;

(iii) Provide a private cause of action against any health insurer described in subsection (a) of this section for damages arising as a result of compliance with this section.

(e) For purposes of this section:

(i) "Clinical trial" means any experiment in which a drug is administered to, dispensed to or used by one (1) or more human subjects. For purposes of this paragraph, an experiment is any use of a drug except for the use of a marketed drug in the course of medical practice;

(ii) "Routine patient care cost" means:

(A) A medical service or treatment that is a benefit under a health plan that would be covered if the patient were receiving standard cancer treatment; or

(B) A drug provided to a patient during a cancer clinical trial, other than the drug that is the subject of the clinical trial, if the drug has been approved by the federal food and drug administration for use in treating the patient's particular condition.

Section 2. The provisions of this act shall apply to policies, contracts and certificates of insurance providing coverage to any resident of this state that are delivered, issued for delivery, continued or renewed after the effective date of this act.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 88

SUBDIVISIONS-LARGE ACRE PARCELS

Original Senate File No. 11

AN ACT relating to subdivisions; providing for regulation by counties of subdivisions of thirty-five to one hundred forty acre parcels as specified; requiring recordation of subdivided lots sold under contract for deed; providing for exceptions; providing definitions; and providing for an effective date.

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

Section 1. W.S. 18-5-316 and 18-5-317 are created to read:

18-5-316. Requirements for large acreage subdivision permits.

(a) Except as otherwise provided, a county may, by resolution, elect to apply the provisions of this article on a uniform basis to the sale or disposition of any land where the subdivision creates parcels that are thirty-five (35) acres or larger and up to one hundred forty (140) acres. Except as provided in this subsection, each lawfully recorded parcel of land on July 1, 2008 shall be exempted from all provisions of this section other than compliance with paragraphs (i) through (iii) of this subsection and W.S. 18-5-317 and shall be allowed to be divided into not more than ten (10) parcels of one hundred forty (140) acres or less in size, provided that each new or remaining parcel is no less than thirty-five (35) acres. Parcels created pursuant to this exemption may be created at any time and may be created over a period of years through separate transactions. In no case, however, shall this exemption be used to create more than ten (10) parcels of land from each original parcel and each parcel created after July 1, 2008 shall be subject to this section and W.S. 18-5-317 as otherwise provided in this section. Boundary adjustments between or among parcels shall not be considered as a division of property subject to the limitations in this section. If a county elects to apply this article to sales or dispositions where the subdivision creates parcels that are thirty-five (35) acres or larger and up to one hundred forty (140) acres, unless the property is exempted under this subsection, the subdivider shall obtain a subdivision permit pursuant to this section. The provisions of W.S. 18-5-306 and 18-5-315 shall not be applicable to a subdivision of land under this section but nothing in this sentence shall prohibit application of lawfully adopted zoning provisions. Before granting the exemption provided in this subsection the board may require the person seeking the exemption to submit any or all of the following:

(i) A legal description or recordable survey containing the following:

(A) Date of preparation, scale and north arrow;

(B) The location of the subdivision units including the section, township and range;

(C) The location and dimension of access and utilities easements, which shall conform to the requirements of W.S. 18-5-303(b).

(ii) Evidence of compliance with paragraph (b)(ix) of this section;

(iii) If a centralized water supply system is proposed on the parcel or parcels, a study evaluating the water supply system proposed and the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater proposed within the parcel or parcels which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled on the parcel or parcels indicating soil types, depth, quantity and quality of water produced in the test well. Where individual on-lot wells are proposed, the study shall not be required and the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the parcel or parcels.

(b) The board may require any or all of the following information to be submitted with an application for a subdivision permit pursuant to this section:

(i) Evidence that the proposed subdivision complies with any applicable zoning regulations;

(ii) A survey plat submitted by the subdivider containing the following:

(A) Date of preparation, scale and north arrow;

(B) The location of the subdivision including the section, township and range;

(C) The location and dimension of existing and proposed lots, units, tracts, parcels, streets, alleys, roads, highways, public ways, utility rights-of-way, easements, parks and the location of proposed permanent buildings and structures if known.

(iii) Evidence that:

(A) The subdivider or his duly authorized agent who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, may convey merchantable title subject only to noted reservations or restrictions of record and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or

(B) Binding arrangements have been made by the person or his duly authorized agent who offers any part of the subdivision for sale, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected.

(iv) A study evaluating the sewage system proposed for the subdivision and the adequacy and safety of the system. Where individual on-lot sewage systems are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM," in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision;

(v) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements of not less than twenty (20) feet in width for the proposed facilities from each property owner over whose land such services shall extend and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways. Where no or limited on-lot utility connections are proposed, the words "NO PROPOSED UTILITY CONNECTIONS" or "LIMITED UTILITY CONNECTIONS," as appropriate, in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision. A permit shall not be denied for failure to provide on-lot utility connections;

(vi) A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study shall include information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well. Where individual on-lot wells are proposed, the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, contracts, agreements and plats relating to the subdivision;

(vii) Documentation that adequate ingress and egress access has been provided to all proposed lots, units, tracts and parcels and that all proposed lots, units, tracts, parcels, streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the board and applied uniformly throughout the county which shall not in itself constitute consent of the board to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the board properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the board shall be under no obligation to repair, maintain or accept any dedication of these roads to the public use. If no such public maintenance is contemplated on any of the roads, the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF SPECIFIED STREETS OR ROADS";

(viii) Documentation that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water supply systems, sewage systems, streets and roadways. The applicant shall provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision will in fact be completed as proposed, or escrow sufficient monies out of land sales to guarantee that the above facilities are installed. The amount of any bond or other financial commitment or escrow required under this paragraph shall reflect the estimated costs of providing the facilities;

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision the subdivider shall provide:

(A) Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the board of this action; or

(B) Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

(C) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114;

(D) If the subdivision is located within an irrigation district or within lands, served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and

(E) Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

(c) The board shall require the applicant to obtain review and recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The review and recommendations shall be completed within sixty (60) days.

(d) The board shall require the applicant to obtain review and recommendations from a fire protection district in which any portion of the subdivision lies, from the authority having jurisdiction over fire prevention and protection in the area or from the nearest fire protection district if no part of the subdivision lies within a fire protection district, regarding adequacy of fire protection measures. If the entire subdivision does not lie within a fire protection district and no city, town or fire protection district is obligated to provide fire protection pursuant to an agreement authorized by law the subdivider shall put a legend on the plat of the subdivision and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "LOTS ARE NOT PART OF A FIRE PROTECTION DISTRICT AND FIRE PROTECTION IS NOT OTHERWISE PROVIDED".

(e) If the permit is approved the board shall require the applicant to put a legend on the plat and on all offers, contracts or agreements for the sale and purchase of lots within the subdivision showing in capital letters "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".

(f) Nothing in this section shall require the acquisition of a permit for the sale or disposition of lands that on or before July 1, 2008 have been developed and promoted as part of a large acre subdivision as evidenced by dated plat maps, sales brochures or other evidence acceptable to the board.

(g) If the lots, units, tracts or parcels created pursuant to a permit issued under this section are used for agricultural purposes and otherwise qualify as agricultural land for purposes of W.S. 39-13-103(b)(x), the lots, units, tracts or parcels shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

18-5-317. Subsequent sale of subdivided lots.

If any lot, unit, tract or parcel is created pursuant to a subdivision and the lot, unit, tract or parcel is sold pursuant to a contract for deed, notice of the contract for deed shall be recorded with the county clerk within ten (10) days after the contract was executed.

Section 2. W.S. 18-5-302(a)(i) and by creating a new paragraph (x), 18-5-303(b), 18-5-304 and 18-5-307 are amended to read:

18-5-302. Definitions.

(a) As used in this article:

(i) "This article" means W.S. 18-5-301 through ~~18-5-315~~ 18-5-317;

(x) "Parcel" means a contiguous piece of property under common ownership.

18-5-303. Exemptions from provisions.

(b) Except as provided in W.S. 18-5-316, this article shall not apply to the sale or other disposition of land where the parcels involved are thirty-five (35) acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than forty (40) feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

18-5-304. Subdivision permit required.

No person shall subdivide land or commence ~~the physical layout or~~ construction of a subdivision without first obtaining a subdivision permit pursuant to W.S. 18-5-306 or, if applicable, W.S. 18-5-316 from the board of the county in which the land is located.

18-5-307. Planning commission may receive applications and make recommendations.

The board may allow the county planning and zoning commission authorized under the provisions of W.S. 18-5-201 through 18-5-206 as the proper agency to receive and evaluate applications for subdivision permits. If so authorized the planning commission shall receive the materials required by this article and shall submit a copy of the application to the department of environmental quality for review as provided by W.S. 18-5-306(c) and, if applicable, to the fire protection district, fire protection authority or the nearest fire protection district as provided by W.S. 18-5-316(d). ~~After completing its evaluation,~~ The commission shall make findings and recommendations to the board concerning an application within forty-five (45) days from the date the department of environmental quality submits its recommendation to the commission or from the

date when the recommendation is due if no recommendation is made, whichever is earlier. If no action is taken by the planning commission within that time the plat is deemed to be approved by the planning commission.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 89

WATER WELL DRILLING AND PUMP INSTALLATION LICENSURE

Original House Bill No. 55

AN ACT relating to water well drilling contractors and water well pump installation contractors; providing for licensure; providing certain exemptions; establishing licensing procedures; providing for fees; providing for examinations and continuing education requirements; providing for reciprocity; providing for license revocation and suspension; providing penalties; making conforming amendments; providing for the redistribution of certain funds; providing a sunset for certain provisions; creating an account to administer the board of examining water well drilling contractors and water well pump installation contractors as specified; providing for a continuous appropriation; repealing certain reciprocity provisions; and providing for an effective date.

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

Section 1. W.S. 33-42-112 through 33-42-117 are created to read:

33-42-112. Exemptions.

(a) Upon submitting satisfactory evidence to the board, any person who has been actively engaged as a water well drilling contractor or a water well pump installation contractor in the state of Wyoming for the five (5) years prior to July 1, 2008, shall be exempt from the oral or written examination requirements pursuant to W.S. 33-42-108 and 33-42-110 until June 30, 2009. Satisfactory evidence may include written affidavits from three (3) individuals competent to attest to the applicant's professional work experience.

(b) Any Wyoming water well drilling contractor or water well pump installation contractor certified pursuant to W.S. 33-42-101 through 33-42-111 by June 30, 2009, shall be exempt from oral or written examination requirements pursuant to W.S. 33-42-108 and 33-42-110.

(c) All applicants shall be required to pay all applicable fees.

(d) If a water well drilling contractor or pump installation contractor is not licensed by June 30, 2009, he shall comply with all the requirements of W.S. 33-42-108, including taking and passing the examination.

(e) The licensure requirements of this chapter shall not apply to any person drilling an oil or gas well or installing a pump in an oil or gas well, where the oil or gas well is permitted pursuant to W.S. 30-5-115.

(f) The licensure requirements of this chapter shall not apply to any person:

(i) Installing a pump in a well on land owned or leased by him or on which he is employed on a regular basis;

(ii) Drilling a monitor well that does not require a permit from the state engineer;

(iii) Drilling a well on land owned by him.

(g) Subsections (a) through (d) of this section are repealed July 1, 2009.

33-42-113. License renewal.

(a) In order to be eligible to renew a license, a licensed water well drilling contractor or water well pump installation contractor shall:

(i) Complete eighteen (18) professional competence hours in three (3) years, as established by the board;

(ii) Submit payment of all applicable fees; and

(iii) Comply with all requirements under W.S. 33-42-111(a).

33-42-114. Reciprocity.

If a person holding a license entitling him to drill water wells or install pumping equipment in another state applies for a Wyoming water well drilling contractor's or water well pump installation contractor's license, if the other state offers reciprocity, and if the board determines the standards and requirements of the state in which the applicant is licensed are equal to or exceed the standards or requirements of this act, the board may waive the examination requirements except the applicant shall successfully complete an examination based on Wyoming statutes and rules relating to the drilling of water wells or installation of pump equipment. The applicant shall also pay all applicable fees.

33-42-115. Complaints and investigations.

If any information concerning a possible violation of this act or rules and regulations applicable to water well drilling or pump installation is received or obtained by a board member or the state engineer's office, the board may, on its own motion, initiate proceedings under this act and in accordance with the Wyoming Administrative Procedure Act.

33-42-116. Account; expenditures.

The water well contractors account is created. Funds provided under W.S. 9-1-904(b), 33-42-105(d) and 33-42-109(d) shall be deposited into the account. Income earned on amounts within the account shall be credited to the account. Funds in the account are continuously appropriated to the board for the operation and management of the board and the administration of this act.

33-42-117. Penalties.

A violation of any provision of this act is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than six (6) months, or both.

Section 2. W.S. 9-1-904 by creating a new subsection (b), 33-42-102(a)(vi), 33-42-103, 33-42-104(c), 33-42-105(d), 33-42-107(a)(iii), (v) and (vi), 33-42-108(a)(intro) and (iii), 33-42-109, 33-42-110 and 33-42-111(a)(intro), (i) and (b) are amended to read:

9-1-904. Collection of fees.

(b) The state engineer shall specify by rule and regulation an amount not to exceed twenty-five dollars (\$25.00) of the fees collected for each application for a permit under subparagraphs (a)(v)(A) and (D) of this section to be deposited into the account created under W.S. 33-42-116 for wells which require the use of a licensed well driller pursuant to W.S. 33-42-103.

33-42-102. Definitions.

(a) As used in this act:

(vi) "This act" means W.S. 33-42-101 through ~~33-42-111~~ 33-42-117.

33-42-103. License.

(a) It is unlawful for any person to use in connection with his name or to advertise any title or description tending to convey the impression that he is a ~~certified-licensed~~ water well drilling contractor or water well pump installation contractor unless he has been ~~certified-licensed~~ under this act.

(b) The drilling, construction or completion of water wells, including the installation of pumping equipment, shall be considered a business activity affecting the public interest and requiring reasonable standards of competence.

(c) The licensing of water well drilling contractors and the licensing of water well pump installation contractors are separate and distinct activities. Licensing requirements shall be specific to each profession and shall be addressed in rules and regulations.

(d) A copy of the license of a licensed water well drilling licensee or water well pump installation licensee overseeing the job and assuming liability for the water well drilling or water well pump installation shall be conspicuously posted at the water well drilling or water well pump installation site.

(e) Nothing in this act shall be construed to require licensure of any person operating drilling equipment or conducting other drilling or boring operations which do not require a permit from the state engineer to appropriate ground water.

(f) It shall be unlawful for any person to construct, alter or rehabilitate a water well or install pumping equipment in a water well without a license as provided by this act unless the activity is exempted from the licensing requirements of this act.

33-42-104. Board of examining water well drilling contractors and water well pump installation contractors created; composition; appointment; terms; vacancies; qualification; compensation.

(c) Each member of the board appointed by the governor shall have been a resident of this state for at least one (1) year at the time of his appointment. Each contractor board member shall have been engaged in the practice of his profession for at least five (5) years prior to his appointment. After the appointment of the initial board, any water well drilling contractor or water well pump installation contractor appointed to the board shall be ~~certified~~licensed within six (6) months after appointment.

33-42-105. Organization of board; meetings; quorum; disposition of funds.

(d) Fees collected by the board shall be paid into the ~~state treasury and credited to an account created under W.S. 33-42-116~~ which shall be used by the board to defray costs incurred in the administration of this act. The board shall not maintain unnecessary fund balances.

33-42-107. Duties of the board.

(a) The board shall:

(iii) Examine the qualifications of anyone desiring to obtain a ~~certification license~~ to engage in the business of water well drilling or the business of water well pump installing within the state;

(v) Conduct hearings upon complaints with respect to any person ~~certified licensed~~ under this act in conformity with the Wyoming Administrative Procedure Act. The hearing shall be held in the county where the complaint originated; and

(vi) Establish continuing education for persons ~~certified licensed~~ to maintain knowledge of current industry standards. However, the board shall not impose continuing education requirements for any person which exceed eighteen (18) hours in any three (3) year period.

33-42-108. Licensure in general; qualifications of applicant; operator's license.

(a) The board shall issue a ~~certificate license~~ to an applicant who:

(iii) Has paid the required ~~fee fees~~; and

33-42-109. Fees; renewal; renewal of lapsed licenses; suspension or revocation.

(a) The board shall establish reasonable and necessary fees pursuant to W.S. 33-1-201 for:

(i) Application fees;

(ii) Certification fees and fees for renewal of certification. Certification fees shall not exceed two hundred dollars (\$200.00). Certification renewal fees shall not exceed two hundred dollars (\$200.00) for a three (3) year period thereafter. This paragraph is repealed July 1, 2009.

~~(i)(iii)~~ Examination and reexamination of ~~certification~~ license applicants;

(iv) Miscellaneous fees, including rosters, annual reports, address labels, copying fees and replacement licenses;

(v) License fees. License fees shall not exceed two hundred dollars (\$200.00). License renewal fees shall not exceed two hundred dollars (\$200.00) for each three (3) year renewal period thereafter.

(b) The initial license shall be for a period not to exceed three (3) years and shall expire on the third December 31 after receiving the initial license. Each subsequent license shall be valid for three (3) calendar years and shall expire on December 31 of the third year.

(c) If a licensed water well drilling contractor or water well pump installation contractor does not submit an application for license renewal prior to the December 31 expiration date or does not remit the renewal fees, the license shall expire. The contractor shall have a thirty-one (31) day grace period to renew the expired license. If the license has not been renewed before February 1 of the new license period, it shall not be eligible for reinstatement until the applicant has met all the requirements of W.S. 33-42-108.

(d) All fees collected under this section shall be deposited into the account created under W.S. 33-42-116.

33-42-110. Examination; notification; reexamination.

(a) An applicant for a license shall demonstrate professional competence by passing a written or oral examination prescribed by the board.

~~(a)~~(b) An examination shall be given at least twice annually. The examination shall be given at a location designated by the board.

~~(b)~~(c) The written or oral examination shall ~~consist of a written or oral examination testing~~ test the applicant's general knowledge of the basics of well construction ~~and state law or pump installation procedures,~~ Wyoming laws, rules, regulations and local ordinances concerning the construction of water wells or installation of water well pumps and pumping equipment.

~~(c)~~(d) Not less than thirty (30) days prior to examination the board shall notify each applicant that his application and evidence submitted for ~~certification~~ licensing is satisfactory and accepted or unsatisfactory and rejected. If rejected, the reasons for rejection shall be given. The notice shall include the date and location of the examination.

~~(d)~~(e) In the event an applicant fails to receive a passing grade on examination, he may reapply for examination within ninety (90) days.

(f) The board may contract with examination development consultants, water well technical experts, water pump installation technical experts or other technical experts as deemed necessary to prepare the examinations and may assign a member or members of the board to work with the consultants and technical experts to assure compliance with the requirements of this act.

33-42-111. Denial, revocation or suspension of license; hearing.

(a) The board may withhold, deny, revoke or suspend any certificate or license issued or applied for in accordance with the provisions of this act upon proof that the certificate or license holder or applicant:

(i) Has used fraud or deception in applying for a certificate or license or in the taking of the examination;

(b) No certificate or license may be suspended or revoked unless there has been a hearing in conformity with the provisions of the Wyoming Administrative Procedure Act.

Section 3. W.S. 33-42-108(c) and (d) is repealed.

Section 4. Any fees collected by the board and remaining in the account pursuant to W.S. 33-42-105(d) prior to the effective date of this act shall be transferred to the account created under W.S. 33-42-116.

Section 5. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 90

BUSINESS ENTITIES-REGISTERED AGENTS

Original Senate File No. 26

AN ACT relating to business entities; consolidating provisions regulating registered agents; providing definitions; providing for recordkeeping; providing for service of process; requiring registered agents to maintain physical addresses and business hours; providing for reinstatement of business entities as specified; requiring registered agents to contact entities as specified; making conforming amendments; authorizing a position; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 17-28-101 through 17-28-111 are created to read:

CHAPTER 28 REGISTERED OFFICES AND AGENTS

17-28-101. Registered office and registered agent.

(a) Each business entity shall continuously maintain in this state:

(i) A registered office that may be the same as any of its places of business but shall be located at a street address in Wyoming which shall be a physical location where the business entity's registered agent, or a natural person who has an agency relationship with the registered agent, can accept service of process as provided in W.S. 17-28-104 and is physically present at that location; and

(ii) A registered agent, who shall be:

(A) An individual who is at least eighteen (18) years of age, resides in this state and whose business office is identical with the registered office;

(B) A domestic business entity whose business office is identical with the registered office and which has a written agreement creating an agency relationship with an individual providing for acceptance of service of process as provided in W.S. 17-28-104;

(C) A foreign business entity authorized to transact business in this state whose business office is identical with the registered office and which has a written agreement creating an agency relationship with an individual providing for acceptance of service of process as provided in W.S. 17-28-104; or

(D) A business entity or an individual, at least eighteen (18) years of age, who is:

(I) In the business of serving as a registered agent for more than ten (10) entities, including a registered agent which serves as a registered agent for the entities served by another commercial registered agent; and

(II) Registered as a commercial registered agent under W.S. 17-28-105 and whose business office is identical with the registered office. A business entity registered as a commercial registered agent shall have a written agreement creating an agency relationship with a natural person providing for acceptance of service of process as provided in W.S. 17-28-104.

(b) For purposes of this chapter, "business entity" means a corporation, nonprofit corporation, limited liability company, limited partnership, cooperative marketing association, statutory trust or registered limited liability partnership, whether foreign or domestic.

(c) Every registered agent shall certify compliance with the requirements of this chapter on a form prescribed by the secretary of state on the date of registration.

(d) For purposes of this chapter, "written agreement" or "contract creating an agency relationship" means any written document granting a natural person representing a registered agent the authority to accept service of process on behalf of any entity served by the registered agent. A single document may serve as authorization for each natural person representing the registered agent without listing each natural person individually.

17-28-102. Change of registered office or registered agent.

(a) A business entity may change its registered office or registered agent by signing and delivering to the secretary of state for filing a statement of change that sets forth:

(i) The name of the business entity;

(ii) The street address of its current registered office;

(iii) If the current registered office is to be changed, the street address of the new registered office;

(iv) The name of its current registered agent;

(v) If the current registered agent is to be changed, the name of the new registered agent and the new agent's written consent to the appointment executed by the registered agent, either on the statement or attached to it;

(vi) That the new registered office and registered agent comply with the requirements of W.S. 17-28-101 through 17-28-111; and

(vii) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical, if applicable.

(b) If a registered agent changes the street address of his business office, he shall change the street address of the registered office of any business entity for which he is the registered agent by notifying the business entity in writing of the change and signing and delivering to the secretary of state for filing a statement that complies with the requirements of subsection (a) of this section and recites that every entity which the registered agent serves has been notified of the change.

(c) If a registered agent changes its name, it shall change the name of the registered agent of any business entity for which it is the registered agent by notifying the business entity in writing of the change and signing and delivering to the secretary of state for filing a statement that complies with the requirements of subsection (a) of this section and recites that every entity which the registered agent serves has been notified of the change.

17-28-103. Resignation of registered agent.

(a) A registered agent may resign his agency appointment by signing and delivering to the secretary of state for filing the signed original and one (1) exact or conformed copy of a statement of resignation for each entity from which the registered agent resigns. The statement may include a statement that the registered office is also discontinued. The statement of resignation shall state that the registered agent has sent notice to each affected entity at least thirty (30) days prior to the filing of the statement of resignation to the address of the entity last known to the registered agent. The statement shall be addressed to any officer or other authorized person of the entity other than the registered agent.

(b) Upon receiving the resignation of a registered agent where no successor is appointed, the entity shall provide the secretary of state with a statement of change in compliance with W.S. 17-28-102(a) within thirty (30) days following receipt by the business entity of the statement of resignation by a registered agent.

(c) A registered agent may resign his agency appointment and appoint a new registered agent that complies with W.S. 17-28-101(a) by signing and delivering to the secretary of state on a statement of change of registered agent form designated by the secretary of state:

(i) A signed original and one (1) exact or conformed copy of a statement of resignation for each entity from which the registered agent resigns;

(ii) A statement from each affected entity ratifying and approving the appointment of the new registered agent;

(iii) A statement designating a new registered office for each entity affected; and

(iv) A statement from the new registered agent certifying his compliance with all requirements of this chapter and acknowledging his appointment to serve as registered agent for each entity affected.

(d) The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement of resignation was filed under subsections (a) and (b) of this section. The agency appointment is terminated, the registered office discontinued if so provided, and the new registered agent and registered office are effective on the date on which the statement of change of registered agent was filed under subsection (c) of this section.

(e) If an agency appointment is terminated under the provisions of this section and no successor is appointed, service of process on the business entity shall be upon the secretary of state until a new appointment is made or until the entity is administratively dissolved or revoked.

(f) Upon receipt of resignation by a registered agent where no successor is appointed, the secretary of state shall classify the entity as delinquent awaiting administrative dissolution, revocation or forfeiture of its articles of organization as appropriate.

(g) Failure of a commercial registered agent to register pursuant to W.S. 17-28-105 shall not constitute a resignation of the registered agent pursuant to this section and the registered agent shall remain responsible for all the requirements of this chapter with respect to each entity represented.

17-28-104. Service on business entity.

(a) A business entity's registered agent, or the natural person having an agency relationship with the registered agent as provided in W.S. 17-28-101(a), shall accept service of process, notice, or demand required or permitted by law that is served on the entity.

(b) If a business entity has no registered agent, or the agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to the entity at its principal office. Service is perfected under this subsection at the earliest of:

(i) The date the entity receives the mail;

(ii) The date shown on the return receipt, if signed, either manually or in facsimile, on behalf of the entity; or

(iii) Five (5) days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

(c) A business entity may be served as provided in this section or as provided in the Wyoming Rules of Civil Procedure.

(d) Every entity shall provide to its registered agent, or to the secretary of state as provided in W.S. 17-28-107(b), and keep current the name, business address and business telephone number of a natural person who is an officer, director, employee or designated agent of the entity who is authorized to receive communications from the registered agent and is deemed the designated communications contact for the entity.

17-28-105. Commercial registered agent registration required.

(a) Except as provided in subsection (b) of this section, no person shall transact business in this state as a registered agent unless the person is registered with the secretary of state in accordance with the provisions of this section and W.S. 17-28-106. Violation of this section is punishable under W.S. 17-28-109.

(b) The registration requirements of this section and W.S. 17-28-106 shall not apply to a person who serves as registered agent for ten (10) or fewer business entities, unless the registered agent is serving as registered agent for an entity or entities that is serving as registered agent for more than ten (10) business entities.

(c) Any person claiming to be exempt from registration requirements based upon the provisions of subsection (b) of this section shall have the burden of proving the exemption in any administrative or other civil action.

(d) For purposes of W.S. 17-28-106, "commercial registered agent" means a registered agent required to register under this section.

(e) A commercial registered agent shall not:

- (i) Have been convicted of any felony;
- (ii) Have any officer, director, partner, manager or other authorized person who has been convicted of any felony;
- (iii) Engage in conduct in connection with acting as a registered agent that is intended or likely to deceive or defraud the public; nor
- (iv) Have any officer, director, partner, manager or other authorized person whose ability to act as a registered agent has been revoked by the secretary of state or a comparable official in another state for engaging in conduct in connection with acting as a registered agent that is intended or likely to deceive or defraud the public, or who was an officer, director, partner, manager or other authorized person of an entity whose ability to act as a registered agent has been so revoked.

17-28-106. Registration requirements.

(a) A commercial registered agent shall obtain a registration by filing an application with the secretary of state. The application shall be executed and sworn under penalty of perjury and contain information the secretary of state requires by rule including:

- (i) The legal name of the applicant;

(ii) The applicant's physical street address of its registered office in this state where service may be made. A separate mailing address may be included in addition to the physical street address;

(iii) Whether the applicant, or in the case of a corporation or other business entity its officers or directors, members, partners or persons serving in a similar capacity, has ever been convicted of a felony;

(iv) The name, address and phone number of the person who has authority to act on behalf of the commercial registered agent;

(v) A statement that the applicant is eighteen (18) years or older if the applicant is a natural person;

(vi) The name, physical street address, phone number and normal business hours of the registered office where the natural person with whom the agent has an agency agreement for purposes of receiving service of process, if applicable may be served; and

(vii) Other information the secretary of state deems appropriate in the registration and identification of registered agents.

(b) Every applicant for registration shall pay a filing fee as set by rule adopted pursuant to this chapter. The fee shall be designed to recover the cost of administering the provisions of this chapter relating to registered agents. If an application is withdrawn or denied, the secretary of state shall retain the entire fee.

(c) Registration of a commercial registered agent shall be valid for the calendar year of registration and shall expire December 31 of each year.

(d) The secretary of state may publish or cause a listing of registrants to be disseminated to interested persons under such rules as the secretary of state prescribes.

17-28-107. Duties of the registered agent; duties of the entity.

(a) The registered agent shall:

(i) Maintain a physical address in accordance with W.S. 17-28-102(a)(ii) and as defined by the secretary of state by rule;

(ii) Accept service of process in accordance with W.S. 17-28-104(a);

(iii) Maintain the address of record to which all service of process is to be delivered for each entity represented;

(iv) Register as a commercial registered agent pursuant to W.S. 17-28-105 if applicable; and

(v) Maintain at the registered office, the following information for each domestic entity represented which shall be current within sixty (60) days of any change until the entity's first annual report is accepted for filing with the secretary of state and thereafter when the annual report is due for filing and shall be maintained in a format that can be reasonably produced on demand:

(A) Names and addresses of each entity's directors, officers, limited liability company managers, managing partners, trustees or persons serving in a similar capacity;

(B) The name, address and business telephone number of a natural person who is an officer, director, employee or designated agent of each entity represented who is authorized to receive communications from the registered agent;

(C) A copy of the written contract or agreement creating an agency relationship between the registered agent and a natural person with respect to accepting service of process on behalf of each business entity represented by the registered agent.

(b) If the registered agent and the entity agree, the entity shall file with the secretary of state the information specified in paragraph (a)(iii) and subdivisions (a)(v)(A) and (B) of this section and the information specified in W.S. 17-28-104(d). As verification of the agreement, the entity shall file with the secretary of state a consent form, as provided by that office, which acknowledges the entity's election under this subsection. If the information or form acknowledging the entity's election is filed with the secretary of state, then the registered agent has complied with the requirement to maintain such information under this section.

17-28-108. Production of records.

(a) All records maintained pursuant to W.S. 17-28-107 are subject to periodic, special or other examination by the secretary of state or his representatives as deemed necessary or appropriate in investigations.

(b) The secretary of state may compel production of records required to be maintained pursuant to W.S. 17-28-107 in accordance with the provisions of the Wyoming Administrative Procedure Act.

(c) The secretary of state shall hold any records obtained pursuant to this section confidential except for information already on file with the secretary of state as part of a public document and information required to be in the annual report required by W.S. 17-16-1630(a). The secretary of state may release any such confidential information only pursuant to court ordered subpoena or to a bona fide law enforcement agency for use in a criminal investigation.

(d) Failure to produce or denial of access to records maintained pursuant to W.S. 17-28-107 to the secretary of state on demand or failure to answer a validly issued and enforceable subpoena shall be punishable as provided in W.S. 17-28-109.

(e) Any business entity which provides false records required to be maintained pursuant to W.S. 17-28-107 to the entity's registered agent shall be punished as provided in W.S. 17-16-129.

17-28-109. Actions against registered agents.

(a) The secretary of state may impose a civil penalty not to exceed five hundred dollars (\$500.00) for each violation, with respect to each entity represented, of this chapter for which no other specific penalty is provided, and may deny or revoke any registration, require enhanced recordkeeping and refuse to accept filings for business entities served by a registered agent if the registered agent, or in the case of registered agent that is a corporation or other business entity, its officers, directors, members, partners or persons serving in a similar capacity:

(i) Has failed to make application for registration as a commercial registered agent under W.S. 17-28-105 if applicable;

(ii) Has failed to maintain records as required by W.S. 17-28-107;

(iii) Cannot be served at the address of the registered office;

(iv) Has willfully violated or willfully failed to comply with any provision of this chapter; or

(v) Cannot be located at the address on the application provided to the secretary of state.

(b) A registered agent has complied with W.S. 17-28-107 if he has timely requested from the entity, either by certified letter or through an engagement letter or other similar document, that the required information be provided and be kept current within sixty (60) days of any change until the entity's first annual report is accepted for filing with the secretary of state. It shall be a defense to an action under paragraph (a)(ii) of this section if the registered agent notifies the secretary of state of the entity's failure to provide the required information or of the registered agent's belief that the information is inaccurate, and the registered agent resigns within sixty (60) days after the date the certified letter requesting information has been sent. No fee shall be assessed a registered agent resigning pursuant to this subsection.

(c) The secretary of state may deny or revoke the registration of a registered agent who has been convicted of any felony or has had an application for commercial registered agent denied or revoked, or in the case of a registered agent that is a corporation or other business entity, its officers, directors, members, partners or persons serving in a similar capacity have been convicted of any felony or have had an application for commercial registered agent denied or revoked.

(d) In any action pursuant to this section the prevailing party may recover costs of investigation, court costs and attorney's fees.

(e) It shall be a defense to any violation under this section if the agent, in the exercise of reasonable diligence could not have known that:

(i) The information maintained by the agent is inaccurate;

(ii) The information provided by the entity represented is inaccurate; or

(iii) An entity used the registered agent's identity or address without the registered agent's knowledge or consent.

(f) The secretary of state may deny registration, require enhanced recordkeeping and refuse to accept filings from any registered agent pursuant to this section without a contested case hearing. If a contested case hearing is requested, this authority shall only apply until the hearing is resolved.

17-28-110. Reinstatement after administrative dissolution or revocation of authority.

(a) Except as otherwise provided by law for specific business entities, a business entity administratively dissolved or whose certificate of au-

thority is revoked for violation of any provision of this chapter may apply to the secretary of state for reinstatement within two (2) years after the effective date of dissolution or revocation. Reinstatement may be denied by the secretary of state if the business entity has been the subject of secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the business entity was engaged in illegal operations.

(b) If the secretary of state determines that the business entity is in compliance with this chapter, he shall cancel the certificate of dissolution or revocation and prepare a certificate of reinstatement that recites his determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the business entity as provided in this chapter.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution or revocation and the business entity resumes carrying on its business as if the administrative dissolution or revocation had never occurred.

17-28-111. Rules and regulations.

The secretary of state shall have the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this chapter.

Section 2. W.S. 17-10-204(a)(i), (ii) and by creating a new subsection (f), 17-14-205(a)(ii) and by creating a new subsection (b), 17-15-102(a) by creating a new paragraph (viii), 17-15-110(a)(i), (ii) and by creating a new subsection (b), 17-15-112(a), 17-16-120(j)(i), 17-16-125(b), 17-16-140(a) by creating a new paragraph (xxix) and by renumbering (xxix) as (xxx), 17-16-205(d), 17-16-501(a)(i), (ii)(intro) and by creating a new subsection (b), 17-16-1420(a)(i), (v)(A) and (C), 17-16-1421(a) and (b), 17-16-1422(b), 17-16-1423(a), 17-16-1507(a)(i), (ii)(intro) and by creating a new subsection (b), 17-16-1530(a)(i) and (ii), 17-16-1531(a) and (b), 17-16-1532(a), 17-16-1533, 17-16-1534, 17-19-120(j)(i), 17-19-125(b), 17-19-140(a) by creating a new paragraph (xxxvii) and by renumbering (xxxvii) as (xxxviii), 17-19-501(a)(i), (ii)(intro) and by creating a new subsection (b), 17-19-1420(a)(v)(B), 17-19-1421(a) and (b), 17-19-1422(b), 17-19-1423(a), 17-19-1507(a)(i), (ii)(intro) and by creating a new subsection (b), 17-19-1530(a)(ii), 17-19-1531(a) through (c), 17-19-1532(a), 17-21-101(a) by creating a new paragraph (xv), 17-21-1101 by creating a new subsection (o), 17-23-109(a)(i), (ii) and by creating a new subsection (b) and 17-23-111 are amended to read:

17-10-204. Registered agent; change of registered office or registered agent.

(a) Each cooperative shall have and continuously maintain in this state:

(i) A registered office ~~which may be, but need not be, the same as its place of business as provided in W.S. 17-28-101 through 17-28-111;~~

~~(ii) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office as provided in W.S. 17-28-101 through 17-28-111.~~

~~(f) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all cooperatives.~~

17-14-205. Specified office and agent.

(a) Each limited partnership shall continuously maintain in this state:

~~(ii) An A registered agent for service of process on the limited partnership, which agent shall be an individual resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state as provided in W.S. 17-28-101 through 17-28-111.~~

~~(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all limited partnerships.~~

17-15-102. Definitions.

(a) As used in this act:

~~(viii) "Registered agent" means as provided in W.S. 17-28-101 through 17-28-111.~~

17-15-110. Registered office and registered agent to be maintained.

(a) Each limited liability company shall have and continuously maintain in this state:

~~(i) A registered office which may be, but need not be, the same as its place of business as provided in W.S. 17-28-101 through 17-28-111;~~

~~(ii) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office as provided in W.S. 17-28-101 through 17-28-111.~~

~~(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all limited liability companies.~~

17-15-112. Failure to maintain registered agent or registered office or pay annual fee.

~~(a) If any limited liability company has failed for thirty (30) days to appoint and maintain a registered agent in this state, or has failed for thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state a statement of the change. If any limited liability company's registered agent has filed its resignation with the secretary of state and the limited liability company has not replaced its registered agent and registered office it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and~~

the forfeiture shall be made effective in the following manner. The secretary of state shall mail by certified mail a notice of its failure to comply with aforesaid provisions. Unless compliance is made within ~~thirty (30)~~ sixty (60) days of the delivery of notice, the limited liability company shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its certificate, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of one hundred dollars (\$100.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The limited liability company shall retain its registered name during the two (2) year reinstatement period under this section.

17-16-120. Filing requirements.

(j) The document shall be delivered to the office of the secretary of state for filing and shall be accompanied by:

(i) One (1) exact or conformed copy except as provided in W.S. ~~17-16-503 and 17-16-1509~~ 17-28-103;

17-16-125. Filing duty of secretary of state.

(b) The secretary of state files a document by stamping or otherwise endorsing "Filed," together with his official title and the date and time of filing, on both the original and the document copy and on the receipt for the filing fee. After filing a document, except as provided in W.S. ~~17-16-503 and 17-16-1510~~ 17-28-103, the secretary of state shall deliver the document copy, with the filing fee receipt (or acknowledgement of receipt if no fee is required) attached, to the domestic or foreign corporation or its representative. The secretary of state, in his discretion, may issue a certificate evidencing the filing of a document upon the payment of the requisite fee.

17-16-140. Definitions.

(a) In this act:

~~(xxix)~~ "Registered agent" means as provided in W.S. 17-28-101 through 17-28-111;

~~(xxx)~~ "This act" means W.S. 17-16-101 through 17-16-1803.

17-16-205. Organization of corporation.

(d) Within sixty (60) days after filing articles of incorporation, a corporation ~~which maintains a registered agent required to register by W.S. 17-16-505,~~ shall provide information to ~~the its~~ registered agent as required by W.S. ~~17-16-507~~ 17-28-107.

17-16-501. Registered office and registered agent.

(a) Each corporation shall continuously maintain in this state:

(i) A registered office ~~that may be the same as any of its places of business as provided in W.S. 17-28-101 through 17-28-111;~~ and

(ii) A registered agent, ~~who may be:~~ as provided in W.S. 17-28-101 through 17-28-111.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all corporations.

17-16-1420. Grounds for administrative dissolution.

(a) The secretary of state may commence a proceeding under W.S. 17-16-1421 to administratively dissolve a corporation if:

(i) The corporation is without a registered agent or registered office in this state; ~~for thirty (30) days or more;~~

(v) It is in the public interest and the corporation:

(A) Failed to provide records to the registered agent as required in W.S. ~~17-16-507~~ 17-28-107;

(C) Cannot be served by either the secretary of state or the registered agent at its address provided pursuant to W.S. ~~17-16-507~~ 17-28-107.

17-16-1421. Procedure for and effect of administrative dissolution.

(a) If the secretary of state determines that one (1) or more grounds exist under W.S. 17-16-1420 for dissolving a corporation, he shall serve the corporation with written notice of his determination under W.S. ~~17-16-504~~ 17-28-104, except for W.S. 17-16-1420(a)(iii) in which case dissolution is by choice and therefore automatic and W.S. 17-16-1420(a)(iv) in which case notice of the proposed dissolution shall be given only as provided in subsection (e) of this section.

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under W.S. ~~17-16-504~~ 17-28-104, the secretary of state shall administratively dissolve the corporation by signing, either manually or in facsimile, a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the corporation under W.S. ~~17-16-504~~ 17-28-104. The provisions of subsection (e) of this section shall govern the procedures for dissolution pursuant to W.S. 17-16-1420(a)(iv).

17-16-1422. Reinstatement following administrative dissolution.

(b) If the secretary of state determines that the application contains the information required by subsection (a) of this section and that the information is correct, he shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites his determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under W.S. ~~17-16-504~~ 17-28-104.

17-16-1423. Appeal from denial of reinstatement.

(a) If the secretary of state denies a corporation's application for reinstatement following administrative dissolution, he shall serve the corporation under W.S. ~~17-16-504-17-28-104~~ with a written notice that explains the reason or reasons for denial.

17-16-1507. Registered office and registered agent of foreign corporation.

(a) Each foreign corporation authorized to transact business in this state shall continuously maintain in this state:

(i) A registered office ~~that may be the same as any of its places of business as provided in W.S. 17-28-101 through 17-28-111;~~ and

(ii) A registered agent, ~~who may be:~~ as provided in W.S. 17-28-101 through 17-28-111.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all foreign corporations.

17-16-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-16-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(i) The foreign corporation is without a registered agent or registered office in this state; ~~for thirty (30) days or more;~~

(ii) The foreign corporation does not inform the secretary of state under W.S. ~~17-16-1508 or 17-16-1509-17-28-102 or 17-28-103~~ that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty (30) days of the change, resignation or discontinuance;

17-16-1531. Procedure for and effect of revocation.

(a) If the secretary of state determines that one (1) or more grounds exist under W.S. 17-16-1530 for revocation of a certificate of authority, he shall serve the foreign corporation with written notice of his determination under W.S. ~~17-16-1510-17-28-104~~, except for revocation pursuant to W.S. 17-16-1530(a)(iv) in which case notice of the proposed revocation shall be given only as provided in subsection (f) of this section.

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under W.S. ~~17-16-1510-17-28-104~~, the secretary of state may revoke the foreign corporation's certificate of authority by signing, either manually or in facsimile, a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under W.S. ~~17-16-1510-17-28-104~~. The provisions of subsection (f) of this section shall govern the procedures for revocation pursuant to W.S. 17-16-1530(a)(iv).

17-16-1532. Appeal from revocation.

(a) A foreign corporation may appeal the secretary of state's revocation of its certificate of authority pursuant to W.S. 16-3-114, within thirty (30) days after service of the certificate of revocation is perfected under W.S. ~~17-16-1510-17-28-104~~. The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of authority and the secretary of state's certificate of revocation.

17-16-1533. Applicability of chapter 15 to foreign limited liability companies.

To the extent not inconsistent with the Wyoming Limited Liability Act, W.S. 17-15-101 through 17-15-144, a limited liability company organized in another jurisdiction may do business in Wyoming by complying with W.S. 17-16-1501 through ~~17-16-1510-17-16-1507~~, 17-16-1520, ~~and~~ 17-16-1530 through 17-16-1532 ~~and 17-28-101 through 17-28-111~~. The certificate of organization of a limited liability company organized in another jurisdiction may be revoked as provided in W.S. 17-16-1530 through 17-16-1532.

17-16-1534. Applicability of chapter 23 to foreign statutory trust companies.

To the extent not inconsistent with the Wyoming Statutory Trust Act, W.S. 17-23-101 through 17-23-302, a statutory trust as defined in W.S. 17-23-102(a)(v), which is organized in another jurisdiction may do business in Wyoming by complying with W.S. 17-16-1501 through ~~17-16-1510-17-16-1507~~, 17-16-1520 and 17-16-1530 through 17-16-1532.

17-19-120. Filing requirements.

(j) The document shall be delivered to the office of the secretary of state for filing and shall be accompanied by:

(i) One (1) exact or conformed copy (except as provided in W.S. ~~17-19-503 and 17-19-1509-17-28-103~~);

17-19-125. Filing duty of secretary of state.

(b) The secretary of state files a document by stamping or otherwise endorsing "Filed," together with his name and official title and the date and the time of filing, on both the original and copy of the document and on the receipt for the filing fee. After filing a document, except as provided in W.S. ~~17-19-503 and 17-19-1510-17-28-103~~, the secretary of state shall deliver the document copy, with the filing fee receipt (or acknowledgment of receipt if no fee is required) attached, to the domestic or foreign corporation or its representative. The secretary of state, in his discretion, may issue a certificate evidencing the filing of a document upon the payment of the requisite fee.

17-19-140. General definitions.

(a) As used in this act:

(xxxvii) "Registered agent" means as provided in W.S. 17-28-101 through 17-28-111;

~~(xxxvii)~~(xxxviii) "This act" means W.S. 17-19-101 through 17-19-1807.

17-19-501. Registered office and registered agent.

(a) Each corporation shall continuously maintain in this state:

(i) A registered office ~~that may be the same as any of its places of business as provided in W.S. 17-28-101 through 17-28-111;~~ and

(ii) A registered agent, ~~who may be:~~ as provided in W.S. 17-28-101 through 17-28-111.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all nonprofit corporations.

17-19-1420. Grounds for administrative dissolution.

(a) The secretary of state may commence a proceeding under W.S. 17-19-1421 to administratively dissolve a corporation if:

(v) It is in the public interest and the corporation:

(B) Cannot be served by either the secretary of state or the registered agent at its address provided pursuant to W.S. ~~17-16-507~~ 17-28-107.

17-19-1421. Procedure for and effect of administrative dissolution.

(a) Upon determining that one (1) or more grounds exist under W.S. 17-19-1420 for dissolving a corporation, the secretary of state shall serve the corporation with written notice of that determination under W.S. ~~17-19-504-17-28-104,~~ except for dissolution pursuant to W.S. 17-19-1420(a)(iv) in which case notice of the proposed dissolution shall be given only as provided in subsection (e) of this section. In the case of a public benefit corporation the secretary of state shall also notify the attorney general in writing.

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within at least sixty (60) days after service of the notice is perfected under W.S. ~~17-19-504-17-28-104,~~ the secretary of state may administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the corporation under W.S. ~~17-19-504-17-28-104,~~ and in the case of a public benefit corporation shall notify the attorney general in writing. The provisions of subsection (e) of this section shall govern the procedures for dissolution pursuant to W.S. 17-19-1420(a)(iv).

17-19-1422. Reinstatement following administrative dissolution.

(b) If the secretary of state determines that the application contains the information required by subsection (a) of this section and that the information is correct, the secretary of state shall cancel the certificate

of dissolution and prepare a certificate of reinstatement reciting that determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under W.S. ~~17-19-504~~ 17-28-104.

17-19-1423. Appeal from denial of reinstatement.

(a) The secretary of state, upon denying a corporation's application for reinstatement following administrative dissolution, shall serve the corporation under W.S. ~~17-19-504~~ 17-28-104 with a written notice that explains the reason or reasons for denial.

17-19-1507. Registered office and registered agent of foreign corporation.

(a) Each foreign corporation authorized to transact business in this state shall continuously maintain in this state:

(i) A registered office ~~with the same address as that of its registered agent as provided in W.S. 17-28-101 through 17-28-111;~~ and

(ii) A registered agent, ~~who may be:~~ as provided in W.S. 17-28-101 through 17-28-111.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all foreign corporations.

17-19-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-19-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(ii) The foreign corporation does not inform the secretary of state under W.S. ~~17-19-1508 or 17-19-1509~~ 17-28-102 or 17-28-103 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty (30) days of the change, resignation or discontinuance;

17-19-1531. Procedure and effect of revocation.

(a) The secretary of state upon determining that one (1) or more grounds exist under W.S. 17-19-1530 for revocation of a certificate of authority shall serve the foreign corporation with written notice of that determination under W.S. ~~17-19-1510~~ 17-28-104, except for revocation pursuant to W.S. 17-19-1530(a)(v) in which case notice of the proposed revocation shall be given only as provided in subsection (g) of this section.

(b) The attorney general upon determining that one (1) or more grounds exist under W.S. 17-19-1530(b) for revocation of a certificate of authority shall request the secretary of state to serve, and the secretary of state shall serve the foreign corporation with written notice of that determination under W.S. ~~17-19-1510~~ 17-28-104.

(c) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state or attorney general that each ground for revocation determined by

the secretary of state or attorney general does not exist within sixty (60) days after service of the notice is perfected under W.S. ~~17-19-1510~~ 17-28-104, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under W.S. ~~17-19-1510~~ 17-28-104. The provisions of subsection (g) of this section shall govern the procedures for revocation pursuant to W.S. 17-19-1530(a)(v).

17-19-1532. Appeal from revocation.

(a) A foreign corporation may appeal the secretary of state's revocation of its certificate of authority pursuant to W.S. 16-3-114 within thirty (30) days after the service of the certificate of revocation is perfected under W.S. ~~17-19-1510~~ 17-28-104. The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of authority and the secretary of state's certificate of revocation.

17-21-101. Definitions.

(a) In this chapter:

(xv) "Registered agent" means as provided in W.S. 17-28-101 through 17-28-111.

17-21-1101. Registered limited liability partnerships.

(o) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all registered limited liability partnerships.

17-23-109. Registered office and registered agent to be maintained.

(a) Each statutory trust shall have and continuously maintain in this state:

(i) A registered office ~~which may be the same as its place of business as provided in W.S. 17-28-101 through 17-28-111; and~~

(ii) A registered agent, ~~which may be either an individual resident in this state whose business office is identical with the registered office, or a domestic corporation, limited liability company or statutory trust or a foreign corporation authorized to transact business in this state, having a business office identical with the registered office as provided in W.S. 17-28-101 through 17-28-111.~~

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all statutory trusts.

17-23-111. Failure to maintain registered agent or registered office or pay annual fee.

If any statutory trust has failed ~~for thirty (30) days to appoint and maintain a registered agent in this state, or has failed for thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state a statement of the change, to comply with the~~

provisions of W.S. 17-28-101 through 17-28-111 or has failed to pay the fee required by W.S. 17-23-117, it is transacting business within this state without authority and shall forfeit any franchises, rights or privileges acquired under the laws of this state. The forfeiture shall be made effective in the following manner. The secretary of state shall mail by certified mail a notice of its failure to comply. Unless compliance is made within ~~thirty (30)~~ sixty (60) days of the delivery of notice, the statutory trust shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Any defunct statutory trust may at any time within two (2) years after the forfeiture of its certificate, be revived and reinstated, by filing the necessary statement under this chapter and paying the prescribed fee, together with a penalty of one hundred dollars (\$100.00). The statutory trust shall retain its registered name during the two (2) year reinstatement period.

Section 3. W.S. 17-10-204(b) through (d), 17-15-111, 17-15-114, 17-16-501(a)(ii)(A) through (C), 17-16-502 through 17-16-509, 17-16-1507(a)(ii)(A) through (C), 17-16-1508 through 17-16-1510, 17-19-501(a)(ii)(A) through (C), 17-19-502 through 17-19-504, 17-19-1507(a)(ii)(A) through (C), 17-19-1508 through 17-19-1510 and 17-23-110 are repealed.

Section 4.

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the secretary of state. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010. This appropriation shall only be expended for the purpose of implementing this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. This appropriation shall not be included in the secretary of state's 2011-2012 standard biennial budget request.

(b) There is appropriated one hundred twenty thousand dollars (\$120,000.00) from the general fund to the secretary of state. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010. This appropriation shall only be expended for the purpose of hiring one (1) full time equivalent auditor position to assist with enforcing this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010. The secretary of state is hereby authorized one (1) additional full-time position for purposes of this act. This appropriation and position shall be included in the secretary of state's 2011-2012 standard biennial budget request.

Section 5.

(a) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective January 1, 2009.

Approved March 12, 2008.

Chapter 91

BUSINESS ENTITIES-REVISIONS

Original Senate File No. 18

AN ACT relating to business entities; providing a penalty for filing a false document; providing for forfeiture of limited liability company articles of organization; providing for administrative dissolution of corporations; providing for fees; providing for revocation of authority for foreign corporations; providing for interim classifications; and providing for an effective date.

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

Section 1. W.S. 6-5-308 is created to read:

6-5-308. Penalty for filing false document.

(a) A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both, if he files with the secretary of state and willfully or knowingly:

(i) Falsifies, conceals or covers up by any trick, scheme or device a material fact;

(ii) Makes any materially false, fictitious or fraudulent statement or representation; or

(iii) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

Section 2. W.S. 17-15-112, 17-16-1420(a)(iv), by creating new paragraphs (vi) and (vii) and by creating a new subsection (b), 17-16-1421(a) and (b), 17-16-1422(a)(iv) and by creating a new paragraph (v), 17-16-1530(a)(iv), by creating a new paragraph (v), by renumbering (v) as (vi) and by creating a new subsection (b), 17-16-1531(a) and (b), 17-19-1420(a)(iv), by creating new paragraphs (vi) and (vii) and by creating a new subsection (b), 17-19-1421(a) and (b), 17-19-1422(a)(iv) and by creating a new paragraph (v), 17-19-1530(a)(iv), by creating new paragraphs (vi) and (vii) and by creating a new subsection (c) and 17-19-1531(a) and (c) are amended to read:

17-15-112. Administrative forfeiture of authority and certificate of organization.

(a) If any limited liability company has failed for thirty (30) days to appoint and maintain a registered agent in this state, or has failed for

thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state a statement of the change it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall mail by certified mail a notice of its failure to comply with aforesaid provisions. Unless compliance is made within thirty (30) days of the delivery of notice, the limited liability company shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its certificate, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The limited liability company shall retain its registered name during the two (2) year reinstatement period under this section.

(b) If any limited liability company has failed to pay the tax required by W.S. 17-15-132(a)(vi) it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof. The forfeiture shall be made effective in the following manner. The secretary of state shall provide notice to the limited liability company at its last known mailing address by first class mail, ~~and publish once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the registered office of the company is located, notice that the company failed to comply with W.S. 17-15-132(a)(vi).~~ Unless compliance is made within sixty (60) days of the date of ~~the first publication,~~ notice the limited liability company shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its certificate, be revived and reinstated by paying double the amount of the delinquent taxes. When the reinstatement is effective, it relates back to and takes effect as of the effective date deemed defunct pursuant to this subsection and the limited liability company resumes carrying on its business as if it had never been deemed defunct.

(c) A limited liability company shall be deemed to be transacting business within this state without authority, to have forfeited any franchises, rights or privileges acquired under the laws thereof and shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state, and the forfeiture shall be made effective in the manner provided in subsection (a) of this section, if:

(i) A member of the limited liability company signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(ii) The limited liability company has failed to respond to a valid and enforceable subpoena; or

(iii) It is in the public interest and the limited liability company or any of its members:

(A) Failed to provide records to the registered agent as required in this act;

(B) Has provided fraudulent information or has failed to correct false information upon request of the secretary of state on any filing with the secretary of state under this act; or

(C) Cannot be served by either the registered agent or by mail by the secretary of state acting as the agent for process.

(d) The secretary of state may classify a limited liability company as delinquent awaiting forfeiture of its certificate of organization at the time the secretary of state mails the notice required under subsections (a) through (c) of this section to the limited liability company.

17-16-1420. Grounds for administrative dissolution.

(a) The secretary of state may commence a proceeding under W.S. 17-16-1421 to administratively dissolve a corporation if:

(iv) The corporation does not deliver its annual reports or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-16-1630;~~or~~

(vi) An incorporator, director, officer or agent of the corporation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(vii) The corporation has failed to respond to a valid and enforceable subpoena.

(b) Prior to commencing a proceeding under W.S. 17-16-1421 the secretary of state may classify a corporation as delinquent awaiting administrative dissolution if the corporation meets any of the criteria in subsection (a) of this section.

17-16-1421. Procedure for and effect of administrative dissolution.

(a) If the secretary of state determines that one (1) or more grounds exist under W.S. 17-16-1420 for dissolving a corporation, he shall serve the corporation with written notice of his determination under W.S. 17-16-504, except for W.S. 17-16-1420(a)(iii) in which case dissolution is by choice and therefore automatic, ~~and W.S. 17-16-1420(a)(iv) in which case notice of the proposed dissolution shall be given only as provided in subsection (e) of this section.~~

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under W.S. 17-16-504, the secretary of state shall administratively dissolve the corporation by signing, either manually or in facsimile, a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate

and serve a copy on the corporation under W.S. 17-16-504. ~~The provisions of subsection (c) of this section shall govern the procedures for dissolution pursuant to W.S. 17-16-1420(a)(iv).~~

17-16-1422. Reinstatement following administrative dissolution.

(a) A corporation administratively dissolved under W.S. 17-16-1421 may apply to the secretary of state for reinstatement within two (2) years after the effective date of dissolution. Reinstatement may be denied by the secretary of state if the corporation has been the subject of secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the corporation was engaged in illegal operations. The application shall:

(iv) If the corporation was administratively dissolved for failing to deliver its annual report or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-16-1630, include payment of a sum equal to double the amount of fees and taxes then delinquent and a reinstatement certificate fee prescribed pursuant to W.S. 17-16-122; and

(v) If the corporation was administratively dissolved for failure to maintain a registered agent, include payment of a two hundred fifty dollar (\$250.00) reinstatement fee and payment of a sum equal to double the amount of any fees and taxes then delinquent.

17-16-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-16-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(iv) The corporation does not deliver its annual reports or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-16-1630; or

(v) The corporation has failed to respond to a valid and enforceable subpoena; or

~~(v)~~(vi) It is in the public interest and the corporation:

(A) Has provided fraudulent information or has failed to correct false information upon request of the secretary of state on any filing under this act with the secretary of state; or

(B) Cannot be served by either the registered agent or by mail by the secretary of state acting as the agent for process.

(b) Prior to commencing a proceeding under W.S. 17-16-1531 the secretary of state may classify a foreign corporation as delinquent awaiting administrative revocation if the foreign corporation meets any of the criteria in subsection (a) of this section.

17-16-1531. Procedure for and effect of revocation.

(a) If the secretary of state determines that one (1) or more grounds exist under W.S. 17-16-1530 for revocation of a certificate of authority,

he shall serve the foreign corporation with written notice of his determination under W.S. 17-16-1510, ~~except for revocation pursuant to W.S. 17-16-1530(a)(iv) in which case notice of the proposed revocation shall be given only as provided in subsection (f) of this section.~~

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after service of the notice is perfected under W.S. 17-16-1510, the secretary of state may revoke the foreign corporation's certificate of authority by signing, either manually or in facsimile, a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under W.S. 17-16-1510. ~~The provisions of subsection (f) of this section shall govern the procedures for revocation pursuant to W.S. 17-16-1530(a)(iv).~~

17-19-1420. Grounds for administrative dissolution.

(a) The secretary of state may commence a proceeding under W.S. 17-19-1421 to administratively dissolve a corporation if:

(iv) The corporation does not deliver its annual reports or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-19-1630; ~~or~~

(vi) An incorporator, director, officer or agent of the corporation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(vii) The corporation has failed to respond to a valid and enforceable subpoena.

(b) Prior to commencing a proceeding under W.S. 17-19-1421 the secretary of state may classify a corporation as delinquent awaiting administrative dissolution if the corporation meets any of the criteria in subsection (a) of this section.

17-19-1421. Procedure for and effect of administrative dissolution.

(a) Upon determining that one (1) or more grounds exist under W.S. 17-19-1420 for dissolving a corporation, the secretary of state shall serve the corporation with written notice of that determination under W.S. 17-19-504, ~~except for dissolution pursuant to W.S. 17-19-1420(a)(iv) in which case notice of the proposed dissolution shall be given only as provided in subsection (e) of this section.~~ In the case of a public benefit corporation the secretary of state shall also notify the attorney general in writing.

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within at least sixty (60) days after service of the notice is perfected under W.S. 17-19-504, the secretary of state may administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or

grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the corporation under W.S. 17-19-504, and in the case of a public benefit corporation shall notify the attorney general in writing. ~~The provisions of subsection (c) of this section shall govern the procedures for dissolution pursuant to W.S. 17-19-1420(a)(iv).~~

17-19-1422. Reinstatement following administrative dissolution.

(a) A corporation administratively dissolved under W.S. 17-19-1421 may apply to the secretary of state for reinstatement within two (2) years after the effective date of dissolution. Reinstatement may be denied by the secretary of state if the corporation has been the subject of secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the corporation was engaged in illegal operations. The application shall:

(iv) If the corporation was administratively dissolved for failing to deliver its annual report or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-19-1630, include payment of a sum equal to double the amount of fees and taxes then delinquent and the reinstatement certificate fee prescribed by W.S. 17-19-122; and

(v) If the corporation was administratively dissolved for failure to maintain a registered agent, include payment of a one hundred fifty dollar (\$150.00) reinstatement fee and payment of a sum equal to double the amount of any fees and taxes then delinquent.

17-19-1530. Grounds for revocation.

(a) The secretary of state may commence a proceeding under W.S. 17-19-1531 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(iv) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger; ~~or~~

(vi) The corporation has failed to respond to a valid and enforceable subpoena; or

(vii) It is in the public interest and the corporation:

(A) Has provided fraudulent information or has failed to correct false information upon request of the secretary of state on any filing with the secretary of state under this act; or

(B) Cannot be served by either the registered agent or by mail by the secretary of state acting as the agent for process.

(c) Prior to commencing a proceeding under W.S. 17-19-1531 the secretary of state may classify a foreign corporation as delinquent awaiting administrative revocation if the foreign corporation meets any of the criteria in subsection (a) of this section.

17-19-1531. Procedure and effect of revocation.

(a) The secretary of state upon determining that one (1) or more grounds exist under W.S. 17-19-1530 for revocation of a certificate of authority shall serve the foreign corporation with written notice of that determination under W.S. 17-19-1510, ~~except for revocation pursuant to W.S. 17-19-1530(a)(v) in which case notice of the proposed revocation shall be given only as provided in subsection (g) of this section.~~

(c) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state or attorney general that each ground for revocation determined by the secretary of state or attorney general does not exist within sixty (60) days after service of the notice is perfected under W.S. 17-19-1510, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under W.S. 17-19-1510. ~~The provisions of subsection (g) of this section shall govern the procedures for revocation pursuant to W.S. 17-19-1530(a)(v).~~

Section 3. W.S. 17-16-129, 17-16-1421(e), 17-16-1531(f), 17-19-1421(e), 17-19-1531(g) and 17-27-101(b) are repealed.

Section 4. This act is effective January 1, 2009.

Approved March 12, 2008.

Chapter 92**POST-CONVICTION RELIEF PETITIONS-DNA EVIDENCE**

Original Senate File No. 65

AN ACT relating to criminal procedure; creating a Post-Conviction DNA Testing Act; establishing procedures for post-conviction motions for DNA testing; authorizing new trials as specified; prohibiting waiver of rights as specified; limiting appeals of court decisions as specified; providing a right to counsel for motions; authorizing legal representation for needy persons as specified; providing for costs; authorizing consensual DNA testing; requiring victim notification; providing definitions; amending requirements for retention of evidence as specified; and providing for an effective date.

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

Section 1. W.S. 7-12-302 through 7-12-315 are created to read:

7-12-302. Short title.

This act shall be known and may be cited as the "Post-Conviction DNA Testing Act."

7-12-303. New trial; motion for post-conviction testing of DNA; motion contents; sufficiency of allegations, consent to DNA sample; definitions.

(a) As used in this act:

(i) "DNA" means deoxyribonucleic acid;

(ii) "Movant" means the person filing a motion under subsection (c) of this section;

(iii) "This act" means W.S. 7-12-302 through 7-12-315.

(b) Notwithstanding any law or rule of procedure that bars a motion for a new trial as untimely, a convicted person may use the results of a DNA test ordered pursuant to this act as the grounds for filing a motion for a new trial.

(c) A person convicted of a felony offense may, preliminary to the filing of a motion for a new trial, file a motion for post-conviction DNA testing in the district court that entered the judgment of conviction against him if the movant asserts under oath and the motion includes a good faith, particularized factual basis containing the following information:

(i) Why DNA evidence is material to:

(A) The identity of the perpetrator of, or accomplice to, the crime;

(B) A sentence enhancement; or

(C) An aggravating factor alleged in a capital case.

(ii) That evidence is still in existence and is in a condition that allows DNA testing to be conducted;

(iii) That the chain of custody is sufficient to establish that the evidence has not been substituted, contaminated or altered in any material aspect that would prevent reliable DNA testing;

(iv) That the specific evidence to be tested can be identified;

(v) That the type of DNA testing to be conducted is specified;

(vi) That the DNA testing employs a scientific method sufficiently reliable and relevant to be admissible under the Wyoming Rules of Evidence;

(vii) That a theory of defense can be presented, not inconsistent with theories previously asserted at trial, that the requested DNA testing would support;

(viii) That the evidence was not previously subjected to DNA testing, or if the evidence was previously tested one (1) of the following would apply:

(A) The result of the testing was inconclusive;

(B) The evidence was not subjected to the testing that is now requested, and the new testing may resolve an issue not resolved by the prior testing; or

(C) The requested DNA test would provide results that are significantly more accurate and probative of the identity of the perpetrator or accomplice.

(ix) That the evidence that is the subject of the request for testing has the potential to produce new, noncumulative evidence that will establish the movant's actual innocence.

(d) The court may not order DNA testing in cases in which the trial or a plea of guilty or nolo contendere occurred after January 1, 2000 and the person did not request DNA testing or present DNA evidence for strategic or tactical reasons or as a result of a lack of due diligence, unless the failure to exercise due diligence is found to be a result of ineffective assistance of counsel. A person convicted before January 1, 2000 shall not be required to make a showing of due diligence under this subsection.

7-12-304. Service of process; response by the state; preservation of evidence.

(a) Notice of the motion filed under W.S. 7-12-303(c) shall be served upon the district attorney in the county in which the conviction occurred and, if applicable, the governmental agency or laboratory holding the evidence sought to be tested.

(b) The district attorney who is served shall within sixty (60) days after receipt of service of a copy of the motion, or within any additional period of time the court allows, answer or otherwise respond to the motion requesting DNA testing.

(c) The district attorney who is served may support the motion requesting DNA testing or oppose the motion with a statement of reasons and may recommend to the court, if any DNA testing is ordered, that a particular type of testing should be conducted, or object to the proposed testing laboratory, or make such other objections, recommendations or requests as will preserve the integrity of the evidence, including, but not limited to, requests for independent testing by the state or procedures in the event that the proposed testing will deplete the DNA sample.

(d) If a motion is filed pursuant to W.S. 7-12-303(c), and the motion asserts the evidence is in the custody of the state or its agents, the court shall order the state to preserve during the pendency of the proceeding all material and relevant evidence in the state's possession or control that could be subjected to DNA testing and analysis. The state shall prepare an inventory of the evidence and shall submit a copy of the inventory to the movant and to the court. If the state determines that the evidence is no longer available, the state shall notify the court and the movant of the loss or destruction of the evidence and explain its loss or destruction. The state shall provide copies of chain of custody documentation or other documents explaining the loss or destruction of the evidence. After a motion is filed under W.S. 7-12-303(c), prosecutors in the case, law enforcement officers and crime laboratory personnel shall cooperate in preserving material and relevant evidence and in determining

the sufficiency of the chain of custody of the evidence which may be subject to DNA testing.

7-12-305. Review by the court; hearing on motion, findings; order.

(a) If the court determines that a motion is filed in compliance with the requirements of W.S. 7-12-303(c) and the state has had opportunity to respond to the motion, the court shall set a hearing for not more than ninety (90) days after the date the motion was filed. If the court finds that the motion does not comply with the requirements of W.S. 7-12-303(c), the court may deny the motion without hearing.

(b) The hearing under subsection (a) of this section shall be heard by the judge who conducted the trial that resulted in the movant's conviction unless the judge is unavailable.

(c) The movant and the state may present evidence by sworn and notarized affidavits or by testimony; provided, however, any affidavit shall be served on the opposing party at least fifteen (15) days prior to the hearing.

(d) The movant shall be required to present a prima facie case showing that the evidence supports findings consistent with the facts asserted under W.S. 7-12-303(c) and DNA testing of the specified evidence would, assuming exculpatory results, establish:

(i) The actual innocence of the movant of the offense for which the movant was convicted; or

(ii) In a capital case:

(A) The movant's actual innocence of the charged or uncharged conduct constituting an aggravating circumstance; or

(B) A mitigating circumstance as a result of the DNA testing.

(e) If the court finds that the movant has presented a prima facie case showing that the evidence supports findings consistent with W.S. 7-12-303(c) and the evidence would establish actual innocence, the court may order testing, subject to W.S. 7-12-306.

7-12-306. Designation of testing laboratory.

(a) If the court orders DNA testing pursuant to W.S. 7-12-305(e), the DNA test shall be performed by the Wyoming state crime laboratory unless the movant establishes that the state crime laboratory has a conflict of interest or does not have the capability to perform the necessary testing.

(b) If the court orders that the DNA testing under W.S. 7-12-305(e) shall be conducted by a laboratory other than the state crime laboratory, the court shall require that the testing be performed:

(i) Under reasonable conditions designed to protect the state's interests in the integrity of the evidence;

(ii) By a laboratory that:

(A) Meets standards that at minimum comply with the standards of the DNA advisory board established pursuant to 42 U.S.C. 14131; and

(B) Is accredited by the American society of crime laboratory directors accreditation board.

7-12-307. Discovery.

(a) If the DNA evidence being tested under this act has been previously subjected to DNA analysis by either the state or defense prior to the hearing conducted under W.S. 7-12-305, the court may order the state or defense to provide each party and the court with access to the laboratory reports prepared in connection with the DNA analysis, as well as the underlying data and laboratory notes. If DNA or other analysis was previously conducted by either the state or defense without the knowledge of the other party, all information relating to the testing shall be disclosed by the motion filed under W.S. 7-12-303(c) or any response thereto.

(b) The results of any DNA testing ordered under W.S. 7-12-305(e) shall be fully disclosed to the movant, the district attorney, the attorney general and the court. If requested by any party, the court shall order production of the underlying laboratory data and notes or chain of custody documents.

7-12-308. Right to counsel.

A convicted person is entitled to counsel during a proceeding under this act. Upon request of the person, the court shall appoint counsel for the convicted person if the court determines that the person is needy and the person wishes to submit a motion under W.S. 7-12-303(c). Counsel shall be appointed as provided in W.S. 7-6-104(c)(viii).

7-12-309. Costs of testing.

(a) The person filing a motion under W.S. 7-12-303(c) shall bear the cost of the DNA testing unless:

- (i) The person is serving a sentence of imprisonment;
- (ii) The person is needy; and
- (iii) The DNA test supports the person's motion.

(b) In the case of a person meeting the criteria specified in paragraphs (a)(i) through (iii) of this section, the costs of testing shall be paid by the state.

7-12-310. Order following testing.

(a) If the results of the DNA analysis are inconclusive or show that the movant is the source of the evidence, the court shall deny any motion for a new trial based upon the DNA evidence and shall provide the results to the board of parole.

(b) If the results of the DNA analysis are consistent with assertions contained in the movant's motion, the court shall set the matter for hearing on the motion for a new trial.

(c) Upon the stipulation of both parties or a motion for dismissal of the original charges against the movant by the state in lieu of a retrial, the court shall:

(i) Vacate the movant's conviction consistent with the evidence demonstrating the movant's actual innocence;

(ii) Issue an order of actual innocence and exoneration; and

(iii) Issue an order of expungement.

(d) In the event a retrial is pursued and conducted and the movant is acquitted at the retrial, the court shall:

(i) Issue an order of actual innocence and exoneration; and

(ii) Issue an order of expungement.

7-12-311. Victim notification.

Following any motion filed under this act, the district attorney shall provide notice to the victim that the motion has been filed, the time and place for any hearing that may be held as a result of the motion, and the disposition of the motion. For purposes of this section, "victim" means as defined in W.S. 1-40-202(a)(ii).

7-12-312. Rights not waived; refiling of uncharged offenses.

(a) Notwithstanding any other provision of law, the right to file a motion under W.S. 7-12-303(c) shall not be waived. The prohibition against waiver of the right provided under this section applies to, but is not limited to, a waiver that is given as part of an agreement resulting in a plea of guilty or nolo contendere.

(b) If a movant is granted a new trial under this act, any offense that was dismissed or not charged pursuant to a plea agreement that resulted in the conviction that has been set aside as a result of this act may be refiled by the state.

7-12-313. Appeal.

(a) An order granting or denying a motion for DNA testing filed under W.S. 7-12-303(c) shall not be appealable, but may be subject to review only under a writ of review filed by the movant, the district attorney or the attorney general. The petition for a writ of review may be filed no later than twenty (20) days after the court's order granting or denying the motion for DNA testing.

(b) Any party to the action may appeal to the Wyoming supreme court any order granting or denying a motion for a new trial under W.S. 7-12-310(b).

7-12-314. Subsequent motions.

The court shall not be required to entertain a second or subsequent motion under W.S. 7-12-303(c) on behalf of the same movant, except where there is clear and compelling evidence that the evidence sought to be tested was wrongfully withheld from the movant by the state or its agents.

7-12-315. Consensual testing.

Nothing in this act shall be interpreted to prohibit a convicted person and the state from consenting to and conducting post-conviction DNA testing without filing a motion under W.S. 7-12-303(c). Notwithstanding any other provision of law governing post-conviction relief, if DNA test results are obtained under testing conducted upon consent of the parties and the results are favorable to the convicted person, the convicted person may file, and the court shall adjudicate, a motion for a new trial based on the DNA test results.

Section 2. W.S. 7-2-105(r) and by creating a new subsection (s) and 7-6-104(c) by creating a new paragraph (viii) are amended to read:

7-2-105. Disposition and appraisal of property seized or held; notice and order to show cause; judgment.

(r) Law enforcement agencies shall preserve biological material that was seized or recovered as evidence in the investigation or prosecution that resulted in a conviction or adjudication as a delinquent for a crime of violence and not consumed in previous DNA testing. The biological material shall be preserved for five (5) years or, except as provided in this section, for as long as any person incarcerated in connection with the case or investigation remains in custody, whichever is longer. Notwithstanding any provisions to the contrary herein in this section, effective July 1, 2008 a law enforcement agency may dispose of the biological evidence relevant to a felony criminal prosecution shall not be destroyed unless and until the person who was convicted in the case has died material after five (5) years if the law enforcement agency notifies any person who remains incarcerated in connection with the investigation or prosecution and any counsel of record for such person, or if there is no counsel of record, the state public defender, of the intention to dispose of the evidence and the law enforcement agency affords the person not less than one hundred eighty (180) days after the notification to file a motion for DNA testing or preservation of the biological material. The law enforcement agency shall not be required to preserve evidence that is required to be, and has been, returned to its rightful owner, or is of such a size, bulk or physical character as to render retention impracticable. If practicable, the law enforcement agency shall remove and preserve representative portions of the biological material sufficient to permit future DNA testing before returning or disposing of the material.

(s) Whoever willfully or maliciously destroys, alters, conceals or tampers with evidence that is required to be preserved under subsection (r) of this section with the intent to impair the integrity of that evidence, to prevent that evidence from being subjected to DNA testing or to prevent the production or use of that evidence in an official proceeding shall upon conviction be subject to a fine of not more than ten thousand dollars (\$10,000.00), imprisonment for not more than five (5) years, or both.

7-6-104. Representation of needy persons.

(c) A needy person who is entitled to be represented by an attorney under subsection (a) of this section is entitled:

(viii) To be represented by the public defender in a motion brought in accordance with the provisions of the Post-Conviction DNA Testing Act.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 93

SCHOOL FACILITIES-AMENDMENTS

Original Senate File No. 22

AN ACT relating to school capital construction; expanding allowable district major maintenance expenditures; authorizing commission payment of district lease agreements; clarifying and modifying school facilities planning, prioritization and remediation process including elimination of minor capital outlay classification, and accordingly modifying and expanding school facilities commission powers and duties; clarifying commission reporting process; repealing emergency contingency account; eliminating superfluous and fully executed provisions; and providing for an effective date.

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

Section 1. W.S. 21-3-110(a)(x) and (xxvii), 21-15-109(e), 21-15-111(a)(v), 21-15-114(a)(i), (iii), (viii)(intro), (C)(I), (G), (xi)(intro), (xii) and (xiii), 21-15-116(a)(intro), (vii), (d)(intro), (ii) and (e), 21-15-117(a)(intro), (iii) and (b)(intro), 21-15-118(a)(intro), (ii)(intro), (b) and (c), 21-15-120(b) and 21-15-121(a)(intro), (i) through (iv) and (viii) are amended to read:

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(x) Subject to review by the school facilities commission under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the school facilities commission under W.S. 21-15-114(a)(vi), the district shall, except as provided under W.S. 21-15-109(c)(i)(B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. Except as provided under W.S. 21-15-109(c)(i)(B), if the district enters into an agreement to lease buildings and facilities under which the district is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and

facilities in accordance with standards prescribed by the commission. ~~If approved by the commission, the district shall be reimbursed for the lease payment if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:~~

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the commission shall pay the district an amount approved by the commission for the lease payment by the charter school if:

(I) The charter is approved by the district under W.S. 21-3-301 through 21-3-314;

(II) The commission determines no adequate educational facilities exist within the district for operation of the charter school;

(III) The charter school has been approved and has successfully operated for a period of not less than three (3) years; and

(IV) The district pays the charter school the amount of the reimbursement received under this subparagraph.

(B) If the lease payment is for facilities leased to the district by a state institution which meets state adequacy standards prescribed by rule and regulation of the commission, the amount of the lease reimbursement paid by the commission shall not include the amount received by the institution from the state for major building and facility repair and replacement costs attributable to the facility, as computed by the construction management section within the general services division of the department of administration and information.

~~(xxvii) Develop and update long range comprehensive school building and Cooperate with the school facilities commission in developing facility plans for the district addressing district-wide building and facility needs in accordance with W.S. 21-15-116, and submit the plan to the school facilities commission as required under W.S. 21-15-116 and by rule and regulation of the commission;—The plan shall not include the abandonment or demolition of any school or school facility unless there has first been a public hearing on the issue;~~

21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Except as specified under subsection (f) of this section, expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section ~~and or~~ as prescribed by rule and regulation of the commission otherwise in conformance with and satisfying the requirements of this act, and shall be in accordance with the district's facility plan approved by the commission under W.S. 21-15-116. Account expenditures may include the expenses of district personnel per-

forming work described under paragraph (a)(iii) of this section if approved by the commission and if documented within the district's facility plan. The district's facility plan shall clearly specify proposed major maintenance expenditures for addressing district major building and facility repair and replacement needs on a building-by-building basis, updated for the applicable reporting period, which shall be aligned to the statewide adequacy standards and prioritized based upon the impact of the building or facility on the district's ability to deliver the required educational program. The district shall include plans for maintaining any district building or facility which is under a lease agreement, specifying lease revenues available to the district for maintenance of facilities to the level required by statewide adequacy standards. No expenditures shall be made from the separate account unless the repair or replacement of the building or facility systems for which the expenditure is to be made is clearly specified within the district's facility plan or otherwise approved by the commission. In a manner and form required by commission rule and regulation, each district shall annually report to the commission on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. The commission shall annually review account expenditures and shall report expenditures to the select committee on school facilities established under W.S. 28-11-301. The commission shall compile reported building-by-building expenditure information for each district and the district facility plan and include this information in its annual report to the select committee pursuant to W.S. 21-15-121. If any district expends funds within the separate account for purposes not authorized by this subsection or by rule and regulation of the commission, the payments for that district shall be reduced by the amount of the unauthorized expenditure in the school year following the year in which the expenditure was discovered by the commission or the school year in which notification was provided by the commission, whichever first occurs.

21-15-111. Definitions.

(a) As used in this act:

(v) "Remedy" or "remediation" means a course of action addressing identified building and facility ~~inadequacies pursuant to needs in accordance with statewide adequacy standards developed under this act,~~ consisting of building or facility construction, replacement, renovation, repair or any combination thereof;

21-15-114. Powers and duties; school facilities office created; director.

(a) The school facilities commission shall:

(i) Act in consultation with ~~the local school boards/districts~~ who may utilize local advisory committees on school building and facility needs, as appropriate, and shall consult with ~~the district's architect architects~~ and other professional advisors;

(iii) Adopt policies, guidelines and standards for school district facility plans required ~~of each district~~ under W.S. 21-15-116 and review

and certify a plan for each district's plan district as required under this act;

(viii) Enter into or approve construction or renovation project agreements, as appropriate, ~~with school districts.~~ The agreement shall:

(C) Provide for review and approval of project changes and change orders provided that:

(I) The agreement may specify parameters identifying the circumstances under which changes and change orders may be approved; ~~by the district with further approval by the commission;~~

(G) Provide that the agreement shall expire upon completion of the project or projects; ~~and~~

(xi) Establish a process under which prototypes are developed for remedies addressing building and facility ~~inadequacies~~ needs identified under this act through building and facility replacement. Prototypes shall be assembled based upon:

(xii) Develop criteria and procedures for the site analysis of remedies responding to identified building and facility ~~inadequacies~~ needs by building and facility replacement. Site analysis shall include a comprehensive review and evaluation of site soil conditions, traffic patterns, utilities and site topography;

(xiii) ~~Review and approve any proposed~~ Provide for the purchase and acquisition of sites for any project within the approved district facility plan if state funds are to be expended for the purchase and acquisition; ~~The commission may reimburse the district for the cost of any option to purchase entered into in good faith before obtaining state approval;~~

21-15-116. School district facility plans; commission development, review and approval; plan criteria; administrative review.

(a) ~~Each school district shall, In accordance with rules and regulations of the commission, and with the assistance of professional facility planning expertise and a representative of the commission, develop long range comprehensive school building and facility plans for the each school district shall be developed by the commission in coordination with the applicable district, which address district wide building and facility needs. The facility plan shall be in a form and format specified by rule and regulation of the commission and shall identify building and facility needs in accordance with the statewide adequacy standards, actions to remediate building and facility inadequacies~~ needs including construction, renovation and major building and facility repair and replacement expenditures, and any local enhancements to buildings and facilities beyond statewide adequacy standards. The facility plan shall include a response to each building and facility ~~inadequacy~~ need identified on a building-by-building, space-by-space basis. The plan shall also review and to the extent practical, identify nonconstruction alternatives to building and facility ~~inadequacies~~ needs such as building closure, modification of school boundaries, modification of school grade configurations and similar approaches. Demolition or use, lease or other methods of dis-

position of commission determined surplus buildings and facilities shall be incorporated as part of the district plan, including the disposition of any existing land owned by the district. The plan shall not include the abandonment or demolition of any school facility or building unless there has first been a public hearing on the issue. The plan shall also specify identified alternative methods of building disposition, proposed allocation of costs incurred or revenues resulting from disposition and allocation of disposition revenues to offset any costs paid by the commission. In addition, district facility plans shall include:

(vii) Other information required by the commission to evaluate ~~the~~ each district's plan.

~~(d) Upon receipt, The commission shall review each submitted district facility plan. Commission review shall ensure the each plan:~~

(ii) Reduces building and facility ~~inadequacies~~ needs in the most efficient and cost effective manner;

~~(e) Within ninety (90) days after receipt of a district facility plan, and based upon its review pursuant to subsection (d) of this section, the commission shall approve, modify or reject the plan and notify the district of its action. The commission may modify proposed remedies or projects to best reflect commission priorities established under W.S. 21-15-117. If a plan, remedy or project is modified, the commission shall provide the district opportunity for hearing before the commission on the plan, remedy or project modification. If a plan, remedy or project is rejected, notice of the plan, remedy or project rejection shall include reasons for rejection and recommendations for making the plan, remedy or project acceptable. Upon rejection, a district may resubmit a modified facilities plan or modified remedy or project within sixty (60) days after receipt of notice under this subsection. The commission shall for any district failing to resubmit a modified facilities plan or modified remedy or project, or if a resubmitted district plan, remedy or project is not acceptable, modify the district plan, remedy or project in accordance with its review under subsection (d) of this section and use this modified plan, remedy or project in addressing building and facility needs for the district in accordance with this act. Any school district aggrieved by a decision by of the commission under this subsection is subject to the contested case provisions of act may seek review in accordance with the Wyoming Administrative Procedure Act.~~

21-15-117. Evaluation of school buildings and facilities; remediation schedule; needs prioritization; combining facilities.

(a) Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the district facility plans ~~submitted~~ developed under W.S. 21-15-116, the commission shall ~~annually~~ in coordination and cooperation with the districts, evaluate the adequacy of school buildings and facilities within local school districts, and based upon this evaluation, establish a schedule for building and facility remediation. Remediation shall bring all

buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon the following:

(iii) Analysis of student enrollment changes, as based upon commission approved enrollment projection methodology, to determine the need for changes in building capacities over time for compliance with statewide adequacy standards. Analysis under this paragraph shall prioritize remediation for those buildings requiring additional space to comply with statewide adequacy standards; ~~within the next two (2) years for elementary schools, and within the next three (3) years for middle and high schools;~~

(b) The commission shall for each building and facility remedy scheduled under subsection (a) of this section, determine the most cost effective method of remediation of building and facility ~~inadequacies~~ needs to ensure compliance with the statewide adequacy standards. For any scheduled remedy for which major building and facility repair and replacement payments under W.S. 21-15-109 are not sufficient to remedy the scheduled need, as determined by the commission, the commission shall determine if the remedy requires ~~minor~~ major capital outlay. ~~or major capital outlay in accordance with the following:~~

21-15-118. Building and facility construction and renovation projects.

(a) Upon determination by the commission following review under W.S. 21-15-117, and appropriation by the legislature in accordance with W.S. 21-15-119, the commission shall proceed with projects ~~authorized and approved by the legislature~~ as follows:

(i) If a ~~major~~ capital outlay remedy:

(b) If required, the commission shall ~~assist the local school district to~~ provide for temporary space for any scheduled building remedy by means of portable buildings creating capacity or by other means available to the commission.

(c) The projects shall be managed and all necessary contracts related to the projects shall proceed in accordance with commission rules and regulations promulgated and adopted pursuant to W.S. ~~21-15-114(a)(xiv)~~ 21-15-114(a)(xv).

21-15-120. Emergency facility needs.

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection, ~~make expenditures from the emergency contingency account and to the extent funds are available within the school capital construction account for emergency funding. Expenditures from the contingency account pursuant to this subsection shall be limited to the acquisition or use of or otherwise made available by the legislature, acquire facilities, the acquisition of and equipment, undertake facility repairs, fund additional operating expenses incurred in providing temporary measures and other~~

responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address building adequacy.

21-15-121. Annual school building status report to select committee on school facilities.

(a) Not later than December 31 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under ~~law~~ this act. The report shall ~~list~~ include:

(i) ~~Buildings and facilities identified as inadequate under this act for the preceding year~~ Building and facility needs determined under W.S. 21-15-115, identifying progress made in the year reported;

(ii) Building and facility needs addressed under this act or otherwise by districts during that same year including any building or facility which is closed or otherwise removed from operation during that year, and relating this paragraph to progress made in building and facility condition under paragraph (i) of this subsection;

(iii) ~~Any~~ Use of major building and facility repair and replacement funds which have addressed buildings and facilities identified as inadequate for that year under W.S. 21-15-115, including the impact of expenditures of these funds, as quantified pursuant to the statewide needs assessment rating scores undertaken in accordance with W.S. 21-15-115, on building condition as reported under paragraph (i) of this subsection and on the capacity, condition, educational suitability and technology readiness of inadequate these buildings and facilities;

(iv) Amounts of funds expended to address these building and facility needs for the period of time addressed in the report together with historical amounts;

(viii) Any expenditures for emergency funding facility needs under W.S. 21-15-120.

Section 2. W.S. 21-15-111(a)(vii), 21-15-114(a)(viii)(C)(II) and (F), 21-15-116(b) and (c), 21-15-117(b)(i) and (ii), 21-15-118(a)(i) and 21-15-121(a)(vi) and (vii) are repealed.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 94

SCHOOL FINANCE-REBATED RECAPTURE

Original Senate File No. 54

AN ACT relating to school finance; repealing statutory provisions pertaining to maximum recapture in conformance with constitutional provisions; specifying legislative intent and application; imposing district budget and reporting requirements; and providing for an effective date.

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

Section 1. W.S. 21-13-313(g) is amended to read:

21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall for any district subject to W.S. 21-13-102(b) as determined by the department for any school year, provide payments from the school foundation program account in an amount equal to one-third (1/3) of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on August 15 based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. ~~The amount computed under this subsection shall be reduced by any recapture revenues of a district which exceed limitations imposed under W.S. 21-13-102(c), as established by the department for that district for the prior school year.~~ Any district receiving a payment under this subsection shall repay the foundation program account fifty percent (50%) of the amount received on or before January 31 of the school year in which received, and shall repay the remaining fifty percent (50%) by June 15 of that school year.

Section 2. W.S. 21-13-102(c) and 2006 Wyoming Session Laws, Chapter 37, Section 6(b) are repealed.

Section 3.

(a) By adopting this act, the legislature clarifies application of the 2006 amendment to Article 15, Section 17 of the Wyoming Constitution, as adopted by the Wyoming electorate, certified by the state canvassing board and proclaimed adopted by the governor in accordance with W.S. 22-20-108. It is the understanding and intent of the legislature that at the time the 2006 amendment to Wyoming Constitution, Article 15, Section 17 was certified and proclaimed adopted, W.S. 21-13-102(c), 2006 Wyoming Session Laws, Chapter 37, Section 6(b) and the provision within W.S. 21-13-313(g) repealed by section 1 of this act were all superseded and effectively repealed by such adoption.

(b) By adopting this act, the legislature further intends to clarify that sections 1 and 2 of this act apply to school district revenues for school year 2006-2007 and each school year thereafter. Revenues which would have been subject to W.S. 21-13-102(c) but for adoption of the amendment to Article 15, Section 17 of the Wyoming Constitution as specified under subsection (a) of this section are not and were not available for school district budgeting and were not subject to provisions under W.S. 16-4-101 through 16-4-124 and 21-3-110(a)(vi) pertaining to school district budgeting procedures. Each school district which in any manner used such revenues for budgeting purposes shall accordingly file with the department of education for school years 2006-2007 and 2007-2008 a report detailing such revenues and any associated expenses. Reports required under this subsection shall be filed with the department not later than June 15, 2008, and on or before July 1, 2008, the department shall compile reports and submit the compilation to members of the joint appropriations interim committee and the joint education interim committee.

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

Approved March 12, 2008.

Chapter 95

SCHOOL FINANCE-AMENDMENTS

Original Senate File No. 70

AN ACT relating to school finance; establishing school district financial assistance for specified purposes outside of and in addition to the education resource block grant school finance funding model; modifying the career-vocational education grant program as specified and establishing a statewide career-technical education steering committee; funding school district distance education programs, eliminating distance learning incentive payments and establishing a distance education grant program; clarifying the maintenance and operations component within the education resource block grant model; establishing a pilot project for student enrichment programs offered by districts in summer school sessions as specified; imposing duties and reporting requirements upon the department of education; granting rulemaking authority; imposing school district reporting requirements; providing appropriations; authorizing positions; and providing for effective dates.

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

[SECTION 1. SUMMER SCHOOL/EXTENDED DAY]

Section 101. W.S. 21-13-334 is created to read:

21-13-334. Supplemental at-risk financial assistance program for summer school and extended day intervention and remediation programs.

(a) The supplemental at-risk financial assistance program for summer school and extended day intervention and remediation programs is established to augment resources contained within the education resource block grant model for addressing the needs of students who are not performing at proficient levels and shall provide financial assistance to districts for the provision of intervention and remediation instruction to academically at-risk students beyond the required school year specified by law under W.S. 21-4-301 and 21-13-307(a)(ii). Financial assistance under this section shall:

(i) Be in addition to and shall not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309;

(ii) Supplement district intervention and remediation programs; and

(iii) At minimum, be made available to students requiring additional instruction utilizing enriched learning strategies or other remedial methods to master statewide content and performance standards prescribed by the state board of education under W.S. 21-2-304(a)(iii) or otherwise seeking credit recovery for promotion to the subsequent grade level.

(b) In addition to subsection (a) of this section, summer school programs eligible for financial assistance under this section shall:

(i) At minimum, provide each participating student the opportunity to receive remediation and intervention instruction utilizing enriched learning strategies or other remedial methods in mathematics, reading and language arts;

(ii) Provide a minimum of sixty (60) instructional hours over a period of at least fifteen (15) school days to each participating elementary and middle school student and a minimum of sixty (60) instructional hours per subject to each participating high school student. High school students may demonstrate proficiency prior to receiving the full sixty (60) hours of instruction;

(iii) Require the development of an individual student learning plan for each participating student;

(iv) Require program instructors to receive training in research-based enriched learning strategies or other remedial methods focused on individualized instruction at the level, duration and content specified by rule and regulation of the department of education;

(v) To assure effectiveness of teaching and program quality, provide for program monitoring by a school principal or superintendent trained in instruction utilizing research-based enriched learning strategies or other remedial methods for at-risk students as prescribed by rule and regulation of the department of education.

(c) To be eligible for financial assistance under this section, intervention programs providing before-school, after-school and Saturday school supplemental extended day instruction utilizing enriched learning methodologies or other remedial methods shall in addition to subsection (a) of this section:

(i) Require the district to file a program plan with the department of education as part of the application filed under subsection (e) of this section, requesting use of a portion of financial assistance otherwise available under this section subject to a maximum level established by rule and regulation of the department of education. Program plans shall be prepared in accordance with program requirements and criteria established by rule and regulation of the department;

(ii) Be subject to the requirements specified under paragraphs (b)(i) and (iii) through (v) of this section.

(d) To receive financial assistance under this section, a district shall apply to the department of education on or before April 15 of any school year to receive financial assistance during the immediately succeeding summer school session and subsequent school year. Application to the department shall be in a manner and form prescribed by the department and shall include:

(i) An estimate of the number of students to be enrolled in the intervention and remediation program for which financial assistance is requested, broken down by grade level;

(ii) A description of program content including subjects offered and additional information depicting compliance with program requirements otherwise specified under this section;

(iii) Evidence of specific professional development and training for each program instructor;

(iv) Other information determined necessary to implement this section as may be required by the department.

(e) Department review of applications filed under subsection (d) of this section shall be completed each year by not later than May 1. On or before May 1, each applicant district shall be notified by the department of any estimated financial assistance to be made available to the district for the applicable summer school session and school year, as appropriate.

(f) Maximum financial assistance under this section shall be determined for each applicant district as if the education resource block grant model contained a component equal to fifteen percent (15%) of one (1) full-time equivalent teacher position for every thirty (30) at-risk students within the district as determined under W.S. 21-13-309(m)(v)(A), subject to a minimum per district amount equal to fifty percent (50%) of one (1) full-time equivalent teacher position. Computation of full-time equivalency shall be in accordance with guidelines prescribed by rule and regulation of the department. Distributions to each district shall be equal to one hundred percent (100%) of amounts actually expended by the district for intervention and remediation programs approved under

this section for the applicable summer session or school year, subject to the minimum and maximum per district amounts computed under this subsection, updated to reflect the most current at-risk student count for the applicable reporting period.

(g) Notwithstanding subsection (f) of this section, an intersession intervention and remediation program for school districts operating schools on a year-round basis for purposes of qualifying for financial assistance under this section shall be an amount determined in accordance with criteria and guidelines prescribed by rule and regulation of the department, which shall not exceed the amounts prescribed under subsection (f) of this section.

(h) The department may request additional information prior to payment of financial assistance under this section to ensure compliance with the requirements of this section and may withhold final payment to any district for noncompliance. Upon completion of the intervention and remediation program, each recipient district shall report to the department any statistical, expenditure and program evaluation information as may be required by the department prior to receiving financial assistance computed under this section. In administering this program, the department shall:

(i) Monitor programs for compliance with this section and department rules and regulations governing programs receiving financial assistance under this section;

(ii) Provide assistance to districts as necessary to comply with this section and department rules and regulations;

(iii) Provide training to district personnel on research-based strategies effective in delivering instruction to academically at-risk students;

(iv) Implement a structured common assessment evaluation of program effectiveness.

(j) Annually on or before December 1, the department shall report to the joint education interim committee on remediation and intervention programs receiving financial assistance under this section during the immediately preceding school year, evaluate program effectiveness and provide recommendations for program improvement.

Section 102. There is appropriated two million dollars (\$2,000,000.00) from the public school foundation program account to the department of education that shall only be expended as necessary to augment amounts within the department's budget to carry out Section 101 of this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010. This appropriation shall only be expended for the purpose of the summer school and extended day intervention and remediation program established under Section 101 of this act.

[SECTION 2. CAREER-TECHNICAL EDUCATION]

Section 201. W.S. 21-2-202(a)(xxviii) and 21-12-105 are amended to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxviii) Establish necessary procedural and monitoring requirements for implementation of the vocational-career-technical education demonstration project grant program authorized under W.S. 21-12-105, including consideration of prior funds generated by any vocational education programs terminated by the district coordination with Wyoming post secondary education institutions and industry in developing program procedures and components;

21-12-105. Career-technical education demonstration project grants; application; criteria; limitations.

(a) A school district may apply to the state department of education for state assistance to fund expenses associated with the planning, development and implementation of a new or the expansion of an existing career vocational-career-technical education program within demonstration project as a new or an expansion to any existing high school career-vocational education program in the district. As used in this section, "career-vocational education program" shall be as specified in W.S. 21-13-309(m)(v)(D)(II). Amounts awarded under this section shall be used to fund curricular development and program-project design costs, employ certified teachers to provide course instruction during the introductory year two (2) years of project implementation and to fund initial purchases of equipment and supplies, necessary for program delivery, all incurred for demonstration projects which:

(i) Prepare high school students for a full range of post secondary options, including two (2) year and four (4) year college, apprenticeship, military and formal employment training;

(ii) Connect academic and technical curriculum grounded in academic and industry standards;

(iii) Provide innovative strategies for ensuring student access to career choices, as well as opportunities for work-based learning and dual enrollment in related post secondary education courses;

(iv) Support workforce, education and economic needs of Wyoming.

(b) Any amount awarded to a district under this section shall be in addition to and not be considered in determining the school foundation program amount under the education resource block grant model pursuant to W.S. 21-13-309. No A grant awarded under this section shall be for a period of two (2) years and shall not exceed fifty thousand dollars (\$50,000.00) for the expansion of any existing program nor more than one hundred thousand dollars (\$100,000.00) one hundred fifty thousand dollars (\$150,000.00) for the implementation first year of any new program demonstration project planning, and no one (1) district is eligible for a grant within two (2) years after receiving a grant award under this section not more than two hundred thousand dollars (\$200,000.00) for project implementation in year two (2) of the project grant. Thereafter,

state assistance for the project shall be limited to funds distributed to the district within its foundation program amount as determined under the education resource block grant model.

~~(b)~~(c) Application for a grant under this section shall be on a form and in a manner specified by rule and regulation of the department, shall be filed with the department on or before June 30 to secure a grant during the immediately succeeding school year, and shall at minimum include:

(i) A proposal ~~documenting based upon an existing partnership between the applicant district, the Wyoming post secondary education institution and industry, which clearly documents the need for introducing establishing the proposed career vocational career-technical education program demonstration project;~~

(ii) ~~Labor market information detailing the need for instruction in~~ Documentation of integration of industry standards, school redesign and curriculum alignment between high school and post secondary education within the proposed ~~program project;~~

(iii) The purposes, ~~and plan and timeline~~ for expenditure of grant amounts;

(iv) ~~An outline of the course curriculum for~~ Assurance that school facilities appropriately accommodate the proposed ~~program demonstration project;~~ and

(v) Other necessary information required by the state department.

~~(e)~~(d) Not later than August 15 of the applicable school year and following review of applications submitted under this section, the department shall notify applicant districts of its decision and shall provide each applicant district a written statement of reasons for approving or denying the application. ~~In determining and establishing an amount for any grant award to an applicant district under this section, the department shall consider funds available to the district from the termination of any career vocational education program by the district prior to the application filing date.~~ If the application is approved, the department shall award the grant from amounts made available by legislative appropriation within the school foundation program account for purposes of this section.

~~(d)~~(e) Each recipient district shall report to the department on the expenditure of amounts awarded under this section, shall in consultation with representatives of partnership post secondary education programs and industry, provide the department an evaluation of project results and shall provide other information as required by rule and regulation of the department to implement this section.

(f) Repealed By Laws 2006, Chapter 37, § 2.

~~(e)~~(g) The department shall promulgate rules and regulations necessary to carry out this section and shall work with Wyoming post secondary education institutions and industry in establishing prerequisite school district and post secondary education and industry agreement requirements.

Section 202.

(a) Eight hundred thousand dollars (\$800,000.00) is appropriated from the public school foundation program account to the department of education that shall be expended only as necessary to augment amounts within the department's budget for career-technical education demonstration project grants authorized under W.S. 21-12-105, as amended by Section 201 of this act. This appropriation shall be for the period beginning July 1, 2008, and ending June 30, 2010.

(b) The department of education is authorized one (1) additional full-time position to administer the career-technical education demonstration project grant program authorized under W.S. 21-12-105 as amended by Section 201 of this act, to coordinate and staff the career-technical education steering committee established under subsection (c) of this section, to implement the department's career-technical education strategic plan developed in accordance with subsection (d) of this section and to coordinate department staff dedicated to strengthening core career-technical education programs. For purposes of this subsection, one hundred seventy-six thousand three hundred seventy-four dollars (\$176,374.00) is appropriated from the public school foundation program account to the department of education for the period commencing with the effective date of this subsection and ending June 30, 2010. This appropriation shall be expended for the costs of this additional position only.

(c) One hundred fifty thousand dollars (\$150,000.00) is appropriated from the public school foundation program account to the department of education to fund costs for creating and convening a career-technical education steering committee to assist the department in developing parameters comprising the career-technical education demonstration project grant program authorized under W.S. 21-12-105 as amended by Section 201 of this act, in developing and guiding the evolving statewide career-technical education program and in designing and implementing the statewide strategic plan for Wyoming career-technical education. Steering committee membership shall be appointed by the state superintendent from among members of the Wyoming legislature as forwarded by the president of the Wyoming senate and the speaker of the Wyoming house of representatives, and the state board of education, together with representatives of Wyoming post secondary education institutions, secondary schools, state agencies involved with workforce training, business and industry and other related stakeholders identified by the department. This appropriation shall be for the period beginning on the effective date of this subsection and ending June 30, 2010, and shall be expended only for necessary expenses incurred for the statewide steering committee established under this subsection. Steering committee members shall be reimbursed only for per diem and travel expenses incurred while attending official committee business, at rates prescribed by law for members of the Wyoming legislature. In addition, the department shall transfer funds to the legislative service office for payment of per diem and expenses incurred by legislator steering committee members. The steering committee shall terminate on

June 30, 2010, unless extended by the state superintendent and funded by appropriation of the legislature.

(d) Five hundred sixty thousand dollars (\$560,000.00) is appropriated from the public school foundation program account to the department of education for Wyoming career-technical education development, including coordination of statewide career-technical education activities, implementation of steering committee recommendations, development of core career-technical education programs and curriculum, development of a comprehensive statewide model for career-technical education based upon demonstration projects awarded grants under W.S. 21-12-105 as amended by Section 201 of this act, provision of technical assistance to Wyoming school districts pertaining to curriculum planning and development, strengthening of professional development and teacher preparation programs and the evaluation of improvements to career and technical education instruction and delivery. This appropriation is for the period beginning July 1, 2008, and ending June 30, 2010, and shall be expended for purposes specified in this subsection and may be used for contractual services as necessary to obtain required analytical expertise in carrying out duties imposed under this subsection.

Section 203. On or before December 1, 2009, the department shall report to the joint education interim committee on career-technical education demonstration project grants awarded under W.S. 21-12-105 as amended by Section 201 of this act, the impact of the grant program, steering committee activities and the statewide career-technical education strategic plan on improvements to career-technical education delivery in Wyoming, the related impact of these programs on the career-vocational education component contained within the education resource block grant school funding model, together with recommendations for continuing development and implementation of career-technical education in Wyoming.

[SECTION 3. INSTRUCTIONAL FACILITATORS]

Section 301. W.S. 21-13-335 is created to read:

21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.

(a) The supplemental financial assistance program for instructional facilitators and instructional coaches is established to augment resources within the education resource block grant model available to districts for professional development. Supplemental assistance under this section shall be for school-based instructional facilitators and instructional coaches to assist schools with providing ongoing instructional coaching and instructional mentoring.

(b) Each school district may apply to the department of education for financial assistance under this section on or before April 15 of the school year immediately preceding the school year for which financial assistance is requested. Application shall be on a form and in a manner prescribed by the department and application review and selection shall be in accordance with the process established by department rule and reg-

ulation. At minimum, the application shall include documentation of the following program components:

(i) Evidence of a research-based approach to instructional facilitator program implementation;

(ii) A plan for evaluation of the instructional facilitator program over time.

(c) The department shall notify each district of its eligibility to participate in the financial assistance program on or before May 1 of the school year preceding the school year for which application is made, together with any estimated amount to be made available to the district for the applicable school year. The department shall distribute assistance to each eligible district on or before August 15 of the applicable school year for which assistance is requested.

(d) Financial assistance under this section shall be based upon prior year school level attendance and configuration reports submitted by each eligible school district pursuant to W.S. 21-13-309(m)(iv). Grant amounts shall be computed by the department for the eligible applicant district as if the education resource block grant model contained the following component for instructional facilitators, prorated up and down from the FTE position level specified for each prototype similar to computational operation of other components within the block grant model:

(i) One and one-half (1.5) FTE position in each 288 ADM prototypical elementary school within the qualifying district;

(ii) One and one-half (1.5) FTE position in each 315 ADM prototypical middle school within the district;

(iii) One and one-half (1.5) FTE position in each 315 prototypical high school within the district;

(iv) "FTE" and "ADM" as used in this section shall be as defined in ATTACHMENT "A" to 2006 Wyoming Session Laws, Chapter 37, as referenced in W.S. 21-13-101(a)(xvii).

(e) Financial assistance to each qualifying applicant school district shall be made by the department from amounts appropriated by the legislature to the foundation program account for purposes of the program established by this section and shall be in addition to the foundation program amount computed for that district under W.S. 21-13-309(p). If there is an insufficient amount within the foundation program account from amounts appropriated by the legislature for financial assistance under this section for any school year, the department shall make a pro rata reduction in financial assistance payments among all qualifying districts for that school year. District expenditures of amounts distributed under this section shall be solely for district instructional facilitator and instructional coaching programs in accordance with the program documentation submitted by the district under subsection (b) of this section. The department may withhold a portion or the entire amount to be distributed to any district under this section for noncompliance with program documentation required to be submitted by the applicant district.

(f) Each district shall report to the department of education on expenditures of amounts distributed under this section together with additional information required by the department on instructional facilitation strategies employed by the district, the impact of facilitation on student performance and an evaluation of the effectiveness of the facilitation strategies employed by the recipient district. The department shall compile the information reported by districts under this subsection and report the compilation to the joint education interim committee.

Section 302. Five million eight hundred ninety-four thousand three hundred six dollars (\$5,894,306.00) is appropriated from the public school foundation program account to the department of education, to be expended only to augment amounts within the department's budget for the supplemental funding program for instructional facilitators and instructional coaches pursuant to W.S. 21-13-335, as created under Section 301 of this act. This appropriation shall be for the period beginning July 1, 2008, and ending June 30, 2009.

[SECTION 4. AT-RISK STUDENTS]

Section 401.

(a) To continue study efforts assigned to the state superintendent of public instruction by 2006 Wyoming Session Laws, Chapter 37, Section 7(c), and further directed under 2007 Wyoming Session Laws, Chapter 147, Section 103, the state superintendent shall through the department of education establish a study committee to continue the review, analysis and evaluation of at-risk resources and strategies for refinement of block grant model components supporting at-risk students. This effort shall be in coordination and consultation with the allocation and use study effort initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and continued under Section 7 of this act.

(b) The state superintendent's study committee shall be appointed by the state superintendent from among representatives of school districts, community programs and state governmental agencies which are engaged in and have a designated responsibility for developing, implementing and administering programs and services addressing the needs of at-risk student populations. Study committee members shall be reimbursed only for per diem and travel expenses incurred while attending official committee business, at rates prescribed by law for members of the Wyoming legislature. The study committee shall expire on June 30, 2010, unless extended by the state superintendent and funded by legislative appropriation.

(c) Duties of the state superintendent's study commission shall at minimum include the evaluation of at-risk prevention and intervention programs and providing guidance to the state superintendent on necessary program and policy changes for effective and equitable at-risk program delivery. In undertaking these assigned duties, the study committee shall:

(i) Develop an operational definition of at-risk, using definitions at local, state and federal program-levels as guidance in establishing definitional components;

(ii) Following the evaluation of at-risk programs including the identification of consistent and reliable measures of program effectiveness and the implementation of research-based strategy models, determine an equitable and effective standard for a continuum of learning support services for school districts in addressing at-risk student needs;

(iii) Evaluate the role of alternative schools and programs and the expected student outcomes from this at-risk strategy, including the identification of entry and exit criteria and program effectiveness indicators;

(iv) Identify different programs appropriately provided through court ordered and institutionalized placements and develop standardized individual learning plans for each identified program as appropriate;

(v) Within the court ordered and institutionalized placement policy, establish school district and institutional responsibilities tied to each placement as well as the responsibilities for the effective transition of each placement.

(d) Preliminary study recommendations shall be provided by the study committee to the state superintendent in sufficient time for submission of an initial report to the joint education interim committee on or before November 1, 2008. Final study committee recommendations shall be completed and reported to the state superintendent by October 1, 2009, and the state superintendent shall submit a final report to the joint education interim committee on or before November 1, 2009. Findings shall be coordinated with the allocation and use study effort initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and continued under Section 7 of this act, and shall be in a form and of a substance to assist the 2010 recalibration of the education resource block grant model.

Section 402.

(a) One hundred thousand dollars (\$100,000.00) is appropriated from the public school foundation program account to the department of education to fund the costs of the study committee established under Section 401 of this act. This appropriation shall be for the period beginning on the effective date of this section and ending June 30, 2010, and shall be expended only for necessary expenses incurred for the study committee and for necessary contractual services to obtain required analytical expertise in carrying out duties imposed under Section 401 of this act.

(b) Two hundred thousand dollars (\$200,000.00) is appropriated from the public school foundation program account to the department of education for an at-will employee position in accordance with W.S. 9-2-1022(a)(xi)(F) to coordinate at-risk programs and services statewide, as well as to assist the study committee established under Section 401 of this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2010.

[SECTION 5. DISTANCE EDUCATION]

Section 501. W.S. 21-2-202(a) by creating a new paragraph (xxxi) and 21-13-330 by creating new subsections (f) through (j) are amended to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxi) By rule and regulation and in consultation with the state board of education and the Wyoming professional teaching standards board, provide guidance and oversight of distance education by:

(A) Establishing, approving, facilitating and monitoring a state network of distance education courses that meet state standards for course content and delivery by Wyoming certified teachers;

(B) Providing training and technical assistance to school districts for the delivery of distance education;

(C) Monitoring the design, content, delivery and the accreditation of distance education programs provided by school districts under W.S. 21-13-330;

(D) Establishing criteria and necessary components of individual student distance learning plans required by W.S. 21-13-330;

(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve distance education programs statewide.

21-13-330. Distance education; program content; distance learning plan required; students within ADM of resident district; agreements with districts authorized.

(f) As used in this section:

(i) "Distance education" means instruction in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii), whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;

(ii) "Distance learning plan" means an agreement between the school district or districts, a student and his parents or guardian outlining the distance education program requested by the student and his parents or guardian, together with expectations and achievable performance benchmarks required for completion of the program in accordance with content and performance standards promulgated by the state board under W.S. 21-2-304(a)(iii);

(iii) "Nonresident district" means the school district in which a participating student does not reside but which employs the distance education program teacher and which sponsors, approves, facilitates and supervises the distance education program course material provided to the participating student;

(iv) "Resident district" means the school district in which the participating student resides, receives distance education program instruction and where the student's distance education learning plan is filed.

(g) A resident school district providing distance education for any student shall:

(i) Complete a distance learning plan appropriate to the learning capabilities of the participating student and ensure the plan is in compliance with criteria established by the department of education;

(ii) Assign the participating student to a school within the district offering appropriate grade level instruction if the student is not physically attending a school within the resident district and the district has not entered into an agreement with a nonresident district pursuant to subsection (h) of this section for that student;

(iii) Monitor the participating student's progress as measured by his distance learning plan and in accordance with the district's assessment policies, administer or ensure his participation in required student performance evaluations and assessments at the same intervals required of other students at the participating student's grade level;

(iv) Facilitate necessary instructional support for the student and notify and assist any student not performing satisfactorily or failing to achieve performance benchmarks established within his distance learning plan;

(v) Maintain the student's records within the district's permanent student data system including his district learning plan, equivalent attendance as specified by his plan, assessment and other performance evaluation data, immunization and other information required by the district;

(vi) Verify the distance education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state board under W.S. 21-2-202(a)(xxxi) and that the program otherwise meets district program standards;

(vii) Restrict the student's distance education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxi) and accredited by the state board.

(h) Each student participating in distance education offered by the school district of residence shall be included within the average daily membership (ADM) of the resident district as computed under the education resource block grant model pursuant to W.S. 21-13-309(m)(iv), regardless of the origination of the district providing the distance education program for the student. The membership for a distance education student shall be prorated at less than one (1.0) ADM if the number of distance education courses in which enrolled are less than the regularly scheduled courses for that school, but the distance education program membership may be combined with any nondistance education membership to result in a larger fractional ADM of not to exceed one (1.0) ADM. A resident district may through agreement provide for a student to participate full time in distance education offered by a nonresident school district whereby the student is counted among the membership of the nonresident district if the nonresident district complies with the require-

ments specified in subsection (g) of this section and the resident district removes the participating student from its membership for the period of time the student participates full time in the distance education program of the nonresident district.

(j) The department of education shall by rule and regulation provide a procedure under which a school district may allow a student whose custodial parent or guardian is in active military service and leaves the state of Wyoming, and whose custodial parent or guardian maintains Wyoming residency, to participate in distance education programs offered under this section provided the district complies with this section to the extent required by department rule and regulation.

Section 502. W.S. 21-13-330(a) through (e) is repealed.

Section 503.

(a) To assist school districts with developing distance education programs available from the state network of distance education courses under W.S. 21-2-202(a)(xxxi)(A), as amended by Section 501 of this act, the state superintendent shall establish a grant program available to applicant school districts, community college districts and the University of Wyoming in accordance with this section. Program grants shall be available for development and maintenance of distance education programs delivering the core courses within the required statewide education program, components of the success curriculum required for participation in the Hathaway student scholarship program specified by W.S. 21-16-1307, dual enrollment courses and for delivering advanced-placement courses. Program grants may be used by grant recipients for addressing necessary professional development requirements, program maintenance and operational needs, accreditation requirements, program evaluation and for other necessary program components to comply with requirements imposed upon distance education programs under W.S. 21-13-330, as amended by Section 501 of this act.

(b) A process for grant administration under this section shall be established by the state superintendent in sufficient time to enable awarding of grants to applicant school districts, community college districts and the university by not later than August 15, 2008, for use in implementing and operating distance education programs beginning with school year 2008-2009. Notice of the grant program together with necessary application forms and program information shall be provided to school districts, community colleges and the university by May 1, 2008. Evaluation of applications shall be based upon criteria specified under subsection (a) of this section and shall prioritize applications accordingly. Grants amounts for a successful applicant shall at minimum consider the number of students estimated to participate in the program, total program costs and if applicable, historical student success in the program. Application for school year 2009-2010 awards shall commence May 1, 2009, and awards shall be granted by not later than August 15, 2009.

(c) Each grant recipient shall report to the state superintendent on the expenditure of grant amounts awarded under this section, the number of

students enrolling in the distance education program receiving grant assistance, the number of students successfully completing the distance education program, the impact of the grant assistance on compliance with W.S. 21-13-330 and an evaluation of the distance education program in addressing student needs. The state superintendent shall compile the reports collected under this subsection and shall by not later than November 1, 2009, report the compilation to the joint education interim committee together with recommendations for program continuation.

(d) The state superintendent shall fund the grant program established under this section from amounts contained within the school foundation program account 2009-2010 biennial budget (Agency 205) for distance learning incentive payments. Expenditures of this appropriation shall be authorized for the period commencing July 1, 2008, and ending June 30, 2010.

Section 504. Two hundred seventy-five thousand dollars (\$275,000.00) is appropriated from the public school foundation program account to the department of education that shall be expended only for the implementation and administration of distance education as authorized under W.S. 21-2-202(a)(xxxi) and 21-13-330, as amended under Section 501 of this act, and for an at-will employee position in accordance with W.S. 9-2-1022(a)(xi)(F). This appropriation shall be for the period commencing on the effective date of this section and ending June 30, 2010.

Section 505. For purposes of administering and implementing distance education pursuant to W.S. 21-2-202(a)(xxxi) and 21-13-330, as amended under Section 501 of this act, the department of education shall by rule and regulation establish guidelines prescribing process and procedural requirements for school districts in responding to requests for student participation in distance education programs. The proposed guidelines shall be reported to the joint education interim committee prior to August 31, 2008.

[SECTION 6. FOOD SERVICE]

Section 601.

(a) The education resource block grant model, executing recommendations contained within the 2005 cost of education study, was premised upon report findings and recommendations that school district food service programs were financially self-supporting in that revenues from student fees and other available state and federal funds are adequate to cover program costs. In adopting 2005 study recommendations and for purposes of refining study recommendations based upon more precise information, the legislature, under 2006 Wyoming Session Laws, Chapter 37, Section 7(e), directed and funded a data collection effort and data analysis study by the department of education on district revenues and expenditures for food service programs. Under this provision, the department was directed to identify and determine if districts experience deficits in operating food service programs and if so, determine the basis for program deficits.

(b) Based upon data analysis and recommendations compiled under subsection (a) of this section, and to augment amounts available to school districts within the education resource block grant model for operation of its public schools during the period preceding 2010 model recalibration and development of a cost-based model component for food service programs, and to assist districts with covering costs of food service program deficits, financial assistance is available to school districts in accordance with this section. Financial assistance under this section shall be in addition to and not considered in determining school foundation program payments under the education resource block grant model pursuant to W.S. 21-13-309. To qualify for financial assistance, a school district shall report a funding deficit under paragraph (c)(ii) of this section for the school year prior to the year of application and shall:

(i) Obtain department approval of its strategic plan for food service operations, including operating guidelines and standards for food safety, required food service training, food production procedures and standards, staffing requirements, supervisory structure, comprehensive performance measures, benchmarks and program budget review procedures and equipment maintenance and replacement plans;

(ii) Be in compliance with federal, state and district regulations and policies;

(iii) Conduct periodic program evaluations reviewing program quality and performance as measured by quality review instruments provided by the department;

(iv) Implement financial management policies and procedures including procurement, wage scales comparable with other district employees, collection policies and accounting policies; and

(v) Provide a meal counting system in compliance with department rules and regulations for reporting purposes under this section.

(c) Any qualifying school district may apply for financial assistance under this section with the department of education at the same time the district reports actual revenue collections for the purpose of reconciliation under W.S. 21-13-313(d). Application shall be in a form and manner specified by rule and regulation of the department and shall include:

(i) The number of qualifying meals served by the district's food service program during the school year immediately preceding the year of application, based upon meals qualifying for reimbursement under the National School Lunch Act, 42 U.S.C. 1751 et seq.;

(ii) The total amount of the funding deficit experienced by the district's food service program during the same school year, as documented and computed in accordance with department rule and regulation. For purposes of this paragraph, the state match paid for each district under the National School Lunch Act, 42 U.S.C. 1751 et seq., shall be considered a revenue and shall be subtracted from any funding deficit reported under this paragraph.

(d) Assistance for each qualifying district shall be based upon a statewide per meal reimbursement computed each year by the department as follows:

(i) Compute the statewide food service program deficit for the applicable school year based upon each school district's reported deficit for the immediately preceding school year in accordance with guidelines prescribed under subsection (c) of this section;

(ii) From the amount computed under paragraph (i) of this subsection, subtract an amount equal to ten percent (10%) of the computed statewide deficit under paragraph (i) of this subsection;

(iii) Divide the amount determined under paragraph (ii) of this subsection by the number of qualifying meals reported by all districts for the prior school year as required under subsection (c) of this section.

(e) The amount of assistance for each qualifying applicant district under this section shall be determined by multiplying the per meal reimbursement computed for the school year of application under subsection (d) of this section times the number of qualifying meals reported by the applicant district under subsection (c) of this section. Payments for each qualifying district shall be made by the department not later than October 15 of the school year of application.

(f) Each district shall report annually to the department of education on food service program revenues, expenses, program operations and program policies and procedures in a manner and level of detail required by department rule and regulation. The department shall compile reported information and submit the compilation to the joint education interim committee not later than December 1 of each school year. In addition, information compiled under this subsection shall be maintained by the department for use in 2010 model recalibration and development of a cost-based model component for food service programs.

Section 602. The department of education shall promulgate rules and regulations necessary to implement Section 601 of this act and establish necessary program evaluation instrumentation, food service strategic plan guidelines and meal counting methodology required under paragraph 601(b)(v) of this act, and program deficit computation instructions required under paragraph 601(c)(ii) of this act, all within sufficient time to enable implementation of the financial assistance program established by Section 601 of this act during school year 2008-2009. In addition, the department shall provide necessary technical assistance to school districts as required to meet qualification requirements imposed under Section 601 of this act.

Section 603. Four million five hundred thousand dollars (\$4,500,000.00) is appropriated from the public school foundation program account to the department of education to be expended only for financial assistance to school districts for food service programs as provided by Section 601 of this act. This appropriation is for the period commencing July 1, 2008, and ending June 30, 2009.

[SECTION 7. MAINTENANCE AND OPERATIONS]

Section 701. 2006 Wyoming Session Laws, Chapter 37, Attachment A(b), as amended by 2007 Wyoming Session Laws, Chapter 147, Section 401, is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED WITHIN THE 2005 COST OF EDUCATION STUDY ON THE RECALIBRATION OF THE EDUCATION RESOURCE BLOCK GRANT MODEL AS FOLLOWS:

SUMMARY OF WYOMING RECALIBRATION RECOMMENDATIONS:

For purposes of this attachment:

"ADM" means as defined under W.S. 21-13-101(a)(i) and reflects a per student computation;

"FTE" means full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education.

(b) To implement this act and notwithstanding subsection (a) of this attachment, the Wyoming education resource block grant model components and the resourcing for those components shall be as follows:

Full-Day Kindergarten:	Funded for all elementary schools.
Class Size:	16 for grades Kindergarten through 5; 21 for grades 6 through 12.
Core teachers:	Elementary school ADM divided by 16; Middle school ADM divided by 21; High school ADM divided by 21.
Specialist teachers:	Elementary schools: 20 percent of core teachers; Middle and high schools: 33 percent of core teachers.
Minimum teachers:	6.0 for elementary schools with greater than 49 ADM; 8.0 for middle schools with greater than 49 ADM; 10.0 for high schools with greater than 49 ADM.
Instructional facilitators:	0.
Tutors:	1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and high schools.
ELL:	1 FTE teacher position for every 100 ELL students.
Extended day:	0.
Summer school:	0.
Alternative schools:	1 assistant principal position plus 1 FTE teacher position for every 7 students.

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Substitutes:	Additional 5 percent of ADM generated teacher positions at \$88.40/day plus 7.65% for benefits.	
Supervisory aides:	2 for 288 ADM prototypical elementary school; 2 for 315 ADM prototypical middle school; 5 for 630 ADM prototypical high school.	
Pupil support:	1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and secondary schools; PLUS 1 FTE position for every 250 students in secondary schools.	
Librarian:	1.0 for each prototypical elementary, middle and high school.	
Library media tech:	1.0 for each prototypical middle and high school.	
Principal:	1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels.	
Assistant principal:	Begin phasing in 1 assistant principal for every 315 students at 316 ADM middle and high school.	
Secretary:	1.0 for 288 ADM prototypical elementary; 1.0 for 315 ADM prototypical middle school; 1.0 for 315 ADM and 630 ADM prototypical high school.	
Clerical:	1.0 for 288 ADM prototypical elementary school; 1.0 for 315 ADM prototypical middle school; 2.0 for 315 ADM prototypical high school.	
Books/Ins. Materials:	\$296.99/elementary and middle school ADM; \$363.65/high school ADM.	
Computers, equipment:	\$260/ADM.	
Special education:	100 percent state reimbursement of prior year actual expenditures.	
Gifted:	\$26/ADM.	
Vocational education:	0.29 times FTE vocational education ADM;	

- \$8040.74/FTE vocational education teacher for equipment and supplies.
- Student activities: Resource under the following school configurations:
 K-5 elementary school: \$21.63/ADM;
 6-8 middle school: From \$711.69/ADM at 1 ADM school to \$183.88/ADM for 1260 ADM school;
 9-12 high school: From \$1834.60/ADM for 1 ADM school to \$540.80/ADM for 1260 ADM school.
- Professional development: In addition to the above instructional facilitators/coaches:
 5 extra days in teacher yearly contract, at statewide average of \$238 per day, which will vary by district average salary levels; Plus \$104/ADM for trainers.
- Assessment: In addition to all other professional development resources:
 \$33.58/ADM.
- Central office staff: District ADM 500 and below:
 3 administrative and 3 secretarial;
 District ADM from 500 to 1000:
 Proration of an additional administrative and secretarial position;
 District ADM at 1000:
 4 administrative and 4 secretarial;
 adjusted upwards to 3500 ADM.
 District ADM at 3500:
 8 administrative and 10 secretarial,
 prorated up for districts with ADM greater than 3500.
- Central office nonpersonnel expenses: \$312/ADM.
- Transportation: 100 percent state reimbursement of prior year actual expenditures.
- Food services: Assumed to be self supporting program.
- Maintenance and operations: Based on ADM, gross square footage and number of buildings and rooms for custodians, facilities maintenance and groundskeepers. Groundskeeper FTE computations shall be based upon the lesser of the actual site acreage on which the facility is situated as defined by department rule and regulation, or the school facility guidelines and site acreages established by the school facilities

commission under W.S. 21-15-114. The state superintendent shall grant exceptions to the groundskeeper FTE computation limitations for acreages acquired on or prior to July 1, 1997, and for acreages acquired after July 1, 1997 through an exchange with another governmental entity if the acreages involved in the exchange were originally acquired by the district and the governmental entity on or prior to July 1, 1997.

M & O supplies: \$0.57 per 110 percent of gross square feet of authorized education space.

Utilities: Actual 2004-2005 expenditures by district inflated up in subsequent years by inflation factor.

School adjustments: For all schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1 FTE teacher position for every 7 students for all staff;

For all schools with 49 or fewer ADM within a district comprised solely of schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1.5 FTE teacher positions for every 7 students for all staff;

Minimum 6 teachers in elementary schools greater than 49 ADM;

For a K-5 or K-6 school, resource as elementary school;

For a K-7, K-8 or K-9 school, resource K-5 as elementary school and remainder as middle school;

For K-12 school, resource as K-5 elementary, 6-8 middle and 9-12 high school;

For 6/7-12 school, resource as 6-8 middle and 9-12 high school.

Average Salaries:	Teachers	\$ 43,938.00
	Teachers with 5 extra days	\$ 45,126.00
	Principals	\$ 73,994.00
	Assistant principals	\$ 62,085.00
	Superintendents	\$ 95,211.00
	Assistant superintendents	\$ 76,168.80
	Business managers	\$ 64,202.00
	Aides	\$ 16,430.00
	Media technicians	\$ 38,747.00

	Central office secretaries	\$ 31,073.00
	School secretaries	\$ 28,868.00
	School clerical staff	\$ 22,206.00
Maintenance and operations:		
	Maintenance/ groundskeepers	\$ 31,866.00
	Custodians	\$ 26,582.00
Benefits:	19.66 percent plus health as computed under W.S. 21-13-309(m)(v)(F).	
Regional cost adjustment:	As provided by W.S. 21-13-309(m)(v)(C).	
External cost adjustment:	As provided by W.S. 21-13-309(o).	

[SECTION 8. MODEL ADMINISTRATION]

Section 801.

(a) The state superintendent shall continue the review of school and school district implementation and delivery of education programs with state resources, the alignment of school and school district programs with education strategies recommended by the 2005 cost of education study and on which the education resource block grant model is based, the collection of data necessary to determine district program alignment, the impact of state resources on education programs and the impact of district expenditures on student performance. This review shall continue the allocation and use study and data collection efforts initiated under 2006 Wyoming Session Laws, Chapter 37, Section 8, and shall be periodically reported to the joint education interim committee. A comprehensive report of data and resulting findings shall be provided to the committee on or before November 1, 2009, to be in a form and of a substance to assist the 2010 recalibration of the education resource block grant model.

(b) In addition and for purposes of carrying out duties assigned by W.S. 21-2-202(e) pertaining to administration of the education resource block grant model, the state superintendent shall continue the development of a resource document necessary to provide descriptive and technical information on model components, component operations and functionality within model spreadsheets and the relationship of components to the 2005 cost of education study, updated periodically to reflect legislative modifications.

[SECTION 9. HATHAWAY STUDENT SCHOLARSHIP PROGRAM
LONGITUDINAL STUDY]

Section 901.

(a) For the period commencing July 1, 2008, and ending June 30, 2010, one hundred thirty-five thousand dollars (\$135,000.00) is appropriated from the school foundation program account to the department of education to conduct a study of the long term effects of the Hathaway student scholarship program on students in Wyoming high schools. Using a random sampling of students beginning grade nine (9), the study shall track the following three (3) student cohorts for at least ten (10) years after high school graduation:

(i) A cohort group comprised of students beginning grade nine (9) in the school year immediately preceding the school year in which the Hathaway student scholarship program was implemented;

(ii) A cohort group comprised of students beginning grade nine (9) in the school year in the first or second school year following the initial school year in which the Hathaway student scholarship program was implemented; and

(iii) A cohort group comprised of students beginning grade nine (9) in the first or second school year following the initial school year in which the entire success curriculum was implemented pursuant to W.S. 21-16-1307.

(b) The size of the sampling under subsection (a) of this section shall be sufficiently large to enable a statistically significant sample size. Individual student information used within the study under this section shall be confidential and the department shall ensure appropriate student confidentiality measures are incorporated in the conduct of the study.

(c) Tracking of students shall not include the use of a social security number without the written permission of the student or his parent or legal guardian if the student is under the age of majority. The student, or his parent or legal guardian if the student is under the age of majority, may withdraw permission to use his social security number by providing written notice to the department of education.

(d) Factors to be tracked and information gathered for the study shall include but not be limited to:

(i) Academic achievement;

(ii) The Hathaway student scholarship level received by the student, either honor, performance, opportunity or career;

(iii) Drop-out, GED and graduation rates in pertinent high schools, colleges and universities;

(iv) The extent of remedial courses taken at the post secondary education level;

(v) The length of time enrolled and attending post secondary education programs prior to obtaining a community college certificate or degree or a university degree;

(vi) Attendance at a post secondary education institution located outside Wyoming; and

(vii) Employment, location of employment and earnings level after leaving a post secondary education program at a college or the university.

(e) On or before October 1 of each year in which the study is conducted, the department shall submit study progress reports to the joint education interim committee.

[SECTION 10. SIGN LANGUAGE INSTRUCTION]

Section 1001. The state superintendent shall establish a task force comprised of school district and post secondary education representatives engaged in sign language instruction, linguistics and special programs for deaf students, together with representation from teacher certification in sign language instruction, to review and evaluate the addition of sign language as fulfillment of foreign language requirements under the success curriculum for the Hathaway student scholarship program prescribed by W.S. 21-16-1307. The task force shall also review and recommend certification requirements for instruction in sign language and sign language course composition and content. On or before October 1, 2008, the state superintendent shall report findings and recommendations under this section to the joint education interim committee.

[SECTION 11. STUDENT ENRICHMENT INSTRUCTION –
PILOT PROJECT]**Section 1101.**

(a) The supplemental financial assistance pilot project for student enrichment instruction is established. Under the project the department of education may provide financial assistance in addition to the education resource block grant model for selected districts for the provision of student enrichment instruction programs during the 2008 summer school session. The project shall meet program requirements and criteria established by rule and regulation of the department.

(b) Each school district may apply to the department of education for assistance under this section on or before April 15, 2008. Application shall be on a form and in a manner prescribed by the department. At minimum, the application shall include a description of program content including enrichment learning strategies to be employed.

(c) The department shall notify each district of its eligibility to submit an application to be considered for assistance under this section for a pilot project no later than May 1, 2008. The department shall state in the notice to the districts the application program requirements and shall award funding for selected districts to implement a summer school enrichment pilot program. On or before May 31, 2008, the department shall distribute assistance to each district selected to participate in the summer school pilot enrichment project under this section.

(d) Four hundred fifty thousand dollars (\$450,000.00) is appropriated from the public school foundation program account to the department of education to be expended as necessary to implement this section. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2009.

(e) Each recipient district shall report by October 1, 2008 to the department of education on expenditures of amounts distributed under this section together with additional information required by the department on enrichment strategies employed by the district, the impact of the program on student performance and an evaluation of the effectiveness of

the enrichment strategies employed by the recipient district. The department shall compile the information reported by districts under this subsection, and report to the joint education interim committee, together with program recommendations, on or before December 1, 2008.

(f) This section is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

[SECTION 12. EFFECTIVE DATES]

Section 1201.

(a) Except as otherwise provided in this act, this act is effective July 1, 2008.

(b) Sections 101, 102, 202(b) and (c), 301, 401, 402, 503(a) and (b), 504, 505, 602, 801 and 1001 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 96

HATHAWAY SCHOLARSHIP PROGRAM

Original Senate File No. 21

AN ACT relating to the Hathaway scholarship program; allowing reinstatement of lost scholarships upon satisfaction of specified conditions; clarifying determination of satisfactory academic progress; specifying application; and providing for an effective date.

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

Section 1. W.S. 21-16-1301(a)(xiv), 21-16-1304(c)(i), (ii) and by creating a new subsection (f) and 21-16-1305(b)(i), (ii) and by creating a new subsection (d) are amended to read:

21-16-1301. Definitions.

(a) As used in this article:

(xiv) "Satisfactory academic progress" means completing at least six (6) semester hours per semester if enrolled for less than twelve (12) semester hours and completing at least twelve (12) semester hours per semester if enrolled for twelve (12) or more semester hours, and meeting such other criteria as established by the eligible institution to ensure the student earns his degree or certificate in a timely manner. The student's hours of enrollment for purposes of this paragraph shall be the same number of hours of enrollment used to determine the state's obligation to reimburse the eligible institution for the student's scholarship under

this article. Satisfactory academic progress shall be determined annually following the spring semester, but a student's scholarship may be reinstated pursuant to W.S. 21-16-1304(f)(i) or 21-16-1305(d)(i) following any semester or summer school session;

21-16-1304. Hathaway opportunity, performance and honor scholarships.

(c) To remain eligible for the scholarship under this section, the student shall:

(i) Except as provided in W.S. 21-16-1303(f), make satisfactory academic progress toward a degree. If a student fails to make satisfactory academic progress or maintain the cumulative grade point average required for continuation in the program as provided in this subsection, the student shall become ineligible for the scholarship in subsequent semesters unless granted an exception for cause by the department or except as otherwise provided in ~~this subsection (f) of this section.~~ The department may delegate to any eligible institution the department's authority to grant an exception for cause, but shall only do so in accordance with department rules establishing procedures and criteria for granting an exception and any eligible institution acting pursuant to such delegation shall grant exceptions only in accordance with those rules; ~~The scholarship under this article which is lost for failing to maintain the requisite grade point average shall be reinstated for the subsequent semester following attainment of the cumulative grade point average required of the applicable scholarship under paragraph (iii) of this subsection, provided that the student is otherwise eligible and neither the applicable maximum number of full time equivalent semesters nor the maximum scholarship eligibility time period specified under subsection (b) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has been reached;~~

(ii) Except as provided in W.S. 21-16-1303(f) and subsection (f) of this section, maintain continuous enrollment for not less than two (2) semesters in each successive academic year. The department shall by rule and regulation establish exceptions to the requirement of this paragraph for military service, religious service and other good cause shown; and

(f) If a student is otherwise eligible under this article and neither the applicable number of full-time equivalent semesters nor the maximum scholarship eligibility time period specified under subsection (b) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has been reached, a scholarship under this section which is lost may be reinstated if the student meets the applicable requirements imposed by this subsection and successfully completes courses at an eligible institution in a summer school session or an academic term occurring during the period the scholarship is lost. A lost scholarship shall be reinstated in the first academic term following the academic term or summer school session during which the student:

(i) Attains satisfactory academic progress as defined by W.S. 21-16-1301(a)(xiv) for a scholarship lost under this subsection for failure to meet the requirements of paragraph (c)(i) of this section; or

(ii) Achieves the cumulative grade point average required of the applicable scholarship under paragraph (c)(iii) of this section for a scholarship lost for failure to meet the requirements of paragraph (c)(iii) of this section; or

(iii) For a scholarship lost for failure to meet the requirements of (c)(ii) of this section, enrolls and completes one (1) academic term as a full-time or part-time student, whichever is applicable, occurring during the period in which the scholarship is lost.

21-16-1305. Hathaway career scholarships.

(b) To remain eligible for the scholarship award under this section, the student shall:

(i) Except as provided by W.S. 21-16-1303(f), make satisfactory academic progress toward a certificate or degree. If a student fails to make satisfactory academic progress or maintain the cumulative grade point average required for continuation in the program provided in paragraph (iii) of this subsection, the student shall become ineligible for the scholarship in subsequent semesters unless granted an exception for cause by the department or except as otherwise provided in ~~this subsection (d) of this section~~. The department may delegate to any eligible institution the department's authority to grant an exception for cause, but shall only do so in accordance with department rules establishing procedures and criteria for granting an exception and any eligible institution acting pursuant to such delegation shall grant exceptions only in accordance with those rules; ~~The scholarship under this article which is lost for failing to maintain the requisite grade point average shall be reinstated for the subsequent semester following attainment of the cumulative grade point average required under paragraph (iii) of this subsection provided that the student is otherwise eligible and that neither the maximum number of full-time equivalent semesters nor the maximum scholarship eligibility time period specified under subsection (a) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has not been reached;~~

(ii) Except as provided by W.S. 21-16-1303(f) and subsection (d) of this section, maintain continuous enrollment for not less than two (2) semesters in each successive academic year. The department shall by rule and regulation establish exceptions to the requirement of this paragraph for military service, religious service and other good cause shown; and

(d) If a student is otherwise eligible under this article and neither the applicable number of full-time equivalent semesters nor the maximum scholarship eligibility time period specified under paragraph (a)(ii) of this section and W.S. 21-16-1303(d), including semesters for which a scholarship was not received, has been reached, a scholarship under this section which is lost may be reinstated if the student meets the applicable requirements imposed by this subsection and successfully completes courses at an eligible institution in a summer school session or an academic term occurring during the period the scholarship is lost. A lost scholarship shall be reinstated in the first academic term following the academic term or summer school session during which the student:

(i) Attains satisfactory academic progress as defined by W.S. 21-16-1301(a)(xiv) for a scholarship lost for failure to meet the requirements of paragraph (b)(i) of this section; or

(ii) Achieves the cumulative grade point average required under paragraph (b)(iii) of this section for a scholarship lost for failure to meet the requirements of paragraph (b)(iii) of this section; or

(iii) For a scholarship lost for failure to meet the requirements of paragraph (b)(ii) of this section, enrolls and completes one (1) academic term as a full-time or part-time student, whichever is applicable, occurring during the period in which the scholarship is lost.

Section 2. This act shall apply to Hathaway scholarships lost during the 2006-2007 and 2007-2008 academic year for failure to make satisfactory academic progress, to maintain the required grade point average or for failure to maintain continuous enrollment, all as required by law, if the scholarship recipient otherwise remains eligible for the awarded scholarship pursuant to law and the applicable number of full-time equivalent semesters and the maximum scholarship eligibility time period specified by law, including any semesters for which a Hathaway scholarship was not received, have not been reached.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 97

HATHAWAY SCHOLARSHIP PROGRAM-SUCCESS CURRICULUM

Original Senate File No. 71

AN ACT relating to Hathaway scholarship program; modifying success curriculum foreign language requirements; expanding success curriculum qualifying science courses and directing the department of education to report on course expansion; and providing for effective dates.

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

Section 1. W.S. 21-16-1307(b)(v), (c)(iii)(D), (d)(v) and (e)(ii) is amended to read:

21-16-1307. Success curriculum; test standards.

(b) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year shall be as follows:

(v) Foreign language – two (2) sequenced years of the same foreign language which need not be taken consecutively, at least one (1) of which shall be taken in grades nine (9) through twelve (12). Two (2) sequenced years of instruction in the native language of the Eastern Shoshone or the Northern Arapaho, or two (2) sequenced years of instruction in American sign language, either of which need not be taken consecutively; but at least one (1) year of which is taken in grades nine (9) through twelve (12), may be taken in fulfillment of this paragraph.

(c) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school prior to the 2010-2011 school year shall be as follows:

(iii) For students graduating in the 2009-2010 school year:

(D) Foreign language - one (1) year of foreign language which may include one (1) year of instruction in the native language of the Eastern Shoshone or the Northern Arapaho or one (1) year of instruction in American sign language, taken in grades nine (9) through (12).

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year shall be as follows:

(v) Foreign language – demonstrate proficiency on the state standards for the foreign cultures and languages common core of knowledge requirement under W.S. 21-9-101(b)(i)(K) which may include American sign language as one (1) component of foreign language proficiency.

(e) The success curriculum required to qualify for career scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year shall be the curriculum required for high school graduation under W.S. 21-2-304(a)(iii) subject to the following:

(ii) Demonstration of proficiency on the state standards for the foreign cultures and languages common core of knowledge requirement under W.S. 21-9-101(b)(i)(K) which may include American sign language as one (1) component of foreign language proficiency.

Section 2. W.S. 21-16-1307(b)(iii)(intro), by creating a new subparagraph (J) and by renumbering (J) as (K) and (c)(iii)(B) is amended to read:

21-16-1307. Success curriculum; test standards.

(b) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year shall be as follows:

(iii) Science – four (4) years of science in grades nine (9) through twelve (12) to include at least three (3) years of those courses specified in subparagraphs (A) through ~~(H)~~-(J) of this paragraph and a fourth year from any of those specified in subparagraphs (A) through ~~(J)~~-(K) of this paragraph:

(J) Physical science;

~~(J)~~(K) An additional science course.

(c) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school prior to the 2010-2011 school year shall be as follows:

(iii) For students graduating in the 2009-2010 school year:

(B) Science – three (3) of the courses specified in subparagraphs (b)(iii)(A) through ~~(H)~~(J) of this section;

Section 3. The department of education shall in consultation with school districts, establish content standards for the physical science course satisfying Hathaway success curriculum requirements as provided under section 2 of this act, which standards shall be of a rigor comparable to other science courses qualifying for the success curriculum as specified under W.S. 21-16-1307(b)(iii)(A) through (H). On or before October 1, 2008, the department shall report to the joint education interim committee on the content standards established under this section and the effects of including physical science as one (1) of the required science courses under the Hathaway success curriculum.

Section 4.

(a) Except as provided under subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Notwithstanding subsection (a) of this section, section 2 of this act is effective July 1, 2009.

Approved March 12, 2008.

Chapter 98

SCHOOL FINANCE-MINIMUM TEACHER RESOURCES

Original House Bill No. 113

AN ACT relating to school finance; clarifying school adjustments within the education resource block grant model to effectuate teacher minimums; specifying application; prescribing adjustment payments to applicable districts; providing an appropriation; and providing for an effective date.

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

Section 1. 2006 Wyoming Session Laws, Chapter 37, Attachment A(b), as amended by 2007 Wyoming Session Laws, Chapter 147, Section 401 is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDA-

TIONS CONTAINED WITHIN THE 2005 COST OF EDUCATION STUDY ON THE RECALIBRATION OF THE EDUCATION RESOURCE BLOCK GRANT MODEL AS FOLLOWS:

SUMMARY OF WYOMING RECALIBRATION RECOMMENDATIONS:

For purposes of this attachment:

“ADM” means as defined under W.S. 21-13-101(a)(i) and reflects a per student computation;

“FTE” means full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education.

(b) To implement this act and notwithstanding subsection (a) of this attachment, the Wyoming education resource block grant model components and the resourcing for those components shall be as follows:

Full-Day Kindergarten:	Funded for all elementary schools.
Class Size:	16 for grades Kindergarten through 5; 21 for grades 6 through 12.
Core teachers:	Elementary school ADM divided by 16; Middle school ADM divided by 21; High school ADM divided by 21.
Specialist teachers:	Elementary schools: 20 percent of core teachers; Middle and high schools: 33 percent of core teachers.
Minimum teachers:	6.0 for elementary schools with greater than 49 ADM; 8.0 for middle schools with greater than 49 ADM; 10.0 for high schools with greater than 49 ADM.
Instructional facilitators:	0.
Tutors:	1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and high schools.
ELL:	1 FTE teacher position for every 100 ELL students.
Extended day:	0.
Summer school:	0.
Alternative schools:	1 assistant principal position plus 1 FTE teacher position for every 7 students.
Substitutes:	Additional 5 percent of ADM generated teacher positions at \$88.40/day plus 7.65% for benefits.

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Supervisory aides:	2 for 288 ADM prototypical elementary school; 2 for 315 ADM prototypical middle school; 5 for 630 ADM prototypical high school.	
Pupil support:	1 FTE teacher position for every 100 at-risk students with a minimum of 1 FTE teacher position for prototypical elementary, middle and secondary schools; PLUS 1 FTE position for every 250 students in secondary schools.	
Librarian:	1.0 for each prototypical elementary, middle and high school.	
Library media tech:	1.0 for each prototypical middle and high school.	
Principal:	1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels.	
Assistant principal:	Begin phasing in 1 assistant principal for every 315 students at 316 ADM middle and high school.	
Secretary:	1.0 for 288 ADM prototypical elementary; 1.0 for 315 ADM prototypical middle school; 1.0 for 315 ADM and 630 ADM prototypical high school.	
Clerical:	1.0 for 288 ADM prototypical elementary school; 1.0 for 315 ADM prototypical middle school; 2.0 for 315 ADM prototypical high school.	
Books/Ins. Materials:	\$296.99/elementary and middle school ADM; \$363.65/high school ADM.	
Computers, equipment:	\$260/ADM.	
Special education:	100 percent state reimbursement of prior year actual expenditures.	
Gifted:	\$26/ADM.	
Vocational education:	0.29 times FTE vocational education ADM; \$8040.74/FTE vocational education teacher for equipment and supplies.	

Student activities:	Resource under the following school configurations: K-5 elementary school: \$21.63/ADM; 6-8 middle school: From \$711.69/ADM at 1 ADM school to \$183.88/ADM for 1260 ADM school; 9-12 high school: From \$1834.60/ADM for 1 ADM school to \$540.80/ADM for 1260 ADM school.
Professional development:	In addition to the above instructional facilitators/coaches: 5 extra days in teacher yearly contract, at statewide average of \$238 per day, which will vary by district average salary levels; Plus \$104/ADM for trainers.
Assessment:	In addition to all other professional development resources: \$33.58/ADM.
Central office staff:	District ADM 500 and below: 3 administrative and 3 secretarial; District ADM from 500 to 1000: Proration of an additional administrative and secretarial position; District ADM at 1000: 4 administrative and 4 secretarial; adjusted upwards to 3500 ADM. District ADM at 3500: 8 administrative and 10 secretarial; prorated up for districts with ADM greater than 3500.
Central office nonpersonnel expenses:	\$312/ADM
Transportation:	100 percent state reimbursement of prior year actual expenditures.
Food services:	Assumed to be self supporting program.
Maintenance and operations:	Based on ADM, gross square footage and number of buildings and rooms for custodians, facilities maintenance and groundskeepers.
M & O supplies:	\$0.57 per 110 percent of gross square feet of authorized education space.
Utilities:	Actual 2004-2005 expenditures by district inflated up in subsequent years by inflation factor.

School adjustments:

For all schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1 FTE teacher position for every 7 students for all staff;

For all schools with 49 or fewer ADM within a district comprised solely of schools with 49 or fewer ADM, resource with 1 assistant principal position plus 1.5 FTE teacher positions for every 7 students for all staff;

Minimum 6 teachers in elementary schools greater than 49 ADM;

For a K-5 or K-6 school, resource as elementary school;

For a K-7, K-8 or K-9 school, for teachers resource K-5 as elementary school and remainder as middle school, and for non-teacher and all other resources, resource only at the highest grade-band level;

For K-12 school, for teachers resource as K-5 elementary, 6-8 middle and 9-12 high school, and for nonteacher and all other resources, resource only at the highest grade-band level;

For 6/7-12 school, for teachers resource as 6-8 middle and 9-12 high school, and for nonteacher and all other resources, resource only at the highest grade-band level.

Average Salaries:

Teachers	\$ 43,938.00
Teachers with 5 extra days	\$ 45,126.00
Principals	\$ 73,994.00
Assistant principals	\$ 62,085.00
Superintendents	\$ 95,211.00
Assistant superintendents	\$ 76,168.80
Business managers	\$ 64,202.00
Aides	\$ 16,430.00
Media technicians	\$ 38,747.00
Central office secretaries	\$ 31,073.00
School secretaries	\$ 28,868.00
School clerical staff	\$ 22,206.00

Maintenance and operations:

Maintenance/groundskeepers	\$ 31,866.00
Custodians	\$ 26,582.00

Benefits:

19.66 percent plus health as computed under W.S. 21-13-309(m)(v)(F).

Regional cost adjustment: As provided by W.S. 21-13-309(m)(v)(C).

External cost adjustment: As provided by W.S. 21-13-309(o).

Section 2.

(a) The clarification to the school adjustments within the education resource block grant model as provided in section 1 of this act reflects legislative intent in adopting teacher minimums above levels prescribed by consultants performing the 2005 cost of education study and enumerated in Attachment A(a) to 2006 Wyoming Session Laws, Chapter 37.

(b) Notwithstanding subsection (a) of this section and in accordance with W.S. 21-2-202(c) [21-2-202(e)], the state superintendent shall adjust school year 2006-2007 and school year 2007-2008 entitlements to each applicable school district such that the block grant model school adjustments resource nonteacher and all other resources within the different school configurations at separate grade-band levels. The department of education shall make necessary payment adjustments to each applicable district before April 1, 2008, as provided under W.S. 21-13-313(c). In addition, the department shall accordingly and as necessary, adjust the amount recaptured from any applicable district under W.S. 21-13-102(b). Adjustments paid under this section shall be excluded from the fiscal year 2008-2009 calculation of the recipient district's operating balance and cash reserves under W.S. 21-13-313(e).

Section 3. Three million one hundred four thousand seven hundred sixty-two dollars (\$3,104,762.00) is appropriated from the school foundation program account to the department of education for adjustment payments to school districts in accordance with section 2 of this act. This appropriation is for the period beginning on the effective date of this act through June 30, 2008.

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

Approved March 12, 2008.

Chapter 99

DEVELOPMENTAL PROGRAMS-COST BASED REIMBURSEMENTS

Original House Bill No. 52

AN ACT relating to Medicaid; authorizing a cost based payment system for providers of services and supplies under home and community based waiver programs for persons with developmental disabilities and acquired brain injury; granting rulemaking authority; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 42-4-120 by creating a new subsection (g) is amended to read:

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments.

(g) The department shall establish by rule and regulation a cost based reimbursement system to pay providers of services and supplies under home and community based waiver programs for persons with developmental disabilities or acquired brain injury. The payment system shall:

(i) Use information provided to the department, including but not limited to:

(A) Provider cost data;

(B) Provider claims data;

(C) Participant needs assessment data;

(D) Other relevant regional and national data.

(ii) Establish a new base period to be used in calculating reimbursement rates to providers for subsequent budget periods at least once every four (4) years but not more than once in any two (2) year period. When a new base period is established, the department shall submit a biennial or supplemental budget request to adjust provider reimbursement rates based on the most current base period;

(iii) Be developed following consultation with Wyoming developmental disability and acquired brain injury waiver program service providers, developmental disability waiver program clients and their families and an expert in cost based waiver program payment systems, which the department is authorized to retain by contract following competitive bidding;

(iv) Be implemented for services and supplies provided under individual budget amounts established on and after July 1, 2008;

(v) Be contingent upon approval by the center for Medicare and Medicaid services of the United States department of health and human services;

(vi) Require service and supply providers to provide actual cost of service and supply data to the department and to submit to reasonable audits of the submitted data, if requested by the department.

Section 2. There is appropriated three million eight hundred eighty-six thousand one hundred fifteen dollars (\$3,886,115.00) from the general fund and three million eight hundred eighty-six thousand one hundred fifteen dollars (\$3,886,115.00) from federal funds to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of increases in payments to service providers under the cost based payment system created by this act, and is in addition to other amounts appropriated for home and community based waiver programs. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any

other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010. This appropriation shall be included in the department's 2011-2012 standard biennial budget request.

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 100

INMATE MEDICAL PAROLE

Original Senate File No. 88

AN ACT relating to sentence and imprisonment; authorizing parole for inmates with serious medical needs as specified; specifying conditions that must exist to qualify for medical parole; requiring findings; requiring notice to the prosecuting attorney and sentencing judge; specifying terms of parole; authorizing revocation of medical parole as specified; and providing for an effective date.

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

Section 1. W.S. 7-13-424 is created to read:

7-13-424. Medical parole; conditions.

(a) Notwithstanding any other provision of law restricting the grant of parole, except for inmates sentenced to death or life imprisonment without parole, the board may grant a medical parole to any inmate meeting the conditions specified in this section. The board shall consider a medical parole upon receipt of written certification by a licensed treating physician that, within a reasonable degree of certainty, one (1) of the following circumstances exist:

(i) The inmate has a serious incapacitating medical need which requires treatment that cannot reasonably be provided while confined in a state correctional facility;

(ii) The inmate is incapacitated by age to the extent that deteriorating physical or mental health substantially diminishes the ability of the inmate to provide self-care within the environment of a correctional facility;

(iii) The inmate is permanently physically incapacitated as the result of an irreversible injury, disease or illness which makes significant physical activity impossible, renders the inmate dependent on permanent medical intervention for survival or confines the inmate to a bed, wheelchair or other assistive device where his mobility is significantly limited; or

(iv) The inmate suffers from a terminal illness caused by injury or disease which is predicted to result in death within twelve (12) months of the application for parole.

(b) The board may only grant a medical parole if it first determines:

(i) That, based on a review of all available information, one (1) or more of the conditions specified in subsection (a) of this section exists;

(ii) That the inmate is not likely to abscond or violate the law if released;

(iii) That living arrangements are in place in the community and sufficient resources are available to meet the inmate's living and medical needs and expenses; and

(iv) That the inmate does not have a medical condition that would endanger public health, safety or welfare if the inmate were released, or that the inmate's proposed living arrangements would protect the public health, safety or welfare from any threat of harm the inmate's medical condition may pose.

(c) Upon the board's request, an independent medical evaluation by a licensed physician shall be conducted, provided to the board and paid for by the department.

(d) The board shall provide the prosecuting attorney and the sentencing court with prior notice of, and the opportunity to provide input regarding, a medical parole hearing for an inmate who is otherwise ineligible for parole.

(e) The board shall impose terms and conditions of parole as it deems necessary, including but not limited to requiring periodic medical progress reports at intervals of not more than six (6) months, in granting a medical parole. A medical parole may be revoked if the parolee violates a condition of parole or if the medical condition which was the basis for the grant of parole no longer exists or has been ameliorated to the extent that the justification for medical parole no longer exists.

Section 2. W.S. 7-13-401(a)(intro), 7-13-402(e)(intro) and (g), 7-13-407(a)(i) and 7-13-418(a)(intro) are amended to read:

7-13-401. Definitions; creation of board; officers; compensation; hearing panels; meetings.

(a) As used in W.S. 7-13-401 through ~~7-13-421~~ 7-13-424:

7-13-402. General powers and duties of board; eligibility for parole; immunity.

(e) The board may adopt reasonable rules and regulations necessary to carry out the functions assigned to the board by W.S. 7-13-401 through ~~7-13-421~~ 7-13-424 including rules relating to:

(g) Notwithstanding W.S. 1-39-101 through 1-39-119, the board and its members are immune from any liability, either as a board or individually, for any actions, inactions or omissions by the board or any member thereof, pursuant to W.S. 7-13-401 through ~~7-13-421~~ 7-13-424.

7-13-407. Duties of probation and parole agents.

(a) Under direction and supervision of the director, probation and parole agents shall:

(i) Except as otherwise directed by the director, devote full time to the performance of their duties in carrying out the provisions of W.S. 7-13-401 through ~~7-13-421-7-13-424~~;

7-13-418. Selection, training and powers of local volunteer; compensation.

(a) In order to further the objectives of W.S. 7-13-401 through ~~7-13-421-7-13-424~~, the state probation and parole officer may select, organize and train local volunteer citizens who, acting under his supervision, may:

Section 3. This act is effective July 1, 2008.

Approved March 12, 2008.

Chapter 101**PROPERTY TAX REFUND PROGRAM**

Original House Bill No. 92

AN ACT relating to taxation and revenue; providing for a property tax refund program as specified; providing for an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-13-109(c) by creating a new paragraph (iv) is amended to read:

39-13-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(iv) The following shall apply to the property tax refund program:

(A) On or before the first Monday in June, upon the filing of an affidavit demonstrating an adequate showing that he is qualified under subparagraph (B) or (C) of this paragraph, any person may apply to the county treasurer or department of revenue for a property tax refund from property taxes timely paid for the preceding calendar year upon his principal residence including the land upon which the residence is located. An applicant shall have been a resident of this state for not less than five (5) years prior to applying for a refund under this paragraph. Subject to legislative appropriation, the affidavit shall include information as required by rule and regulation on a form approved by the department of revenue. The tax refund granted shall be as provided by subparagraph (C) of this paragraph;

(B) Gross income as used in this subparagraph shall be defined by the department through rules and regulations. Such gross income shall be verified by federal income tax returns which shall accompany the application for refund, if federal income tax returns were required and filed, or whatever other means necessary as determined by the department through rules and regulations. The tax refund for qualifying persons shall be in the form of a refund of any ad valorem tax due and timely paid upon the person's principal residence for the preceding calendar year in the amount specified in this paragraph. The department shall issue all refunds due under this paragraph on or before September 30 of the year in which application is made for the refund. Any person shall qualify for a refund in the amount specified under this paragraph if the person's gross income including the total household income of which the person is a member does not exceed the greater of two-thirds (2/3) of the median gross household income for the applicant's county of residence or the state, as determined annually by the economic analysis division of the department of administration and information. Additionally, no person shall qualify for a refund under this paragraph unless the person has total household assets as defined by the department of revenue through rules and regulations of not to exceed fifty thousand dollars (\$50,000.00) per adult member of the household as adjusted annually by the statewide average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information, excluding the following:

(I) The value of the home for which the taxpayer is seeking a tax refund;

(II) One (1) personal motor vehicle per adult in the household;

(III) Household furnishings and personal property;

(IV) Assets held under a bona fide pension plan or individual retirement account (IRA);

(V) The cash value of any life insurance policies held.

(C) A refund granted under this paragraph shall not exceed one-half (1/2) of the applicant's prior year's property tax, but in no instance shall the amount of refund exceed one-half (1/2) of the median residential property tax liability for the applicant's county of residence as determined annually by the department of revenue;

(D) Nothing in this paragraph shall be construed to prohibit or affect requirements for property to be listed, valued and assessed by the county assessor pursuant to law. Each year the county shall publicize in a manner reasonably designed to notify all residents of the county the provisions of this paragraph and the method by which eligible persons may obtain a refund;

(E) The department shall promulgate rules and regulations necessary to implement this paragraph;

(F) Any refund as provided by this paragraph shall be reduced by the dollar amount received by the person applying for the refund for the preceding calendar year of any exemption received for veterans under

W.S. 39-13-105, any home owner's tax credit under paragraph (d)(i) of this section, or any property tax deferral under W.S. 39-13-107(b)(iii);

(G) This paragraph is repealed January 1, 2015.

Section 2.

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207:

(i) Two million dollars (\$2,000,000.00) of the funds appropriated by 2004 Wyoming Session Laws, Chapter 121, Section 4 shall not revert and are hereby reappropriated to the department of revenue for the purposes of this act; and

(ii) Funds appropriated under this section shall not lapse or revert until June 30, 2015.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 12, 2008.

Chapter 102

COMMON SCHOOL RESERVE ACCOUNT FUNDING

Original Senate File No. 53

AN ACT relating to public funds; modifying the source of funding for the common school permanent fund reserve account; making an appropriation of funds to the school foundation program account for the fiscal year; and providing for an effective date.

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

Section 1. W.S. 9-4-601(d)(iii), (v)(C) and by creating a new paragraph (vi) and 9-4-713(g) are amended to read:

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(d) Any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(iii) Subject to ~~paragraph~~ ~~paragraphs~~ (v) and (vi) of this subsection, one-third (1/3) to the school foundation program account;

(v) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (iii) of this subsection, amounts shall be deposited to the excellence in higher education endowment fund and the Hathaway student scholarship endowment fund created by W.S. 9-4-204(u)(vi) and (vii) in accordance with and sub-

ject to the requirements of this paragraph. The amounts specified in this paragraph shall be reduced as the state treasurer determines necessary to ensure that as of July 1 of each fiscal year, there is an unobligated, unencumbered balance of one hundred million dollars (\$100,000,000.00) within the school foundation program account. Distributions under this paragraph shall be as follows:

(C) After the amounts specified in subparagraphs (A) and (B) of this paragraph are deposited to the appropriate fund, remaining funds shall be deposited pursuant to paragraph (vi) of this subsection and then to the school foundation program account as provided in paragraph (iii) of this subsection.

(vi) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (iii) of this subsection, there is annually appropriated to the common school permanent fund reserve account the amount determined under W.S. 9-4-713(g). The appropriation shall be credited to the account as provided in W.S. 9-4-713(g).

9-4-713. Investment earnings spending policy - permanent funds.

(g) There is annually appropriated ~~from the general fund~~ to the common school permanent fund reserve account an amount determined under this subsection from funds as provided in W.S. 9-4-601(d)(vi). The amount shall be computed and calculated by the state treasurer. The amount shall be equal to the extent to which earnings from the common school account within the permanent land fund under W.S. 9-4-204(u)(iv) exceed the spending policy established in subsection (h) of this section for that fiscal year. The appropriation shall be credited to the account as soon as practicable after the end of the fiscal year but no later than ninety (90) days after the end of the fiscal year.

Section 2. There is appropriated from the general fund to the school foundation program account an amount equal to the lesser of fifty-six million five hundred fourteen thousand four hundred fifty-five dollars (\$56,514,455.00) or the funds distributed to the common school reserve account pursuant to section 1 of this act for the fiscal year ending June 30, 2008. This transfer of funds shall be made immediately following that distribution to the common school reserve account.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 103**PEACE OFFICERS-PROBATION AND PAROLE AGENTS**

Original Senate File No. 5

AN ACT relating to criminal offenses; amending the definition of peace officer to include probation and parole agents and supervisors for purposes of the criminal offense of interference with a peace officer; and providing for an effective date.

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

Section 1. W.S. 6-5-204 by creating a new subsection (d) is amended to read:

6-5-204. Interference with peace officer; disarming peace officer; penalties.

(d) For the purposes of this section only, "peace officer" means as defined in W.S. 6-1-104(a)(vi) and also includes any person employed by the state department of corrections on a full-time basis as a probation and parole agent or supervisor to assess, supervise, monitor, track, visit or control persons who are released from incarceration under conditions of parole or who are sentenced under conditions of probation.

Section 2. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 104**VETERANS' MENTAL HEALTH APPROPRIATIONS**

Original House Bill No. 12

AN ACT relating to military affairs; providing appropriations to address mental health and substance abuse problems of military personnel and their families associated with participation in military conflicts as specified; and providing for an effective date.

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

Section 1.

(a) There is appropriated seven hundred ninety-eight thousand dollars (\$798,000.00) from the general fund to the department of health for the biennium beginning July 1, 2008 and ending June 30, 2010. The department of health shall use the funds appropriated under this section as follows:

(i) Four hundred forty thousand dollars (\$440,000.00) to contract with two (2) persons whose duties shall include the detection and identification of soldiers returning from active duty in military operations on or after September 11, 2001 and their families who may be in need of mental health or substance abuse treatment services. The contractors shall assist eligible persons identified as having potential or actual mental health or substance abuse problems to obtain assessments of and treatment for the mental health or substance abuse problems;

(ii) Sixty-eight thousand dollars (\$68,000.00) to reimburse physicians who provide assessment screenings to soldiers and their families under paragraph (i) of this subsection and who are not otherwise paid for the screening tool used in the assessment. The funds under this paragraph shall be used only to pay for the screening tool used by the physician. Reimbursements under this paragraph shall be paid to the physicians providing the assessment screenings under a voucher system administered by the department;

(iii) Two hundred fifty thousand dollars (\$250,000.00) to reimburse soldiers and their families under paragraph (i) of this subsection for travel, childcare and other expenses necessary to access mental health or substance abuse treatment resources, when the expenses are not otherwise reimbursed from another source. Reimbursements under this paragraph shall be paid to the soldier under a voucher system administered by the department;

(iv) Forty thousand dollars (\$40,000.00) to provide training to physicians and other health care providers on war related injuries and illnesses to ensure the use of best practices in Wyoming;

(v) The appropriations provided in paragraphs (i) through (iv) of this subsection shall not become part of the standard budget and shall be reduced to the extent that federal funding is received to pay for the services described in those paragraphs.

Section 2. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 105

TRAUMA CARE SERVICES

Original House Bill No. 82

AN ACT relating to medical care; extending payment program to hospitals for unreimbursed trauma care as specified; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) As used in this act:

(i) "Acute care hospital" means a hospital licensed in Wyoming pursuant to W.S. 35-2-901 through 35-2-911 and which provides acute patient care;

(ii) "Ambulance service" means an ambulance service licensed in Wyoming pursuant to W.S. 33-36-102 through 33-36-113 and which provides emergency medical transportation to hospitals or emergency rooms;

(iii) "Department" means the Wyoming department of health;

(iv) "Incident" means an admission, both inpatient and outpatient, involving traumatic care for an individual patient within a one (1) year period to a single hospital. Admissions of the same patient for causes not directly related to an earlier admission shall be considered a separate incident;

(v) "Trauma care services" means services to patients with at least one (1) injury diagnosis code, using the International Classification of Diseases, 9th Edition, from 800.0 through 904, 925 through 929, 940 through 959.9 and 994.7, plus at least one (1) of the following:

(A) Hospitalization for one (1) calendar day;

(B) Admission to the intensive care unit or monitored bed unit;

(C) Cardiac or respiratory arrest on route to the hospital or emergency room;

(D) Dead on arrival at the facility;

(E) Transfer from or to another acute care hospital;

(F) Admission directly from the emergency room to the operating room;

(G) Trauma team activation;

(H) Meets prehospital triage criteria;

(J) Ambulance services providing patient transportation to a hospital or emergency room.

(b) Acute care hospitals or ambulance services shall be reimbursed on a per incident basis, subject to the following:

(i) There is compliance with the reporting requirements of the Wyoming trauma care program registry before the request for reimbursement;

(ii) Reimbursement shall be available for the costs incurred during the six (6) month period preceding the period subject to paragraph (iii) of this subsection;

(iii) Requests for reimbursement may be submitted to the health department for payment only after one hundred eighty (180) days have

elapsed from the date the bill for the services rendered was sent to the patient or his representative.

(c) The department shall promulgate rules and regulations to administer this program on behalf of the state of Wyoming. The rules and regulations shall include provisions for:

(i) Ensuring that reimbursements do not exceed the appropriated funds;

(ii) Limiting reimbursement to the necessary support of the poor;

(iii) Preventing duplication from this appropriation and insurance;

(iv) Reimbursing hospitals for trauma service costs and ambulance services for transporting patients to a hospital or emergency room;

(v) Ensuring that the department shall total all valid requests for reimbursement received and shall pay each applicant a share of the applicant's submitted requests in proportion to the total of the funds available, not to exceed twenty-five percent (25%) of the available funds for the relevant grant cycle.

(d) The department may contract with a fiscal agent to make the actual payments and conduct any necessary audits of reimbursement requests. Reimbursement requests shall be made in a form and manner prescribed by the department. The department or its agent on its behalf may request any documentation it deems necessary to support any request for reimbursement.

(e) The department shall not reimburse any one (1) acute care hospital or ambulance service in a cumulative amount greater than twenty-five percent (25%) of the appropriation in section 2 of this act.

Section 2. There is appropriated to the department of health two million five hundred thousand dollars (\$2,500,000.00) from the general fund to the health department for the program set forth in section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be expended for any other purpose. This appropriation shall not be included in the health department's 2011-2012 standard biennial budget. No more than twenty-five percent (25%) of funding provided in this section shall be available for expenditure during any six (6) month period. The department shall by rule and regulation develop a formula, which shall not be based on a first-come first-served basis, for the allocation of grants under this act.

Section 3. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 106

STATE PARKS AND HISTORIC SITES-FEES

Original House Bill No. 10

AN ACT relating to state parks and historic sites; increasing use fees; repealing annual nonresident camping permits; providing for additional fees for developed campgrounds; providing for a continuous appropriation; providing for reports; and providing for an effective date.

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

Section 1. W.S. 36-4-121(a)(i) through (xii), by creating new paragraphs (xiv) and (xv) and by renumbering (xiv) as (xvi) is amended to read:

36-4-121. Permits to use state parks, recreation areas and historic sites.

(a) The department of state parks and cultural resources shall offer for sale permits that allow use of the state parks, recreation areas, archeological sites and historic sites. Daily use permits shall be required at Glendo, Guernsey, Curt Gowdy, Edness Kimball Wilkins, Buffalo Bill, Boysen, Seminoe and Keyhole state parks and Fort Bridger, South Pass City, Trail End, Fort Fetterman and Fort Phil Kearney state historic sites, and Hawk Springs state recreation area. The department may establish voluntary pay stations at Bear River and Hot Springs state parks to allow users of those parks to make voluntary contributions for the use of the state parks. Persons who enter or use Bear River or Hot Springs state park without paying daily use fees shall not be subject to the penalties provided for in subsection (j) of this section. Overnight camping permits shall be required at Boysen, Buffalo Bill, Curt Gowdy, Glendo, Guernsey, Keyhole, Seminoe and Sinks Canyon state parks, Connor Battlefield state historic site, Medicine Lodge state archeological site and Hawk Springs state recreation area by the department during the entire calendar year. Except for the lifetime permit issued without cost pursuant to subsection (n) of this section, the cost of the permits authorized under this section shall be:

(i) ~~Twenty five dollars (\$25.00)~~ Thirty-three dollars (\$33.00) per calendar year for a resident annual bucking horse daily use permit and ~~forty dollars (\$40.00)~~ fifty-three dollars (\$53.00) for a nonresident annual bucking horse daily use permit to designated state parks, historic sites, archeological sites and recreation areas, valid for the holder and occupants of the holder's vehicle, provided resident permits purchased pursuant to this paragraph between January 1 through February 15 of each year shall cost ~~twenty dollars (\$20.00)~~ twenty-seven dollars (\$27.00) and nonresident permits purchased during the same period shall cost ~~thirty five dollars (\$35.00)~~ forty-six dollars (\$46.00);

(ii) ~~Thirty dollars (\$30.00)~~ Forty dollars (\$40.00) per calendar year for an annual resident overnight camping permit, ~~and sixty dollars~~

~~(\$60.00) per calendar year for an annual nonresident overnight camping permit,~~ authorizing overnight camping at designated state parks, historic sites, archeological sites and recreation areas for the holder and occupants of the holder's vehicle;

(iii) Except as provided under paragraph (a)(v) of this section, ~~two dollars (\$2.00)~~ four dollars (\$4.00) for residents and ~~four dollars (\$4.00)~~ six dollars (\$6.00) for nonresidents for the daily use fee for designated state parks, archeological sites and recreation areas, valid for the date of purchase for the holder and occupants of the holder's vehicle and for the holder entering the park or area by bicycle, horseback or on foot;

(iv) Except as provided under paragraph (a)(v) of this section, ~~one dollar (\$1.00)~~ two dollars (\$2.00) per person for residents and ~~two dollars (\$2.00)~~ four dollars (\$4.00) per person for nonresidents for the daily use fee for designated state historic sites, valid for the date of purchase for the holder only. The fee is not required for persons under the age of eighteen (18) years;

(v) ~~Two dollars (\$2.00)~~ Three dollars (\$3.00) per person for the daily use fee for buses used in guided tours at designated state parks, historic sites and recreation areas, valid for the date of purchase only. The bucking horse annual permit authorized under paragraphs (a)(i) and (ii) of this section is not valid for and shall not be issued to buses used for purposes specified under this paragraph. The fee imposed under this paragraph shall not apply to persons under the age of eighteen (18) years;

(vi) ~~Four dollars (\$4.00)~~ Six dollars (\$6.00) per night for residents and ~~eight dollars (\$8.00)~~ eleven dollars (\$11.00) for nonresidents for overnight camping at any designated state park, historic site, archeological site and recreation area valid for the date of purchase and the following day until 3:00 p.m. for the holder and occupants of the holder's vehicle;

(vii) ~~Five dollars (\$5.00)~~ Seven dollars (\$7.00) for each additional vehicle annual bucking horse ~~entrance~~ daily use permit issued under subsection (b) of this section;

(viii) ~~Five dollars (\$5.00)~~ Seven dollars (\$7.00) for each additional vehicle annual resident ~~or nonresident~~ overnight camping permit issued under subsection (b) of this section;

(ix) ~~Five dollars (\$5.00)~~ Seven dollars (\$7.00) for each duplicate annual bucking horse ~~entrance~~ daily use permit issued under subsection (c) of this section;

(x) ~~Five dollars (\$5.00)~~ Seven dollars (\$7.00) for each duplicate annual resident overnight camping permit issued under subsection (c) of this section;

(xi) Any group may be charged a fee of not more than ~~seventy five dollars (\$75.00)~~ one hundred fifty dollars (\$150.00) for a twenty-four (24) hour period for the use of the lodges located at Curt Gowdy or Buffalo Bill State Parks;

(xii) Any group may be charged a fee of not more than ~~fifty dollars (\$50.00)~~ sixty-six dollars (\$66.00) for a twelve (12) hour period for a group picnic shelter and adjacent grounds located at any department location;

(xiv) An amenities fee which is in addition to any other fee specified in this section may be charged for camping in campsites designated by the commission as campsites containing added amenities. "Added amenities" means sites with electrical hookups, showers or camping structures. An amenities fee may be charged at any park, area or site under the jurisdiction of the department, regardless of whether a daily use or camping fee has been established by law. The amount of the fee shall be set by rule and regulation but shall not be less than the cost of providing the amenity;

(xv) Funds collected from the amenities fee authorized by paragraph (xiv) of this subsection shall be deposited in an account and are continuously appropriated to the department to pay the utility fees and maintenance costs for the additional amenities offered. The remaining funds collected from the amenities fee authorized by paragraph (xiv) of this subsection at the end of the fiscal year may be deposited in a capital construction account and expended in accordance with W.S. 36-4-121(h). Revenues and expenditures under paragraph (xiv) of this subsection and this paragraph shall be reported annually to the joint appropriations and joint travel, recreation, wildlife and cultural resources interim committees on June 30, of each year;

~~(xiv)~~(xvi) Waived for the following:

(A) Persons needing to pass through a state park or historic site to access private property shall be exempt from the entrance permit requirements of this section;

(B) Persons needing access to a state park or historic site to conduct official business or only to access a private commercial business without further use of the state park or historic site shall be exempt from the entrance permit requirements of this section;

(C) School groups on school sanctioned events including events sanctioned by educational programs defined under W.S. 21-4-101(a)(iii), (iv) and (v), and residents and staff of publicly owned homes or institutions while on official agency functions shall be exempt from the entrance permit requirements of this section;

(D) Not for profit groups or organizations needing access to a state park or historic site to provide volunteer assistance or services that have been previously agreed upon by the department of state parks and cultural resources shall be exempt from the permit requirements of this section.

Section 2. This act is effective January 1, 2009.

Approved March 13, 2008.

Chapter 107

TELECOMMUNICATIONS-SWITCHED ACCESS

Original House Bill No. 109

AN ACT relating to telecommunications; providing for switched access prices as specified; and providing for an effective date.

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

Section 1. W.S. 37-15-203(e) and (f)(intro) is amended to read:

37-15-203. Price regulation of noncompetitive essential services.

(e) A local exchange company may seek approval to make revenue neutral adjustments, considering only revenue from noncompetitive essential telecommunications services, to the price of noncompetitive essential telecommunications services to reduce or eliminate differences in the price of noncompetitive essential telecommunications services in different portions of its service area. A local exchange company shall not use adjustments under this section to increase receipt of state universal service funds or increase switched access prices. This subsection shall not apply retroactively.

(f) A local exchange company may seek approval to increase the price of noncompetitive essential telecommunications services, including switched access charges, based on:

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 108

ECONOMIC DEVELOPMENT ACCOUNT 2

Original House Bill No. 153

AN ACT relating to economic development; providing an appropriation as specified to an account within the revolving investment fund created under article 16, section 12 of the Wyoming constitution; and providing for an effective date.

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

Section 1. There is appropriated from the general fund two million dollars (\$2,000,000.00) to the economic development account, as defined in W.S. 9-12-301(a)(iii), within the revolving investment fund created under article 16, section 12 of the Wyoming constitution, to be used as specified in W.S. 9-12-302. Of this amount, only one-half (1/2) shall be loaned out in any fiscal year.

Section 2. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 109

CASTLE DOCTRINE

Original House Bill No. 137

AN ACT relating to crimes and offenses; providing immunity from civil action for using deadly force as specified; allowing for the use of physical or deadly force under specified circumstances in defending a person, premises, property or in response to the commission of a crime; providing definitions; providing for conforming amendments; and providing for an effective date.

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

Section 1. W.S. 6-1-204, 6-2-601 and 6-2-602 are created to read:

6-1-204. Immunity from civil action for justifiable use of force.

Except as provided by W.S. 6-1-103(a), a person who uses force as reasonably necessary in defense of his person, property or abode or to prevent injury to another is immune from civil action for the use of the force.

ARTICLE 6 JUSTIFICATION

6-2-601. Applicability of article.

The common law shall govern in all cases not governed by this article.

6-2-602. Use of force in self defense.

(a) A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or another when using defensive force that is intended or likely to cause death or serious bodily injury to another if:

(i) The intruder against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, another's home or habitation or, if that intruder had removed or was attempting to remove another against his will from his home or habitation; and

(ii) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring.

(b) The presumption set forth in subsection (a) of this section does not apply if:

(i) The person against whom the defensive force is used has a right to be in or is a lawful resident of the occupied structure, such as an owner, lessee or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

(ii) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

(iii) The person against whom the defensive force is used is a peace officer who enters or attempts to enter another's home or habitation in the performance of his official duties.

(c) A person who unlawfully and by force enters or attempts to enter another's home or habitation is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

Section 2. W.S. 6-2-504(b) is amended to read:

6-2-504. Reckless endangering; penalty.

(b) Any person who knowingly points a firearm at or in the direction of another, whether or not the person believes the firearm is loaded, is guilty of reckless endangering unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another or as provided for under W.S. 6-2-602.

Section 3. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 110

TAX RELIEF PROGRAM AMENDMENTS

Original House Bill No. 151

AN ACT relating to taxation and revenue; providing amendments to the tax refund to the elderly and disabled program as specified; repealing conflicting provisions; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-11-109(c)(ii), (iii), (vi), (vii)(intro), (C), by creating new subparagraphs (D) and (E) and by creating a new paragraph (viii) is amended to read:

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(ii) Wyoming residents meeting ~~resource-asset~~ eligibility requirements under paragraph (vii) of this subsection who are sixty-five (65) years of age and older or who are eighteen (18) years of age and older and are totally disabled during the one (1) year period immediately preceding the date of application for a refund under this subsection and are not residents of any state funded institution, are qualified for an exemption and refund of state taxes as provided in this subsection. The application shall indicate whether the applicant has applied for or received any refund under this section, a property tax exemption under W.S. 39-13-105, a property tax refund under W.S. 39-13-109(c)(iii) or a property tax credit under W.S. 39-13-109(d) for the same calendar year. A qualified single person whose actual income is less than ~~thirteen thousand and five hundred dollars (\$13,500.00)~~ seventeen thousand five hundred dollars (\$17,500.00) shall receive eight hundred dollars (\$800.00) reduced by the percentage that his actual income exceeds ~~eight thousand dollars (\$8,000.00)~~ ten thousand dollars (\$10,000.00) per year and qualified married persons, at least one (1) of whom is at least sixty-five (65) years of age or totally disabled, whose actual income is less than ~~twenty-two thousand dollars (\$22,000.00)~~ twenty-eight thousand five hundred dollars (\$28,500.00) shall receive nine hundred dollars (\$900.00) reduced by the percentage that their actual income exceeds ~~twelve thousand five hundred dollars (\$12,500.00)~~ sixteen thousand dollars (\$16,000.00) per year. Until remarriage a person sixty (60) years or older once qualified through marriage remains eligible individually for single person benefits, subject to income limitations, after the death of his spouse;

(iii) Qualified residents shall apply to the department, or its designee, in the county of their residence, on or before the last working day in August of each year for a refund of exempted sales and use taxes, certifying age, residency, disability, if any, marital status, ~~resources~~ assets and income under oath on forms prescribed by the department. Each application shall be submitted under oath by the applicant and shall be accompanied by a copy of the applicant's federal income tax return for the previous calendar year or a statement under oath that the applicant was not required to file a return for the previous calendar year. The department shall issue upon request to each qualified applicant a receipt acknowledging the filing of a completed application;

(vi) The department of health shall promulgate rules and regulations to carry out the provisions of this subsection;

(vii) No applicant is entitled to a refund under this subsection ~~who owns resources that exceed an equity value of six thousand dollars (\$6,000.00)~~ unless the person has total household assets as defined by the department of health through rules and regulations of not to exceed twenty-five thousand dollars (\$25,000.00) per adult member of the household as adjusted annually by the state average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information. In determining ~~resources, a sin-~~

~~gle one hundred thirty thousand dollars (\$130,000.00) equity value of the combined assets, the following property is exempt:~~

(C) One (1) ~~automobile~~ personal motor vehicle per adult in the household;

(D) Assets held under a bona fide pension plan or individual retirement account (IRA);

(E) The cash value of any life insurance policies held.

(viii) Any refund provided by this subsection shall be reduced by the dollar amount received by the applicant for the preceding calendar year from any exemption under W.S. 39-13-105, any homeowner's tax credit under W.S. 39-13-109(d)(i) or any tax refund under W.S. 39-13-109(c)(iii).

Section 2. W.S. 39-11-109(c)(i)(B) and (E) is repealed.

Section 3. Two million three hundred thousand dollars (\$2,300,000.00) of the funds appropriated by 2004 Wyoming Session Laws, Chapter 121, Section 4, shall not revert and are hereby reappropriated to the department of health for the purposes of this act. Of this appropriation, up to eighty thousand dollars (\$80,000.00) may be used to administer the provision of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall be included in the department's standard budget for the 2011-2012 biennium.

Section 4. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 111

RETIREMENT-REHIRED RETIREES

Original Senate File No. 83

AN ACT relating to the Wyoming retirement system; clarifying participation of rehired retirees under the system; and providing for an effective date.

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

Section 1. W.S. 9-3-415(g)(intro) and (h) is amended to read:

9-3-415. When retirement permitted; service credit.

(g) Subject to subsection (h) of this section and in accordance with rule and regulation of the board protecting the actuarial integrity of the system and its status as a federally qualified plan, any retired member rehired after a break in service of not less than thirty (30) days by a par-

participating employer to fill a vacant full-time position of a regular contributing employee in any capacity including, but not limited to, as a contract employee or as an employee of a third party contractor under an agreement with a participating employer, shall notify the board in writing of his election to:

(h) If a retired member is rehired by a participating employer to fill a vacant full-time position of a regular contributing employee in any capacity including, but not limited to, as a contract employee or as an employee of a third party contractor under an agreement with a participating employer, and the retiree is rehired following a break in service of not less than thirty (30) days, the employer shall pay into the account an amount equal to both the members' and employer's contributions required by law under the Wyoming retirement system based upon the retiree's salary. Service by the retiree under this subsection shall not increase retirement benefits under the Wyoming retirement system.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 112

FIREMEN'S PENSION ACCOUNT-AMENDMENTS

Original Senate File No. 84

AN ACT relating to the firemen's pension account; modifying pension amounts and member contributions; and providing for an effective date.

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

Section 1. W.S. 15-5-409(a)(i) and 15-5-420(a) are amended to read:

15-5-409. Amount of service pension.

(a) The amount of the monthly service pension payable to a retired member is:

(i) ~~Two and five tenths percent (2.5%)~~ Two and eight-tenths percent (2.8%) of his final average compensation multiplied by the number of years in his first twenty-five (25) years of his period of credited service;
~~plus~~

15-5-420. Member contributions.

(a) Each employer shall deduct monthly from the compensation of each member participating in the account a sum equal to ~~six percent (6%)~~

eight and five-tenths percent (8.5%) of such the member's compensation, and that amount shall be paid by the employer to the account.

Section 2. W.S. 15-5-409(a)(iii) is repealed.

Section 3. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 113

INVESTMENT OF STATE FUNDS-REVISIONS

Original Senate File No. 28

AN ACT relating to public funds; modifying state investment statutes including statutes affecting underlying investments; repealing conflicting and executed provisions; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-4-714 through 9-4-718 are created to read:

9-4-714. Definitions.

(a) As used in this act:

(i) "Alternative investments" means investments in nontraditional asset classes or in traditional asset classes which are utilized in a non-traditional strategy;

(ii) "Asset classes" means categories of securities with similar characteristics and properties, such as cash equivalents, stocks, bonds and real estate;

(iii) "Board" means the state loan and investment board;

(iv) "Fund" means as defined by W.S. 9-4-203(a)(vii);

(v) "Permanent funds" means the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the excellence in higher education endowment fund under W.S. 9-4-204(u)(vi) and the Hathaway student scholarship endowment fund under W.S. 9-4-204(u)(vii);

(vi) "This act" means W.S. 9-4-714 through 9-4-719.

9-4-715. Permissible investments.

(a) The state treasurer is the chief investment officer of the state of Wyoming. The state treasurer's annual report shall include investment, income, individual and aggregate gains and losses by fund and the extent to which the state investment policy is being implemented. Subject to requirements of subsection (c) of this section, state funds may be invested in any investment:

(i) Authorized by the legislature; or

(ii) Authorized or approved by the board.

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940, or any bank as defined in that act, upon written authority, may invest monies of the permanent funds, in securities but not more than fifty-five percent (55%) shall be invested in common stocks.

(c) The state treasurer shall obtain the approval of the board prior to the investment of funds in alternative investments, provided:

(i) The approval of the board shall be complete upon the review and written acceptance by the board of the material terms of the instruments governing the investment;

(ii) Any material adverse change to the terms of instruments governing investments, previously approved by the board, at any time while the investments are held by the state of Wyoming shall require the renewal of approval of such investments by the board.

(d) When approving, acquiring, investing, reinvesting, exchanging, retaining, selling and managing investments of the state of Wyoming, the members of the board, the state treasurer, designees of the state treasurer or any other fiduciary appointed by the state treasurer or the board shall exercise the judgment and care of a prudent investor as specified by the Uniform Prudent Investor Act, W.S. 4-10-901 through 4-10-913.

(e) Individual investments or groups of investments made under this act shall not be evaluated solely in isolation but also in the context of the entire investment portfolio and as part of an overall investment strategy of the trust or fund from which the investment is derived, consistent with the policies for such trust or fund established under W.S. 9-4-716 by the board. The purchase of a security or the making of any direct investment by the state treasurer or his designee in a security shall not constitute a delegation of his duties under this article or under any rule promulgated under this article.

(f) The state treasurer may invest and keep invested not to exceed twenty-five million dollars (\$25,000,000.00) of any state permanent funds through the purchase of nondelinquent federally guaranteed or insured higher education loans from any nonprofit Wyoming corporation organized to acquire such loans or its agent. The state shall not administer loans purchased and shall contract for loan servicing. Special allowances provided by section 438 of the Higher Education Act of 1965 remain effective.

(g) The state treasurer may pledge not to exceed three hundred million dollars (\$300,000,000.00) from the common school account in the permanent land fund to guarantee school district bonds under W.S. 9-4-1001(d). These funds shall be invested as other funds in that account, but the state treasurer shall ensure sufficient liquidity of investments to ensure required disbursements can be made.

(h) The state treasurer may pledge not to exceed one hundred million dollars (\$100,000,000.00) from the Wyoming permanent mineral trust fund to guarantee local government bonds under W.S. 9-4-1002. These funds shall be invested as other funds in that fund, but the state treasurer shall ensure sufficient liquidity of investments to ensure required disbursements can be made.

(j) The state treasurer may invest not to exceed two million dollars (\$2,000,000.00) from the permanent mineral trust fund in assignments from counties of their rights to reimbursement of deferred taxes and interest from taxpayers under W.S. 39-13-107(b)(iii)(F), including the right to any tax lien on those properties resulting from deferral of taxes and interest.

(k) Upon request of the board, the state treasurer may invest funds received from sales of state trust lands plus up to two million dollars (\$2,000,000.00) one-time seed money contained in the common school account within the permanent land fund, by purchasing land and improvements thereon within Wyoming as assets of the trust.

(m) To promote economic development, the state treasurer may invest and keep invested not to exceed one hundred million dollars (\$100,000,000.00) of any state permanent funds through the purchase of industrial development bonds issued by joint powers boards, municipalities or counties under W.S. 15-1-701 through 15-1-710 subject to the terms and conditions specified under this subsection. By December 31 of each calendar year, the state treasurer and the Wyoming business council shall each provide a report to the joint minerals, business and economic development interim committee on the effectiveness of the investment program authorized by this subsection. The reports shall include the costs incurred by the state to the permanent mineral trust fund, expenditures made from the account created under paragraph (v) of this subsection and the revenue received by the Wyoming business council through fees and businesses who utilized the program:

(i) No investment shall be made under this subsection without the recommendation of the Wyoming business council created by W.S. 9-12-103 and written approval of the governor;

(ii) No investment shall be made under this subsection unless:

(A) The bonds are to finance the cost of acquisition of land or rights-of-way and the purchase, construction, and installation of buildings, appurtenant personal property and equipment which will add economic value to goods, services or resources within or outside this state. Any right-of-way acquired under the provisions of this paragraph shall follow an existing utility corridor whenever practical. The buildings, appurtenant personal property and equipment shall be used:

(I) As part of the construction of a facility or infrastructure for manufacturing or processing or generating power, transporting oil or gas, transmitting electricity, providing telecommunications or utility services;

(II) For commercial or business enterprises or their infrastructure; or

(III) For reconstructing, remodeling, modernizing or expanding an existing facility or infrastructure.

(B) The Wyoming business council shall establish guidelines dependent upon the type of business concerned in each project considered and shall set the maximum amount of the investment to be made by the state of Wyoming in each project. In setting the maximum amount of investment the business council shall consider the number of jobs created or preserved by the facility and the economic impact to the state which may result from the facility. The council shall review each project considered with the Wyoming energy commission created pursuant to W.S. 30-7-101, provided the project being considered involves an area over which the commission has been given authority;

(C) The bonds bear interest at a fixed or adjustable rate, indexed to the prime or ten (10) year treasury bill rate as determined by the state treasurer, which is reasonably commensurate with the risk, as recommended by the Wyoming business council; and

(D) At least twenty-five percent (25%) of the total cost of the project is provided by the owner of the facility.

(iii) No investment shall be made under this subsection unless the bonds provide:

(A) The state of Wyoming shall not acquire an ownership interest in the facility being financed except to realize a security interest;

(B) The proceeds of the bonds shall not be made available to the facility owner until construction of the facility is ready to commence;

(C) The principal and interest are secured by a pledge of revenues from the operation of the facility or infrastructure and by a mortgage on the facility or other facilities or infrastructures with a loan-to-value ratio not exceeding seventy-five percent (75%) of the appraised value of the collateral;

(D) The principal and interest may be secured by additional security as required by the state treasurer or governor, upon recommendation of the Wyoming business council and with the approval as to form of the attorney general.

(iv) As bonds invested in under this subsection are redeemed and the principal paid, that amount may be recommended by the Wyoming business council to purchase the bonds of other projects;

(v) The Wyoming business council shall assess fees adequate to cover all reasonable direct and indirect costs for the services and application of state funds used under this subsection to be paid by the applicant. Payment of the fees assessed pursuant to this paragraph shall be secured by additional security as required by the state treasurer or governor, upon recommendation of the Wyoming business council and with the approval as to form of the attorney general. Fees collected pursuant to this paragraph shall be deposited with the state treasurer and credited to a separate account and are continuously appropriated to the business council to be expended for the actual direct and indirect costs of providing the services generating the fees;

(vi) No investment shall be made under this subsection after June 30, 2009.

(n) The state treasurer shall not invest state funds for a specific public purpose authorized or directed by the legislature in excess of a total of five hundred million dollars (\$500,000,000.00), excluding investments made pursuant to W.S. 37-5-406. Prior to the convening of each general session, the state treasurer shall, after consultation with the board, recommend any adjustments to this allocated amount to the select committee on capital financing and investments.

9-4-716. State investment policy; investment consultant.

(a) The board shall adopt investment policy statements for state funds and shall review those policy statements at least annually. These policy statements shall be subject to the following:

(i) The board may specify groupings of state funds for which separate investment policy statements are appropriate. At a minimum, those groupings shall include state funds for which there is a trust obligation, short term funds for operations and all other funds. The board may determine criteria under which certain funds shall be separately managed;

(ii) Nothing in this section shall be construed to prevent the state treasurer from pooling any state funds for investment purposes, including meeting cash flow requirements in accordance with approved investment policy statements.

(b) The investment policy statements shall include the following:

(i) Nominal return benchmarks;

(ii) Definition of risk and of return;

(iii) Risk tolerance;

(iv) Permissible investments and quality standards;

(v) Liquidity requirements;

(vi) Cash flow projections for the grouping of funds;

(vii) Procedures for selecting and dismissing investment managers when utilized;

(viii) Indices or benchmarks against which the returns will be measured.

(c) The state treasurer shall develop and submit proposed investment policy statements for each grouping of state funds specified in subsection (a) of this section and may contract for assistance in developing proposals or in making suggestions for modifications to existing investment policy statements. The state treasurer shall report quarterly to the board regarding the performance of investments with respect to each grouping of state funds specified by the board under subsection (a) of this section and such other information as may be required by the board.

(d) The board:

(i) Shall procure the services of a qualified entity to evaluate:

(A) At least annually, the reasonableness and comprehensiveness of the investment policy statements required under this section; and

(B) At least quarterly, the performance of the investments for each grouping based upon recognized indices and the reasonableness of the mix of assets in light of anticipated cash flow requirements and the investment policy statements.

(ii) Shall require competition to procure those services required under paragraph (i) of this subsection at least every three (3) years;

(iii) Shall receive an appropriation directed to the office of state lands and investments to be used to compensate the entity retained under paragraph (i) of this subsection for its services.

9-4-717. Additional investment matters.

(a) The state treasurer may form entities required in the general practice employed by banks and brokerage firms for the purpose of designating a "nominee name" in securities transactions.

(b) The state treasurer may offer and pay a reasonable premium for bonds and other securities. The purchase price shall not exceed the market value of the bonds or other securities at the time of purchase. The premium paid for the investments shall be amortized over the life of the investment to the fund or account from which the premium was paid.

(c) The state treasurer directly, or investment managers of state funds, may effect sales or exchanges of investments of state funds, whenever the sale or exchange will result in a loss of principal, if the sale or exchange tends to maximize the total return on the funds invested and is otherwise consistent with implementation of the state investment policy established by the board under W.S. 9-4-716.

(d) As part of the state investment strategy, the state treasurer may retain the services of a custodial bank or an independent securities lending agent to supervise a program of securities lending in exchange for a fee or other consideration. Supervision of the program shall include:

(i) Procedures to review the creditworthiness of all borrowers;

(ii) Requirements for full collateralization of all loans; and

(iii) Other methods and procedures required by the board for securing the lending program.

9-4-718. Investment managers.

(a) The state treasurer may contract with investment managers and pay for investment services and investment advice subject to the following conditions:

(i) All fees and other costs of contracting for and using the services of an investment manager, except transaction costs and custodial fees, shall be accounted for on at least a quarterly basis;

(ii) Without the approval of the board:

(A) No contract with an investment manager shall permit that manager to manage more than fifteen percent (15%) of the total portfolio of state funds available for investment at the time the contract is executed; and

(B) No investment manager under contract with the state treasurer shall be permitted to act as a securities broker with respect to transactions involving state investments managed by such investment manager, unless the transaction can be made without incurring commission or market impact cost.

(iii) The amount of state funds under contract with an investment manager shall not exceed ten percent (10%) of the total assets managed by that investment manager;

(iv) Investment managers shall be selected based upon a competitive process and with consideration given to the historical performance of prospective managers. No investment manager shall be hired unless approved by a majority vote of the board. The contract with an investment manager may be terminated by a majority vote of the board;

(v) Investment managers shall be paid on a negotiated flat fee or performance basis based upon net assets invested;

(vi) Contracts with investment managers shall be subject to cancellation upon receipt of thirty (30) days notice by either party;

(vii) The state treasurer shall not contract with any person as an investment manager under this subsection unless that person or that person's firm has prior to the execution of the contract, a verifiable CFA Institute (Chartered Financial Analyst Institute) compliant track record of at least five (5) years with respect to the type of investments regarding which the investment manager will provide services or the investment manager is employed by an organized and chartered bank trust company with trust assets in excess of one billion dollars (\$1,000,000,000.00). Any prospective manager shall submit to the state treasurer audited financial statements in accordance with the treasurer's rules and regulations and a certified record of the manager's past investment performance prepared by an independent entity;

(viii) Each investment manager shall at least quarterly provide a report to the state treasurer describing the manager's performance relative to mutually agreed upon industry indices and reflecting all brokerage fees and other fees or expenses paid by or fees earned by the manager which are paid by the state under the contract.

(b) Investment managers retained for management of traditional assets shall be a registered investment advisor under the Investment Advisor's Act of 1940. Investment managers retained for management of alternative investments are not required to be a registered investment advisor under the Investment Advisor's Act of 1940.

(c) The state treasurer may contract for services to select an investment manager.

Section 2. W.S. 1-41-104(b), 9-2-2304(b), 9-4-204(u)(vi), 9-4-607(b), 9-4-1001(d)(iii)(A), 9-4-1002(d)(iii)(A), 9-15-103(a), 11-34-105(b)(vii), by

creating a new paragraph (viii) and by renumbering (viii) as (ix), 11-34-123(c)(ii), 11-34-129, 11-34-202(e) and by creating a new subsection (f), 11-34-301(a), 14-8-106, 16-1-109(a), 16-1-110, 19-7-401(b), 21-16-1201(c)(intro), 21-16-1204(a)(iv), 21-22-101(b), 23-1-501(f), 26-33-105(a), 28-11-201(b)(ii), 36-1-402(b), 37-5-206(b), 37-5-406, 39-13-107(b)(iii)(F), 39-14-111(g)(intro), 39-14-311(c)(intro), 39-14-411(b)(intro), 39-14-511(c)(intro), 39-14-611(b)(intro) and 39-14-711(b)(intro) are amended to read:

1-41-104. Investment of funds.

(b) The state treasurer shall invest any portion of the funds in the self-insurance account, including reserves, which the risk manager determines is not needed for immediate use. Investments shall be made as authorized by W.S. ~~9-4-711-9-4-715(a), (d) and (e).~~

9-2-2304. Wyoming cultural trust fund established; corpus inviolate; investment by state treasurer.

(b) The monies deposited into the Wyoming cultural resources trust fund established pursuant to this section are inviolate and constitute a permanent or perpetual trust fund. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized under W.S. ~~9-4-711-9-4-715(a), (d) and (e)~~ in a manner to obtain the highest return possible consistent with the preservation of the corpus. Any interest earned from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 9-2-2307.

9-4-204. Funds established; use thereof.

(u) Other funds defined as follows shall be classified by the state auditor pursuant to subsections (s) and (t) of this section:

(vi) The excellence in higher education endowment fund - to consist of funds appropriated or designated to the fund by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20, monies within the fund shall not be expended and may be invested in the same manner as other permanent funds of the state. Earnings from investment of monies within the fund are subject to the spending policy as provided in W.S. ~~9-4-713-9-4-719~~ and shall be distributed and expended as provided by law. Earnings in excess of spending policies shall be retained as provided by W.S. ~~9-4-713-9-4-719;~~

9-4-607. Wyoming transportation enterprise program.

(b) In addition to the distributions under subsection (a) of this section, ninety percent (90%) of the investment income earned on monies deposited into the transportation trust fund shall be deposited in the transportation enterprise fund to be expended by the state loan and investment board pursuant to W.S. 11-34-131, as appropriated by the legislature. Ten percent (10%) of the investment income earned on monies deposited into the transportation trust fund shall be retained by the transportation trust fund. The state treasurer shall invest the funds in the transportation trust fund as authorized under W.S. ~~9-4-711~~

9-4-715(a), (d) and (e) in a manner to obtain the highest return possible consistent with the preservation of the trust fund.

9-4-1001. Guarantee program for school district bonds.

(d) As a condition of participating in the bond guarantee program under this section, a school district shall enter into agreements necessary to provide that:

(iii) If the district fails to comply with paragraph (ii) of this subsection:

(A) The state shall make the full payment due from funds in the common school account in the permanent land fund available under W.S. ~~9-4-701(j)~~ 9-4-715(g) for this purpose;

9-4-1002. Guarantee program for local government bonds.

(d) As a condition of participating in the bond guarantee program under this section, a city, town or county shall enter into agreements necessary to provide that:

(iii) If the city, town or county fails to comply with paragraph (ii) of this subsection:

(A) The state shall make the full payment due from funds in the permanent Wyoming mineral trust fund available under W.S. ~~9-4-701(k)~~ 9-4-715(h) for this purpose;

9-15-103. Wyoming wildlife and natural resource trust account created; income account created; expenditures; purposes.

(a) A trust account is created to be known as the Wyoming wildlife and natural resource trust account. The trust account shall consist of those funds designated to the account by law and all monies received from federal grants and other contributions, grants, gifts, transfers, bequests and donations to the trust account. The trust account is specifically empowered to accept grants, gifts, transfers, bequests and donations including those which are limited in their purposes by the grantor. Title to any interest in any real property conveyed to the trust account shall be held in the name of the state of Wyoming and shall be administered by the board of land commissioners. Funds deposited within the trust account are intended to be inviolate and constitute a perpetual trust account which shall be invested by the state treasurer as authorized under W.S. ~~9-4-711-9-4-715(a), (d) and (e)~~ and in a manner to obtain the highest return possible consistent with preservation of the account corpus.

11-34-105. Chief executive officer; powers and duties.

(b) The director of the office of state lands and investments shall:

(vii) Keep a record of the proceedings of the board and such books and records as are necessary for the conduct of the business of his office; ~~and~~

(viii) Submit regular reports to the board setting forth in detail the status of all farm and irrigation loans which are delinquent as to the payment of any installment of principal or interest due; and

~~(viii)~~(ix) Do and perform such other acts as required by the board.

11-34-123. Foreclosure proceedings; duty of attorney general; deed in lieu of foreclosure.

(c) Notwithstanding other provisions of this section the state loan and investment board by unanimous vote may accept a deed in lieu of foreclosure, provided:

(ii) Any loss to any permanent fund resulting from the acceptance of the deed in lieu of foreclosure is restored as provided by W.S. ~~9-4-703~~ 11-34-202(f).

11-34-129. Investment of permanent funds.

The state treasurer, with the approval of the board, is directed to invest and keep invested in farm loans a sum not to exceed two hundred seventy-five million dollars (\$275,000,000.00) of any state permanent funds available for investment, including loans already made and outstanding, as the funds become available in the treasurer's office for investment in loans approved by the board. ~~The limitation on legislatively designated investments under W.S. 9-4-712 applies to this investment.~~

11-34-202. Revenue to be credited to an account; use thereof; disposition of excess.

(e) Revenue and proceeds received by the board for deposit in the loss reserve account pursuant to W.S. 11-34-118, 11-34-120(h), 11-34-121, 11-34-123(a) and 11-34-302(e) shall be transmitted to the state treasurer for deposit to the credit of the loss reserve account. These funds shall be used for the purposes specified in subsection (f) of this section and W.S. 9-4-703(e) and 11-34-126 and to pay the administrative and legal expenses of the board in making collections and foreclosing mortgages. If at the end of any fiscal year the amount accumulated in the loss reserve account exceeds five percent (5%) of the total amount of permanent funds of the state invested in farm and irrigation loans, the amount in excess of the five percent (5%) shall be transferred and credited to the general fund.

(f) If, as a result of default in the payment of any farm or irrigation loan, there occurs a nonrecoverable loss either to the corpus of, or interest due to, any permanent fund of the state, the board shall restore the loss to the permanent fund account entitled thereto using any funds available in the loss reserve account created by subsection (e) of this section. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund account entitled thereto.

11-34-301. Water development projects; nonnegotiable debentures; loans to small projects.

(a) The state loan and investment board may issue its nonnegotiable debenture bonds for a sum not in excess of thirty-three and one-third percent (33 1/3%) or twenty million dollars (\$20,000,000.00), whichever is less, of the permanent funds of Wyoming which shall be available for

loan by the board for the purpose set forth in W.S. 11-34-302. The state treasurer, upon request of the state loan and investment board, shall invest and keep invested a sum not to exceed thirty-three and one-third percent (33 1/3%) or sixty million dollars (\$60,000,000.00), whichever is less, of the permanent funds of Wyoming in the bonds of the board. One-half (1/2) of this sum shall be used for loans to small water development projects. No single loan to an individual under a small water development project shall exceed one hundred fifty thousand dollars (\$150,000.00). The bonds shall be delivered to the state treasurer and bear interest not to exceed eight percent (8%) nor less than four percent (4%) per annum, at the discretion of the board, payable on or before forty (40) years from the date of issuance. ~~The limitation on legislatively designated investments under W.S. 9-4-712 applies to this investment.~~

14-8-106. Wyoming children's trust fund; creation; source of funds.

There is created the Wyoming children's trust fund. The fund shall be administered by the board and shall consist of monies appropriated or designated to the fund by law and all monies collected by the board from federal grants and other contributions, grants, gifts, bequests and donations. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized under W.S. ~~9-4-711~~ 9-4-715(a), (d) and (e) in a manner to obtain the highest return possible consistent with the preservation of the corpus. Any interest earned on the investment or deposit of monies in the fund shall also remain in the fund and shall not be credited to the general fund.

16-1-109. State loan and investment board loans; amount; interest; security; conditions.

(a) The state loan and investment board may negotiate and make loans to one (1) or more agencies, or joint powers boards presently existing, permitted or created pursuant to the statutes, from the permanent mineral trust funds and other permanent funds of Wyoming not otherwise obligated, not to exceed thirty million dollars (\$30,000,000.00) including all loans previously made and outstanding, and not to exceed a term of forty (40) years for repayment. The board may set rates of interest on all such loans to joint powers boards according to the current rates of interest for similar securities on the commercial market upon a basis which will not be less than six percent (6%) nor more than twelve percent (12%). For all loans under this section approved after July 1, 1996, a loan origination fee of one percent (1%) of the loan shall be paid to the state loan and investment board by the borrowing agency or joint powers board. The revenue produced by this fee shall be credited to the loss reserve account as provided by W.S. 16-1-110. ~~The limitation on legislatively designated investments under W.S. 9-4-712 applies to this investment.~~

16-1-110. Loss reserve account created; deposits; disposition of funds.

(a) Revenues received by the state loan and investment board for deposit in the loss reserve account pursuant to W.S. 16-1-109(a) shall be

transmitted to the state treasurer for deposit to the credit of the loss reserve account. Funds in the account shall be used for the purposes specified in W.S. ~~9-4-703(e)~~ subsection (b) of this section and to pay the administrative and legal expenses of the board in making collections and foreclosing on loans made pursuant to W.S. 16-1-109. If at the end of any fiscal year, the amount in the loss reserve account exceeds five percent (5%) of the total amount of permanent funds invested by the state in loans pursuant to W.S. 16-1-109, the amount in excess of the five percent (5%) shall be transferred and credited to the general fund.

(b) If, as a result of default in the payment of any loan made pursuant to W.S. 16-1-109, there occurs a nonrecoverable loss either to the corpus of, or interest due to, any permanent fund of the state, the state loan and investment board shall restore the loss to the permanent fund account entitled thereto using any funds available in the loss reserve account created by subsection (a) of this section. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund account entitled thereto.

19-7-401. Wyoming military assistance trust fund; establishment of trust fund; corpus inviolate; investment by state treasurer.

(b) The monies deposited into the trust fund established pursuant to this section are inviolate and constitute a permanent or perpetual trust fund. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by the state treasurer as authorized under W.S. ~~9-4-711-9-4-715(a), (d) and (e)~~ in a manner to obtain the highest return possible consistent with the preservation of the corpus. The interest earned from investment of the corpus of the trust fund shall be annually credited by the state treasurer not later than June 30 of each year into a separate account and distributed in accordance with W.S. 19-7-402.

21-16-1201. Excellence in higher education endowment fund; Hathaway student scholarship endowment fund; distributions by state treasurer; legislative restrictions.

(c) The state treasurer shall place earnings from the investment of monies in the excellence in higher education endowment fund in an income account for subsequent disbursement as provided in this subsection. Earnings for any fiscal year which are in excess of the spending policy amount established pursuant to W.S. ~~9-4-713(o)-9-4-719(o)~~ shall be distributed as provided by W.S. ~~9-4-713(m)-9-4-719(m)~~. Earnings within the spending policy amount shall be distributed on a quarterly basis as follows:

21-16-1204. Annual reports; review by committees.

(a) Not later than October 1, 2006, and October 1 of each year thereafter, the University of Wyoming and each Wyoming community college shall report to the joint appropriations and joint education interim committees of the legislature and to the governor on the use and expenditure

of earnings from the excellence in higher education endowment fund pursuant to this article, including the following:

(iv) Reserve fund distributions pursuant to W.S. ~~9-4-713(n)~~ 9-4-719(n).

21-22-101. Trust fund established; corpus inviolate; investment by state treasurer.

(b) Funds deposited into the Wyoming education trust fund established pursuant to subsection (a) of this section are intended to be inviolate and constitute a permanent or perpetual trust fund which shall be invested by the state treasurer as authorized under W.S. ~~9-4-711 9-4-715(a), (d) and (e)~~ and in a manner to obtain the highest return possible consistent with preservation of the corpus. Any interest earned from investment of the corpus of the trust fund shall be credited by the state treasurer into a separate account and distributed in accordance with W.S. 21-22-102.

23-1-501. Game and fish fund.

(f) A trust account separate and apart from the trust account established under subsection (d) of this section is created within the Wyoming game and fish fund. The account shall consist of those funds appropriated or designated to the account by law or by gift from whatever source. Funds deposited within the account are intended to be inviolate and constitute a permanent or perpetual trust account which shall be invested by the state treasurer as authorized under W.S. ~~9-4-711 9-4-715(a), (d) and (e)~~ and in a manner to obtain the highest return possible consistent with preservation of the account corpus. Any interest earned from investment of the account corpus shall be credited by the state treasurer into the Wyoming game and fish fund to be expended by the commission for purposes specified under subsection (b) of this section.

26-33-105. Medical liability compensation account.

(a) There is created a medical liability compensation account, the monies of which shall be collected by the commissioner for exclusive use for the purposes stated in this chapter. The account and any investment income from it shall be held in trust and invested and reinvested by the state treasurer pursuant to W.S. ~~9-4-711 9-4-715(a), (d) and (e)~~.

28-11-201. Appointment of members; powers and duties.

(b) The select committee shall:

(ii) Monitor the establishment and implementation of state investment policy by the state loan and investment board under W.S. ~~9-4-709 9-4-716~~, including the extent to which investment goals are being achieved;

36-1-402. Emergency fire suppression account; creation; investment of funds; authorized expenditures.

(b) The state treasurer shall invest any portion of the funds in the account which the state forester determines is not needed for immediate use. Investments shall be made as authorized by W.S. ~~9-4-711 9-4-715(a), (d) and (e)~~.

37-5-206. Bonds as legal investments.

(b) Effective July 1, 2006, with the written approval of the governor and the attorney general, the state treasurer may invest monies from the legislative stabilization reserve account in an amount approved by the state loan and investment board pursuant to W.S. ~~9-4-711(a)(iv)~~ 9-4-715(a), (d) and (e) but not to exceed the amount of one hundred million dollars (\$100,000,000.00). The investment shall comply with all statutes governing prudent investments and interest payable on the bonds invested in by the treasurer shall average over the lifetime of the bonds to be at least four percent (4%) and revenue under W.S. 37-5-204(b) shall be credited as received to the appropriate income account. In the event an investment is made from the legislative stabilization reserve account, the amount of the investment shall be transferred to the Wyoming pipeline authority investment account which is hereby created. As the investment is returned to the account, the state treasurer shall transfer the amount of the returned investment to the legislative stabilization reserve account.

37-5-406. Bonds as legal investments.

The bonds of the authority are legal investments which may be used as collateral for public funds of the state, insurance companies, banks, savings and loan associations, investment companies, trustees and other fiduciaries which may properly and legally invest funds in their control or belonging to them in bonds of the authority. With the written approval of the state loan and investment board and the attorney general, the state treasurer may invest monies from the permanent Wyoming mineral trust fund in bonds of the authority in an amount specified by the state loan and investment board and the attorney general but not to exceed the amount specified in W.S. 37-5-403(a), and the interest payable on the bonds shall be at least four percent (4%) and revenue under W.S. 37-5-404(b) shall be credited as received to the state general fund. The limitation on ~~legislatively designated specific public purpose~~ investments under W.S. ~~9-4-712-9-4-715(n)~~ shall not apply to investments made under this section.

39-13-107. Compliance; collection procedures.

(b) The following provisions shall apply to the payment of taxes, distraint of property and deferral:

(iii) The following shall apply to the deferral of tax collection:

(F) Payment of deferred taxes shall be distributed pursuant to W.S. 39-13-111(a)(ii). Any taxes deferred under this paragraph which would be distributed pursuant to W.S. 39-13-111(a)(ii)(A) shall be paid from the county general fund subject to reimbursement when the deferred taxes are paid by the taxpayer or otherwise collected by the county. The board of county commissioners may, by December 1 of the year in which the first installment of deferred taxes are to be paid, make application to the state treasurer for disbursement of funds pledged by W.S. ~~9-4-701(m)-9-4-715(j)~~. If applications exceed funds authorized, the state treasurer shall make investments on a prorated basis;

39-14-111. Distribution.

(g) All payments received pursuant to W.S. 39-14-107(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The revenue under W.S. 39-14-107(b)(iii) shall be distributed in accordance with this section subject to the following and except as otherwise provided by law for fiscal year 1994:

39-14-311. Distribution.

(c) All payments received pursuant to W.S. 39-14-307(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The revenue under W.S. 39-14-307(b)(iii) shall be distributed in accordance with this section, subject to the following and except as otherwise provided by law for fiscal year 1994:

39-14-411. Distribution.

(b) All payments received pursuant to W.S. 39-14-407(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The revenue under W.S. 39-14-407(b)(iii) shall be distributed in accordance with subsection (a) of this section, subject to the following and except as otherwise provided by law for fiscal year 1994:

39-14-511. Distribution.

(c) All payments received pursuant to W.S. 39-14-507(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The revenue under W.S. 39-14-507(b)(iii) shall be distributed in accordance with subsections (a) and (b) of this section, subject to the following and except as otherwise provided by law for fiscal year 1994:

39-14-611. Distribution.

(b) All payments received pursuant to W.S. 39-14-607(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The revenue under W.S. 39-14-607(b)(iii) shall be distributed in accordance with subsection (a) of this section, subject to the following and except as otherwise provided by law for fiscal year 1994:

39-14-711. Distribution.

(b) All payments received pursuant to W.S. 39-14-707(b)(iii) shall be transferred to an account. The monies in this account shall be invested or deposited in accordance with W.S. ~~9-4-701-9-4-714~~ through 9-4-831, and any interest earned shall be credited to the general fund. The rev-

enue under W.S. 39-14-707(b)(iii) shall be distributed in accordance with this section, subject to the following and except as otherwise provided by law for fiscal year 1994:

Section 3. W.S. 9-4-713 is renumbered as 9-4-719.

Section 4. W.S. 9-4-701 through 9-4-712 and 9-4-834 are repealed.

Section 5. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 114

WYOMING COURT SECURITY ACT

Original Senate File No. 42

AN ACT relating to courts; creating a Wyoming court security commission; specifying membership and duties; requiring a report; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 5-11-101 is created to read:

ARTICLE 11 WYOMING COURT SECURITY ACT

5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.

(a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the office of homeland security or his designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:

(i) One (1) justice of the Wyoming supreme court, appointed by the chief justice;

(ii) One (1) district court judge, appointed by the board of judicial policy and administration;

(iii) One (1) circuit court judge, appointed by the board of judicial policy and administration;

(iv) One (1) county commissioner, appointed by the governor;

(v) One (1) county sheriff, appointed by the governor;

(vi) One (1) representative of the Wyoming peace officer's standards and training commission, appointed by the governor; and

(vii) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively;

(viii) One (1) district attorney or county attorney, appointed by the governor.

(b) Nonlegislative members of the commission shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties on the commission.

(c) The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the commission, as provided in W.S. 28-5-101.

(d) The commission shall meet at least two (2) times per year.

(e) The commission shall:

(i) Establish standards to protect life, property and the judicial process in the Wyoming court system. In establishing the standards, the commission shall recommend proper levels of court security to each county with due consideration of each county's size, use of court facilities and security risks. The standards shall include:

(A) Requirements concerning equipment, facilities and architecture for court security purposes;

(B) Basic training requirements for peace officers authorized to act as court security officers;

(C) Basic protocol and procedures for court security; and

(D) Requirements for the establishment of local court security management committees.

(ii) Visit and inspect any court security program at any appropriate time;

(iii) Recommend to the legislature the distribution of funds to counties as may from time to time be appropriated by the legislature for the provision of court security;

(iv) Report no later than September 1, 2009, and annually thereafter to the governor, chief justice of the supreme court, joint judiciary interim committee and the joint appropriations interim committee on the status of court security in the state.

(f) The supreme court shall provide necessary administrative support for the commission.

Section 2.

(a) There is appropriated from the general fund for the biennium beginning July 1, 2008:

(i) Twenty thousand dollars (\$20,000.00) to the supreme court to pay expenses incurred under W.S. 5-11-101(b), created by this act;

(ii) Four thousand six hundred dollars (\$4,600.00) to the legislative service office to pay expenses incurred under W.S. 5-11-101(c), created by this act.

Section 3. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 115

ELECTION CODE REVISIONS

Original House Bill No. 8

AN ACT relating to elections; providing for transmission of certifications; providing for full legal names on registrations; removing certain filing fees as specified; providing for the order of offices on nonpartisan ballots; providing for opening of ballot boxes; removing requirement that county attorneys conduct training school; removing requirements for folded ballots; clarifying time periods; repealing requirements for numbers of ballots to be printed; repealing provisions related to voting slips; modifying registration locations; modifying format for partisan ballots; modifying procedures for filling vacancies of election judges; repealing procedure after elector votes using a machine; eliminating ballot cards used in connection with a punch device from the definition of "voting device"; and providing for an effective date.

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

Section 1. W.S. 22-2-108, 22-3-103(a)(i), 22-3-104(j), 22-5-208(c), 22-6-101, 22-6-120(a)(vii), 22-6-125(a) by creating new paragraphs (vi) through (x) and by renumbering paragraphs (vi) through (ix) as (xi) through (xiv), 22-8-112(b), 22-8-113, 22-10-108(a), 22-12-107(a)(iv), 22-12-112, 22-12-115, 22-13-106, 22-16-103(c)(vi) and 22-16-106(b) are amended to read:

22-2-108. Secretary of state to certify officers to be elected.

Between the twenty-fourth day of April and the third day of May in each general election year, the secretary of state shall ~~mail-transmit~~ to the county clerk of each county a ~~written certificate-certified list~~ stating what officers, other than county and precinct officers, are to be nominated or elected at the election.

22-3-103. Furnishing of oath forms; contents thereof.

(a) The county clerk shall furnish voter registration oath forms to registry agents which forms shall require the following voter information from the applicant:

(i) His full legal name;

22-3-104. Methods of verification; signing oath; time for proving eligibility; registration locations.

(j) A county or city clerk may establish and maintain registration facilities in a public ~~building~~-area owned or occupied by a political subdivi-

sion or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office, ~~and on the front door of such public building.~~ The requirements of subsection (h) of this section regarding the place of registration shall not apply to a person registering in accordance with this subsection.

22-5-208. Filing fees; exception.

(c) A filing fee shall not be required of candidates for special district director, school district trustee, community college trustee, precinct committeeman and committeewoman or precinct committeewoman.

22-6-101. Certification of candidates nominated; printing of names.

Not less than sixty (60) days before each general election the secretary of state shall ~~certify transmit~~ to each county clerk under party headings a certified list of the name and address of each person nominated by primary election as indicated by the state canvass, the name of each person nominated by provisional or minor party convention, the name of each independent candidate qualifying for nomination by petition, and the office sought. The names of these candidates shall be printed on the official ballot of the general election.

22-6-120. Format of partisan general election ballot.

(a) The general election partisan ballot shall be printed in substantial compliance with this format:

(vii) The names of partisan party candidates, if candidates have filed, and independent candidates, if candidates have filed, shall be printed in a separate column or columns, row or rows, and the name of the party represented or the word "Independent" shall be printed directly above the candidate's name or at the end of the row. If there are a number of candidates representing a party, or independents, the county clerk at his discretion may designate a separate vertical column or columns, or row or rows to said candidates and print the name of said party or the word "Independent" at the top of the column or beginning of the row;

22-6-125. Order of offices and ballot propositions on nonpartisan ballots.

(a) The nonpartisan ballot shall contain the offices and ballot propositions to be voted on in the following order:

- (vi) Candidates for municipal offices;
- (vii) Candidates for community college trustees;
- (viii) Candidates for school board trustees;
- (ix) Candidates for special district directors;
- (x) Candidates for other offices of county subdivisions;
- ~~(vi)~~(xi) Constitutional amendments;

- (~~vii~~)(xii) Initiative propositions;
- (~~viii~~)(xiii) Referendum propositions;
- (~~ix~~)(xiv) Other ballot propositions.

22-8-112. Filling vacancies.

(b) If a judge is not present when polls open, or is unable to complete his duties, the vacancy shall be filled by a registered elector appointed by those judges present at the precinct polling place when the vacancy occurs and approved by the county clerk. If a member of a counting board is not present when the polls close, or is unable to complete his duties, the vacancy shall be filled by a registered elector appointed by those members of the counting board who are present.

22-8-113. Training schools; generally and payment for attending.

Not later than four (4) days before the primary and general election, the county clerk under the direction of the secretary of state ~~and the county attorney~~ shall conduct a training school for judges of election and members of counting boards to provide instruction in the performance of their duties. The training school, which is also open to the public, shall be held at the times and places announced by the county clerk, and the secretary of state shall prescribe the minimum curriculum for the school. Additional schools may be held at the discretion of the county clerk. Unless training is otherwise provided to the satisfaction of the county clerk, all judges of election and members of counting boards are obligated to attend at least one (1) such school. All judges and members of the counting board shall be paid not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) as determined by the board of county commissioners for attending a school.

22-10-108. Procedure for preparing machines for election; inspection and certification.

(a) Before preparing a voting machine for an election, the county clerk shall ~~mail a written notice to notify in writing~~ the county chairman of each political party having a candidate on the ballot, stating the time and place where the voting machine will be prepared for the election. The political party representatives and representatives of independent candidates may be present at the preparation of the voting machine for the election, to see that the machine is tested for accuracy and is properly prepared and that all registering counters are set at zero (00000). The county clerk in the presence of these representatives shall prepare the voting machine for the election and set all registering counters at zero (00000). He shall then test each registering counter for accuracy by casting votes on it until the registering counter is correctly registering each vote cast on it. The county clerk shall then reset each registering counter to zero (00000) and shall immediately lock and seal the voting machine with a numbered metal seal and make a record of the number of the seal on the certificate for the machine. The seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal. The county clerk shall then immediately make a

record on the certificate for the machine of the reading shown on the protective counter.

22-12-107. Materials for judges.

(a) Before election day the county clerk shall cause to be delivered to one (1) of the judges of election in each precinct the following materials:

(iv) Ballot boxes in the number required by law with secure locks and keys and one (1) opening sufficient to admit a single ~~folded~~ ballot;

22-12-112. Procedure for preparing voting machines for use.

Before the polls open the judges shall compare ballot labels on the voting machines with the sample ballots and return sheets to see that they are correct, place the voting machine in a proper position free from obstruction and assure that the face of the machine may be viewed clearly ~~except when the curtain on the machine is closed for casting ballots by the voter casting the ballot but not by others.~~ Envelopes containing keys shall not be opened if the numbers and records on them do not correspond to the numbers and records on the machine. If the numbers do not agree, the machine shall be reexamined and certified by the county clerk before it may be used.

22-12-115. Examination of ballot box.

Before the polls are open, the judges of election shall open and examine the ballot box to determine that it is empty and relock it. The ballot box shall not again be opened until the polls are closed, except when necessitated by operation of the voting equipment at the direction of the county clerk and only in the presence of two (2) or more election judges with different political party affiliations. It shall not be removed from the presence of the judges of election or counting board until all ballots are counted and recorded.

22-13-106. Marking and depositing of paper ballots.

Upon receiving a paper ballot, an elector shall proceed alone directly to a voting booth and there mark the ballot. ~~After being marked, the paper ballots shall be folded with the face concealed and the official endorsement visible.~~ The ballot shall then immediately be placed in the ballot box by the elector or judge of election.

22-16-103. County canvass procedures.

(c) The county canvassing board shall:

(vi) Cause minutes of the meeting to be ~~recorded~~ taken, signed by the canvassing board and filed with the county clerk.

22-16-106. Write-in candidates.

(b) The chief election officer shall notify write-in candidates who have been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as ~~accepted~~ provided under

the Wyoming Rules of Civil Procedure. Failure of the successful write-in candidate to accept the nomination within five (5) days, as computed pursuant to W.S. 22-2-110, of proof of service or attempted delivery results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

Section 2. W.S. 22-1-102(a)(xxxiv)(A), 22-6-117(a)(x), 22-6-129, 22-13-108 and 22-13-111 are repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 116

REVISOR'S BILL

Original House Bill No. 69

AN ACT relating to a revision of inadvertent errors; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; correcting obsolete references; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 2-3-802(a)(xii), 7-3-103(a)(iii), 7-3-709(a)(i)(A), 7-19-302(g) and (j), 9-2-1022(a)(xi)(C), 9-2-1703(a)(x), 9-2-2002(a), 9-2-2004(a), 9-2-2011(a), 9-2-2016(a), 9-2-2018(a), 9-2-2104(a)(vi) and (vii), 9-2-2601(g)(iv) and (v), 9-3-205(a)(vii), 9-12-301(a)(iii), 9-12-407, 9-12-1105(b)(intro), 10-3-201(c)(ii), 12-4-407(d), 15-5-401, 17-14-301(a)(xiii), 17-14-1002(a)(viii), 17-19-1110(b)(iii) and (iv), 17-25-107(b)(ii), 20-4-174(a)(iv)(C), 20-6-106(w), 21-2-406(a)(i)(A), 21-13-309(m)(v)(intro), 21-15-114(a)(viii)(G) and (H), 25-10-110(a)(i)(A), 25-10-112(e), 26-19-307(j)(vii), 26-34-105(b), 26-34-128(a)(i), 27-3-108(a)(viii), 27-14-201(e)(i)(intro) and (ii), 31-7-102(a)(vii), 33-22-103, 33-29-115(c), 34-25-103, 35-11-504(m), 35-11-1210(b), 36-1-401(a)(i), 36-8-1203(c), 37-11-101(a), 37-12-126(a)(ii), 37-13-106(b), 37-13-133, 37-15-203(f)(iv), 40-4-116, 40-14-209(b)(iv) and (v), 40-14-303(a)(iii), 40-14-351(a)(intro), 41-2-210(c)(v), 41-3-742(a)(xi)(B), 41-7-204(b)(intro), (i), (iv) through (vi), 41-7-807(a)(iii), 41-7-929(a)(i) and 41-12-607(e) are amended to read:

2-3-802. Definitions.

(a) As used in this act:

(xii) "Terms of a trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that

admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct; ~~and~~

7-3-103. Purpose and objects; required ratification.

(a) Any agreement or compact entered into under W.S. 7-3-101 through 7-3-107 shall be designed to suppress crime, to circumvent the activities of criminals and to expedite their apprehension and trial, and to enforce generally the respective criminal laws and policies of Wyoming and any other state entering into the agreement or compact. In order to effectuate those purposes, an agreement or compact may contain specific provisions for the accomplishment of any of the following objects:

(iii) The establishment and maintenance by any two (2) or more compacting states of facilities for the investigation of crime and the discovery of criminals, including crime detection agencies, bureaus of registration and identification, crime laboratories and similar agencies; ~~and~~

7-3-709. Information furnished to attorney general by executing agency; report to legislature.

(a) Upon final execution of an order of interception, the executing agency shall furnish the following information within ten (10) working days to the attorney general:

(i) The fact that an order or extension was applied for, information as to the number of orders, extensions and expansions made by the court including:

(A) Whether or not the order was one with respect to which the requirements of W.S. 7-3-707(a)(ii)(B) and (c)(iv) did not apply by reason of W.S. 7-3-707(t); ~~and~~

7-19-302. Registration of offenders; procedure; verification.

(g) For an offender convicted of a violation of W.S. 6-2-202 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-203 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) and (iv), 6-2-317(a)(i), ~~or W.S. 6-4-303(b)(iv) or W.S. 6-4-304(b)~~ if the victim was a minor, or an attempt or conspiracy to commit any of the offenses specified in this subsection, the division shall annually verify the accuracy of the offender's registered address, and the offender shall annually report, in person, his current address to the sheriff in the county in which the offender resides, during the period in which he is required to register. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(j) For an offender convicted of a violation of W.S. 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303, W.S. 6-2-304(a)(iii) if the victim was under fourteen (14) years of age, W.S. 6-2-314(a)(i), 6-2-315(a)(i) and (ii), 6-2-316(a)(ii), 6-4-402, an attempt or conspiracy to commit any of the offenses specified in this subsection, or any felony enumerated in this section if the offender was previously convicted of a felony under subsec-

tion (g) or (h) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides every three (3) months after the date of the initial release or commencement of parole. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

9-2-1022. Duties of department performed through human resources division.

(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(xi) Promulgate reasonable rules:

(C) Concerning recruiting, transfers, discipline, grievances and appeals; ~~and~~

9-2-1703. Definitions.

(a) As used in this act:

(x) "This act" means W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707.

9-2-2002. Department of employment created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of employment consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section.

9-2-2004. Department of transportation created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of transportation consisting of the agencies, programs and functions specified in this section. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708~~ 9-2-1707, apply to this section except as otherwise provided in this section.

9-2-2011. Department of the state engineer created; director appointed.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of the state engineer consisting of the existing Wyoming office of the state engineer and board of control, and all programs and functions specified in title 41 and otherwise under law relating to the state engineer and board of control. Except for W.S. 9-2-1703(a)(v), (viii) and (ix) and 9-2-1705 through ~~9-2-1708~~ 9-2-1707, the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through 9-2-1707, apply to this section.

9-2-2016. Department of agriculture created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the department of agriculture consisting of the existing state department of agriculture, the agricultural mediation board, the wheat marketing commission, the Wyoming beef council, the Wyoming weed and pest council, the board of certification of the Environmental Pesticide Control Act of 1973, the weed and pest board of certification, the interstate agricultural grain marketing commission, the state fair advisory board and all programs and functions specified in titles 11 and 35 and otherwise under law relating to agriculture and livestock. Except for W.S. 9-2-1703(a)(v) and (ix), the limitation of number of principal departments in W.S. 9-2-1704(a) and 9-2-1707(a)(iii) and (iv), the provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708-9-2-1707~~, apply to this section.

9-2-2018. Department of workforce services created; director appointed; structure.

(a) As part of the reorganization of Wyoming state government, there is created the Wyoming department of workforce services. The provisions of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 through ~~9-2-1708-9-2-1707~~ apply to this section, except the requirement under W.S. 9-2-1707(a)(iii) that public hearings regarding the reorganization plan required under subsection (b) of this section be conducted by at least two (2) interim committees of the legislature shall not apply.

9-2-2104. Duties and powers of director of department.

(a) The director shall:

(vi) With the assistance of the attorney general bring actions in the courts of the state in the name of the department for the enforcement of public welfare laws; ~~and~~

(vii) Promulgate reasonable rules and regulations in compliance with the Wyoming Administrative Procedure Act, for the implementation of all state and federal welfare laws; and

9-2-2601. Department of workforce services; duties and responsibilities; agreements with other agencies authorized; definition.

(g) The department shall take appropriate steps to:

(iv) Promote alternative reemployment of unemployed workers throughout the state; ~~and~~

(v) Conduct and publish results of investigations and research studies; and

9-3-205. Administration and management of group insurance program; powers and duties; adoption of rules and regulations.

(a) The department shall administer and manage the state employees' and officials' group insurance program and, subject to the provisions of this act:

(vii) Shall administer state group insurance reserve monies;~~and~~

9-12-301. Definitions.

(a) As used in this article:

(iii) "Economic development account" means the economic development enterprise account within the revolving investment fund created under article XVI, section 12 of the Wyoming constitution. The account shall consist of funds from payments as provided in W.S. ~~9-12-306~~ 9-12-305 and other funds as provided by law;

9-12-407. Sunset provision.

W.S. ~~9-2-402-9-12-402~~ through ~~9-2-406-9-12-406~~ are repealed effective June 30, 2011.

9-12-1105. Main street program.

(b) In making its selection pursuant to subsection ~~(b)~~(a) of this section, the council, with the assistance of the board, shall develop criteria for use in selecting program participants which relate to at least the following issues:

10-3-201. Powers and duties generally.

(c) The department may offer engineering or other technical advice to any municipality, county, joint powers board or other qualified party in connection with the construction, maintenance or operation of airports. The commission shall encourage:

(ii) Interest in private flying and privately-owned planes;~~and~~

12-4-407. Restaurant liquor license; authorized.

(d) Any person presently holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407 through 12-4-411 may be issued a restaurant liquor license by the appropriate licensing authority. Licenses issued under this subsection shall not be considered in the number of licenses authorized under ~~subsections (b) and subsection~~ (c) of this section.

15-5-401. Citation.

This ~~act~~ article is known as the "Firemen's Pension Account Reform Act of 1981".

17-14-301. Certificate of limited partnership.

(a) In order to form a limited partnership a certificate of limited partnership shall be executed and filed in the office of the secretary of state. The certificate shall set forth:

(xiii) The latest date upon which the limited partnership is to dissolve;~~and~~

17-14-1002. Registration.

(a) Before transacting business in this state, a foreign limited partnership shall register with the secretary of state. In order to register, a

foreign limited partnership shall submit to the secretary of state, in duplicate, an application for registration as a foreign limited partnership, signed by a general partner and setting forth:

(viii) The name and business address of each general partner; ~~and~~

17-19-1110. Approval of plan of consolidation.

(b) The plan of consolidation shall set forth:

(iii) The manner and basis, if any, of converting the memberships of each public benefit or religious corporation into memberships of the new corporation; ~~and~~

(iv) If the consolidation involves a mutual benefit corporation, the manner and basis, if any, of converting memberships of each consolidating corporation into memberships, obligations or securities of the new corporation or into cash or other property in whole or part; and

17-25-107. Withdrawal of members and return of members' contributions to capital.

(b) A member shall not receive out of close limited liability company property any part of his or its contribution to capital unless:

(ii) All members consent to such return of contributions to capital; and either:

(A) The company is dissolved; or

(B) The articles of organization or operating agreement of the company otherwise provide for the return of contributions to capital.

20-4-174. Procedure to register order for enforcement.

(a) A support order or an income withholding order of another state may be registered in this state by sending the following records and information to the appropriate tribunal in this state:

(iv) The name of the obligor and, if known:

(C) A description and the location of property of the obligor in this state not exempt from execution; ~~and~~

20-6-106. Powers and duties of department regarding collection of support.

(w) The department shall report to any consumer reporting agency as defined in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) information regarding the amount of overdue support owed by an obligor.

21-2-406. Schools exempted; additional requirements for specified post secondary religious schools.

(a) This article does not apply to:

(i) Any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) which is maintained by a church, religious denomination or religious organization comprised of multid denominational members of

the same recognized religion, lawfully operating the school or institution pursuant to applicable laws governing its organization, and the school or institution:

(A) Offers elementary and secondary education programs only.~~;~~ ~~or~~

21-13-309. Determination of amount to be included in foundation program for each district.

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-103(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. ~~21-13-103(a)(xvii) and (xviii)~~ 21-13-101(a)(xvii) and (xviii) and on file with the secretary of state pursuant to W.S. ~~21-13-103(e)~~ 21-13-101(c). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

21-15-114. Powers and duties; school facilities office created; director.

(a) The school facilities commission shall:

(viii) Enter into construction or renovation project agreements, as appropriate, with school districts. The agreement shall:

(G) Provide that the agreement shall expire upon completion of the project; ~~and~~

(H) Contain any other provision mutually agreed upon by the commission and the district; and

25-10-110. Involuntary hospitalization proceedings.

(a) Proceedings for the involuntary hospitalization of a person may be commenced by the filing of a written application with the court in the county in which the person is initially detained. Proceedings may also be initiated in the county in which there is a designated hospital if there is a written agreement executed by the county in which the person resides and the designated hospital stating that the county in which the person resides will be responsible for costs of treatment under W.S. 25-10-112(e) that are not covered by the state. The application shall be accompanied by either:

(i) A certificate of an examiner stating:

(A) That he has examined the proposed patient not more than fifteen (15) days prior to the date that the application ~~is~~ was filed under this subsection;

25-10-112. Liability for costs of detention, involuntary hospitalization and proceedings therefor.

(e) When a person is detained under W.S. 25-10-109, the county in which the person resided shall be liable for costs of treatment for the

first seventy-two (72) hours of detention, in addition to any Saturday, Sunday or legal holiday that falls within the seventy-two (72) hours. If the person remains in detention after the hearing pursuant to W.S. 25-10-109(k)(iii), the department shall directly, or under contract with local providers, provide psychiatric treatment until the person is released from detention or involuntary commitment is ordered, subject to payment of costs as provided in ~~subsections~~ this subsection or subsection (c) and (e) of this section.

26-19-307. Small employer carrier reinsurance program.

(j) A participating carrier may reinsure with the program as provided for in this subsection:

(vii) Premium rates charged for reinsurance by the program to a health maintenance organization which is federally qualified under ~~42 U.S.C. § 300 e(c)(2)(A)~~ 42 U.S.C. § 300 e(c)(2)(A) or a similar section subsequently enacted, and as such is subject to requirements that limit the amount of risk that may be ceded to the program that is more restrictive than paragraph (iii) of this subsection, shall be reduced to reflect that portion of the risk above the amount set forth in paragraph (iii) of this subsection that shall not be ceded to the program, if any;

26-34-105. Powers of health maintenance organizations.

(b) A health maintenance organization shall file notice, with adequate supporting information, with the commissioner prior to the exercise of any power granted in ~~paragraphs~~ paragraph (a)(i), (ii) or (iv) of this section. The commissioner shall disapprove any exercise of power only if in his opinion it would substantially and adversely affect the financial soundness of the health maintenance organization and endanger its ability to meet its obligations. If the commissioner does not disapprove within forty-five (45) days from the date of the filing, it is deemed approved.

26-34-128. Statutory construction and relationship to other laws.

(a) Except as otherwise specifically provided in this chapter, the other provisions of this code relating to insurers and the provisions of title 35 of the Wyoming statutes relating to hospitals or medical service corporations are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to:

(i) An insurer or hospital or medical service corporation licensed and regulated pursuant to the insurance law or the hospital or medical service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter. ~~;~~

27-3-108. Services excluded from scope of employment.

(a) Employment under this act does not include service performed:

(viii) By a hospital patient employed by the hospital; ~~and~~

27-14-201. Rates and classifications; rate surcharge.

(e) The division in fixing rates shall provide for the costs of benefits and the expenses of administering the worker's compensation account allowed by law, subject to the following:

(i) The ~~fund-account~~ shall be one (1) ~~fund-account~~ but shall include provision for all expenses allowed by this act, loss adjustment expenses and unpaid losses, including:

(ii) The ~~fund-account~~ shall be fully reserved on or before December 31, 2013;

31-7-102. Definitions.

(a) As used in this act:

(vii) "Commercial driver license information system" is the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, ~~49 (APP) U.S.C. § 2706-49 U.S.C. 31106~~, to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

33-22-103. License; issuance; qualifications; waiver of additional qualifications.

The board shall have authority to issue licenses to qualified persons as nursing home administrators. No license shall be issued to a person as a nursing home administrator unless he shall have submitted evidence satisfactory to the board of his ability to supervise a nursing home. ~~Provided, that persons meeting the qualifications, who have heretofore been acknowledged by the state department of public health as administrators of nursing homes pursuant to W.S. 35-2-101 through 35-2-112, and who hold such acknowledgment on the effective date of this act, but who cannot meet any additional qualifications established by the board, may, subject to such conditions and requirements as may be prescribed by the board, be granted a waiver by the board of such qualifications for a period of two (2) years after the effective date of this act.~~

33-29-115. Creation of board.

(c) The governor may remove a member of the board as provided in W.S. 9-1-202. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term. ~~The governor shall appoint by July 1, 1987, the professional land surveyor member of the board to take office July 1, 1987, and to serve until March 31, 1991, and the public member of the board to take office on July 1, 1987, and to serve until March 31, 1989. Members of the board under the former provisions of W.S. 33-29-101 shall continue as members of the board under this section until expiration of their terms.~~

34-25-103. Land extending into a second zone.

When any tract of land to be defined by a single description extends from one into a second of the coordinate zones specified in W.S. ~~34-24-101~~ 34-25-101, the positions of all the points on its boundaries may be referred to either of the two (2) zones, and the zone which is used shall be specifically named in the description.

35-11-504. Bonding for solid waste management facilities.

(m) When the director determines that the violation has been remedied or the damage abated, the director shall release that portion of the bond or financial assurance instrument being held under paragraph (a)(ii) of this section. When the director determines that closure activities have been successfully completed at any solid waste management facility, the director shall release that portion of the bond or financial assurance instrument being held to guarantee performance of activities specified in subparagraphs (a)(i)(A) through (E) of this section. For solid waste management facilities other than landfills for the disposal of municipal wastes, the remaining portion of the bond or financial assurance instrument shall be held for a period of not less than five (5) years after the date of facility closure, or so long thereafter as necessary to assure proper performance of any post-closure activities specified in subparagraph (a)(i)(F) of this section. For municipal solid waste management facilities, the period shall be the minimum necessary to comply with P.L. ~~94-584-94-580~~. The retained portion of the bond or other financial assurance instrument may be returned to the operator at an earlier date if the director determines that the facility has been adequately stabilized and that environmental monitoring or control systems have demonstrated that the facility closure is protective of public health and the environment consistent with the purposes of this act.

35-11-1210. Abandoned mine land funds reserve account.

(b) All funds received from the federal government, from the Surface Mining Control and Reclamation Act Amendments of 2006, Section 411(h)(1), pursuant to 2007 H.R. 6111, shall be deposited into the abandoned mine land funds reserve account.

36-1-401. Definitions.

(a) As used in this article:

(i) "Division" means the Wyoming state forestry division of the ~~state land office of state lands and investments~~;

36-8-1203. Sale of land to Uinta County.

(c) The board of land commissioners is authorized and directed to convey, subject to section 2 of this act, its right, title and interest, in the surface estate of the following described parcel of land to Uinta County: That tract of land described in subsection (a) of this section, excluding those lands designated as Bear River State park pursuant to W.S. 36-8-902(a) and subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now exist thereon.

37-11-101. Definitions.

(a) As used in W.S. ~~37-236 through 37-238~~ 37-11-101 through 37-11-103, unless the context otherwise requires, the term "person" means any individual, firm, co-partnership, corporation, company, association, joint-stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

37-12-126. Failure to yield telephone for reporting emergencies; definitions.

(a) In W.S. 37-12-126 through 37-12-130 unless the context otherwise requires:

(ii) "Emergency" means a situation in which property or human life ~~are~~ is in jeopardy and the prompt summoning of aid is essential.

37-13-106. Resolution for cost and feasibility study.

(b) At any time prior to the hearing provided for in ~~section 37-282 W.S. 37-13-111~~ of the statutes, if requested by the governing body or public utility, a bond shall be filed, with security approved by the governing body or cash deposit made sufficient to pay all expenses of the governing body connected with the proceedings and of the public utilities for actual time and expenses incurred in regard to the cost and feasibility study in case the organization of the district is not effected. If at any time during the organization proceedings the governing body shall be satisfied that the bond first executed or the amount of cash deposited is insufficient in amount, it on its own initiative or at the request of a public utility may require the execution of an additional bond or the deposit of additional cash within a time to be fixed, not less than ten (10) days distant, and upon failure of the petitioners to file or deposit the same, the petition shall be dismissed.

37-13-133. Payment of public utility.

Upon completion of the conversion the public utility corporation shall present the governing body with its verified bill for conversion costs as computed pursuant to ~~sections 37-301 and 37-303 W.S. 37-13-129 or 37-13-131~~ of the statutes, but based upon the actual cost of constructing the underground facility rather than the estimated cost of the facility. In no event shall the bill for conversion cost presented by the public utility corporation exceed the amount of estimated conversion costs by the public utility corporation. If the conversion costs are less than the estimated conversion costs, each owner within the improvement district shall receive the benefit, prorated in such form and at such time or times as the governing body may determine to be fair and equitable. The bill of the public utility corporation shall be paid within thirty (30) days by the governing body from the improvement district funds or such other source as is properly designated by the governing body. In determining the actual cost of constructing the underground facility the public utility shall use its standard accounting procedures, such as the uniform system of accounts as defined by the federal communications commission, federal power commission or Wyoming public service commission in use at the time of the conversion.

37-15-203. Price regulation of noncompetitive essential services.

(f) A local exchange company may seek approval to increase the price of noncompetitive essential telecommunications services based on:

(iv) Increases in the cost of providing telecommunications services. The increases shall be judged on the overall federal gross domestic prod-

uct price index published by the United States department of labor, ~~bureau of labor statistics~~ commerce, bureau of economic analysis unless the applicant demonstrates that specific cost increases are disproportionately affecting the cost of providing their noncompetitive essential services.

40-4-116. Purpose of W.S. 40-4-106 through 40-4-116; liberal construction.

The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. This act shall be ~~literally~~ liberally construed that its beneficial purposes may be subserved.

40-14-209. Definition of "credit service charge".

(b) Credit service charge does not include:

(iv) Deferral charges pursuant to W.S. 40-14-215; ~~or~~

(v) A discount not in excess of five percent (5%) offered by a seller for purposes of inducing payment by cash, check or other means not involving the use of a seller or lender credit card, if the discount is offered to all prospective buyers and its availability is disclosed clearly and conspicuously in accordance with regulations of the administrator; or

40-14-303. Definitions.

(a) The following definitions apply to this act and appear in this article as follows:

(iii) "Consumer related loan" - W.S. ~~40-14-335(a)~~ 40-14-355(a);

40-14-351. Regular schedule of payments; maximum loan term.

(a) Supervised loans, not made pursuant to a revolving loan account and in which the principal ~~of is~~ one thousand dollars (\$1,000.00) or less, shall be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor; and:

41-2-210. Projects authorized; financing; excess water.

(c) The state loan and investment board with the advice of the director of the department of commerce is authorized to loan not more than thirty-five million three hundred sixty thousand nine hundred sixty-five dollars (\$35,360,965.00) from the permanent mineral trust fund to the city of Cheyenne or as much thereof as deemed necessary by the department of commerce to design and construct the portion of Stage II of the Little Snake River water management project provided by subsection (a) of this section. The revenue shall not be advanced until:

(v) The city agrees to mortgage to the state all facilities constructed with funds provided by the state loan and investment board and assign all easements, rights-of-way, water rights and permits as approved by

the state engineer appurtenant thereto, in such form and to such extent as is required by the Wyoming attorney general. The conveyances shall be held in escrow. The state engineer shall not change the priority date of the water rights and permits as a result of this conveyance or escrow. Upon payment in full of the loan to the state of Wyoming, the conveyances shall be returned to the city of Cheyenne; ~~and~~

41-3-742. Powers generally.

(a) The board shall have power on behalf of said districts:

(xi)(A) To invest any surplus money in the district treasury, including such money as may be in any sinking fund established for the purpose of providing for the payment of the principal or interest of any contract, or bonded, or other indebtedness or for any other purpose, not required for the immediate necessities of the district in its own bonds, or in treasury notes or bonds of the United States, or of this state, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time be sold and the proceeds reinvested in bonds or treasury notes as above provided. Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds or treasury notes were originally purchased were placed in the treasury of the district;

(B) The functions and duties authorized by ~~this paragraph subdivision (xi)(A) of this section~~ shall be performed under such rules and regulations as shall be prescribed by the board.

41-7-204. Hearings; service of notice generally; contents.

(b) Such notice shall: ~~state:~~

(i) State in what court said petition is filed;

(iv) Give the name proposed for said irrigation district; ~~and~~

(v) ~~Shall also~~ State the time and place by the court fixed, when and where the petitioners will ask a hearing on said petition; ~~and~~

(vi) ~~Shall also~~ Direct all persons owning or having an interest in any lands within the boundary of the proposed district, to appear at the time and place stated, then and there to show cause why their land should not be included in said district.

41-7-807. Powers; generally.

(a) A public irrigation district or a public irrigation and power district, organized under the provisions of this act shall have the following powers and shall be entitled to own, have, or exercise the following rights, privileges and franchises:

(iii) Such district shall have the right, power and authority to exercise any of the powers enumerated in ~~subsection 2~~ paragraph (ii) of this

subsection, either within or beyond or partly within and partly beyond the boundaries of the district and of the state of Wyoming if not otherwise prohibited by the law of such area, state or the United States of America;

41-7-929. Refunding bonds sold or exchanged for bonds or warrants.

(a) Any refunding bonds may be either:

(i) Sold from time to time in the same manner as other bonds of the district; or

41-12-607. Diversions from the Yellowstone River Basin; criteria for approval; terms.

(e) The state engineer's approval of an application pursuant to this act shall not constitute approval for an out of state use of the water pursuant to W.S. ~~41-3-105 and~~ 41-3-115.

Section 2. W.S. 9-2-1023, 17-25-107(b)(iii) and (iv), 35-2-905(a)(iv), 40-14-142(a)(vii) and (viii), 40-14-203(a)(ii) and (vii) and 40-14-303(a)(i) and (iv) are repealed.

Section 3. Except as provided in Section 4 of this act, any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

Section 4. Notwithstanding section 3 of this act, the amendment of W.S. 34-1-201(b)(ii)(A) by 2008 House Enrolled Act 15, being original House Bill 0111, shall not be effective and W.S. 34-1-201(b)(ii)(A) is amended to read:

34-1-201. Short title; definitions.

(b) As used in this article, unless the context requires otherwise:

(ii) "Holder" means:

(A) A governmental body empowered to hold an interest in real property under the laws of this state or the United States but does not include the Wyoming board of land commissioners after the effective date of 2008 House Enrolled Act 15; or

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 117**CONTRACTS FOR PUBLIC IMPROVEMENTS-BID REQUIREMENTS**

Original House Bill No. 169

AN ACT relating to public improvements; providing an increase in the bid threshold for which a municipal public improvement contract shall be advertised for bid; and providing for an effective date.

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

Section 1. W.S. 15-1-113(a) is amended to read:

15-1-113. Contracts for public improvements.

(a) All contracts for any type of public improvement, excluding contracts for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design-builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of ~~twenty thousand dollars (\$20,000.00)~~ thirty-five thousand dollars (\$35,000.00), except that a contract for the purchase or lease of a new automobile or truck shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S. 15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.

Section 2. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 118**VETERINARIAN LOAN REPAYMENT PROGRAM**

Original House Bill No. 74

AN ACT relating to veterinarians; authorizing loan reimbursement for veterinarians; requiring the Wyoming livestock board to consult with licensing boards and professional associations, as specified; providing rulemaking authority; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 11-18-119 is created to read:

11-18-119. Veterinarian loan repayment program; rulemaking authority.

(a) The board is authorized to enter into agreements with veterinarians who have graduated from accredited veterinary colleges to provide food animal health care in this state. For purposes of this section, "food animal" means cattle, swine, sheep or goats. The agreements shall:

(i) Provide for the veterinarian to practice food animal veterinary medicine in a community of the state from among a list of communities developed by the board. A veterinarian shall agree to provide food animal veterinary care for the period of the contract in underserved areas of the state;

(ii) Provide that the veterinarian shall be repaid up to one hundred percent (100%) of the total amount of outstanding educational loans the veterinarian has acquired as a direct result of undergraduate or post-graduate educational training directly related to providing food animal veterinary services, not to exceed thirty thousand dollars (\$30,000.00) per year, including the matching funds specified in subsection (d) of this section, in exchange for practicing his profession under the terms of this section;

(iii) Require the veterinarian to practice food animal veterinary services for a minimum of three (3) years under the agreement;

(iv) Contain other provisions the board deems necessary or appropriate to accomplish the purposes of this section.

(b) The board, in consultation with the appropriate licensing board and professional association, shall promulgate rules and regulations necessary to carry out the purposes of this section. In carrying out this section the board shall assess food animal veterinary care needs of the state by geographic areas and shall prioritize and enter into agreements under this section accordingly.

(c) The board may vary the terms of each agreement in accordance with this section based upon the community and the food animal veterinary needs of the state.

(d) No state money shall be expended for repayment of any loan under this section unless twenty-five percent (25%) of the money is matched with other funds in any combination from any county, city, veterinary clinic, animal care facility, state agency, university, laboratory or veterinary association.

Section 2. There is appropriated two hundred seventy thousand dollars (\$270,000.00) from the general fund to the Wyoming livestock board. This appropriation shall only be expended for the purpose of providing for loan repayments pursuant to W.S. 11-18-119. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining from this appropriation shall not revert but shall remain available for expenditure as provided by this act. A request for this

appropriation amount shall be included in the Wyoming livestock board 2011-2012 exception biennial budget request.

Section 3. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 119

BRUCELLOSIS TESTING PROGRAM

Original House Bill No. 85

AN ACT relating to agriculture and animals; establishing a brucellosis testing program; providing funding for brucellosis testing, equipment and supplies as specified; and providing for an effective date.

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

Section 1. W.S. 11-19-407 is created to read:

11-19-407. Brucellosis testing program.

(a) The livestock board shall develop a brucellosis testing program which may be conducted with the help of veterinary practitioners and livestock auction markets. This program shall provide for the testing of livestock for brucellosis only to the extent that may be reasonably necessary to maintain the brucellosis-free status of the state of Wyoming.

(b) The compensation for brucellosis surveillance testing shall be paid at not less than three dollars and fifty cents (\$3.50) per head and not more than eight dollars (\$8.00) per head of cattle actually tested. Compensation for brucellosis testing may include the purchase of brucellosis testing equipment, supplies and postage.

(c) Payments under subsection (b) of this section shall be made monthly directly to accredited veterinarians who perform brucellosis testing and surveillance planning or to livestock auction markets that use their facilities and veterinarians to conduct brucellosis testing as mandated by rule of the Wyoming livestock board or the United States department of agriculture animal plant and health inspection service. The payment shall be made upon submission to the Wyoming livestock board of a notarized invoice indicating the number of head tested, the ownership of the animals tested and the testing location.

Section 2. 2004 Wyoming Session Laws, Chapter 122 is repealed.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 120**DISTRICT COURT JUDGE INCREASE**

Original House Bill No. 83

AN ACT relating to district courts; providing for an additional district court judge in the ninth judicial district; providing an appropriation and authorizing additional positions; requiring adequate facilities; and providing for an effective date.

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

Section 1. W.S. 5-3-102(a) is amended to read:

5-3-102. Number of judges; distribution among districts; concurrent jurisdiction; judicial conference to adopt rules.

(a) There shall be one (1) judge of the district court in the fourth judicial district, two (2) judges of the district court in the second, fifth, and eighth ~~and ninth~~ judicial districts and three (3) judges of the district court in the first, third, sixth, ~~and seventh~~ and ninth judicial districts. In the second judicial district, one (1) judge shall reside in Albany county and one (1) shall reside in Carbon county. In the third judicial district two (2) judges shall reside in Sweetwater county. In the ninth judicial district ~~no more than one~~ (1) judge shall reside in Fremont county, one (1) judge shall reside in Teton county and one (1) judge shall reside in Sublette county. All district judges in the state shall have concurrent jurisdiction throughout the state and for purposes of assignment, shall have concurrent jurisdiction throughout the state with all circuit court judges.

Section 2.

(a) There is appropriated seven hundred thirty-two thousand five hundred forty-six dollars (\$732,546.00) from the general fund to the Wyoming supreme court for the biennium beginning July 1, 2008 and ending June 30, 2010. This appropriation shall only be expended for salaries, benefits, office equipment, supplies and fees necessary to implement the office of the ninth judicial district court judge in Sublette county authorized by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2010.

(b) There are authorized four (4) full-time equivalent positions for the biennium beginning July 1, 2008 and ending June 30, 2010 to implement the purposes of this act.

Section 3. No action shall be undertaken to fill, or to begin the process of appointment for, the judicial position authorized under this act until the chief justice of the Wyoming supreme court certifies in person to the joint appropriations interim committee that suitable facilities in Sublette county have been completed and are ready for occupancy for the

new judge. Adequate facilities shall include provision for court room security, a suitable court room to accommodate a twelve (12) person jury, offices and other required auxiliary facilities.

Section 4. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 121

RECRUITMENT OF PHYSICIANS AND DENTISTS

Original House Bill No. 155

AN ACT relating to health care services; providing a grant program for physician recruitment; providing grant eligibility and payment conditions; granting rulemaking authority; repealing a local matching funds requirement for the physician and dentist loan repayment program; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 35-1-1101 is created to read:

ARTICLE 11

PHYSICIAN RECRUITMENT GRANT PROGRAM

35-1-1101. Physician recruitment grant program.

(a) There is created the Wyoming physician recruitment program administered by the department.

(b) There is created the Wyoming physician recruitment account. Funds in the account are continuously appropriated to the department to provide grants for physician recruitment. Up to ten percent (10%) of the funds may be used to advertise the physician recruitment program.

(c) In July of each year, the department shall solicit physician recruitment applications from hospitals, physicians and others seeking to recruit physicians. The applications shall be prioritized by need based on geographic area, then by medical need within the geographic area. A priority shall be given to recruitment to private physician practice. In September of each year, the department shall issue award letters to the persons or entities receiving grant authorizations. The grant authorizations shall authorize the person or entity receiving it, for a period of one (1) year, to make a firm offer of recruitment incorporating the benefits authorized by this section and W.S. 9-2-118 to a candidate, conditioned upon Wyoming licensure and the candidate's signed written agreement to the conditions of this section and W.S. 9-2-118.

(d) The department shall promulgate rules and regulations to administer the program, including provisions for:

(i) Application forms for grants under the program;

(ii) Termination of grants and full or partial repayment if a physician fails to comply with the conditions of this section, rules and regulations of the department adopted pursuant to this section or the terms of the written incentive agreement;

(iii) Reporting requirements for grant recipients.

(e) Grants provided under this section shall be subject to the following:

(i) The physician shall be recruited to a stipulated geographic area;

(ii) A practitioner shall relocate his practice to the state of Wyoming from outside of the state to be eligible for a grant. Practitioners relocating to the state of Wyoming to become employed by the state or by the United States shall not be eligible for grants. This paragraph shall not apply to physicians taking a family practice residency in the state or physicians employed by the United States department of defense;

(iii) The recruitment conditions between the hospital and the physician shall meet the conditions set forth in 42 C.F.R. 411.357(e), as amended September 5, 2007;

(iv) Recruitment of new physicians shall be based on demonstrable need. Those recruiting persons or entities demonstrating the greatest need, in the discretion of the department shall be given the highest priority in receiving grants pursuant to this section;

(v) All recruitment incentives shall be in writing and shall be reported on federal income tax forms;

(vi) The recruited physician shall agree to provide medical services in the community to which he was recruited for a period of not less than two (2) years or he shall repay any monies granted under this section to the state of Wyoming plus interest at the rate of ten percent (10%) per annum;

(vii) The recruited physician shall agree to provide medical care for not less than two (2) years in underserved areas of the state and shall accept patients qualified under the Medical Assistance and Services Act, Title XVIII of the federal Social Security Act and the child health insurance program who seek medical care which the health care provider is qualified to provide or he shall repay any monies granted under this section to the state of Wyoming plus interest at the rate of ten percent (10%) per annum;

(viii) Costs reimbursed through grants under the program may include:

(A) As incentive to the physician recruitment process, recruitment actual costs, up to ten thousand dollars (\$10,000.00) per recruited physician, may be reimbursed to the successful recruiting person or entity paying those costs;

(B) Relocation expenses, not to exceed twenty thousand dollars (\$20,000.00);

(C) Malpractice insurance premium for two (2) years, not to exceed ten thousand dollars (\$10,000.00) per year;

(D) Signing bonuses not to exceed thirty thousand dollars (\$30,000.00).

(ix) Agreements between the department and physicians pursuant to W.S. 9-2-118 may be coordinated with grants and incorporated into grant agreements pursuant to this section; and

(x) The department in administering the program shall attempt to issue at least one-half (1/2) of all grants for physicians whose practice in Wyoming is in connection with a for-profit business enterprise.

(f) As used in this section:

(i) "Department" means the department of health;

(ii) "Hospital" means a county memorial, rural health care district or special hospital district formed and licensed under the laws of the state;

(iii) "Physician" means an individual licensed or eligible to be licensed under the laws of this state to practice medicine;

(iv) "Program" means the Wyoming physician recruitment grant program;

(v) "Recruiting entity" means a hospital, physician, clinic or other appropriate local organization.

Section 2. W.S. 9-2-118(a)(ii) and 35-1-240(a) by creating a new paragraph (xxii) are amended to read:

9-2-118. Physician and dentist loan repayment program.

(a) The department is authorized to enter into agreements with physicians and dentists who have graduated from accredited residency programs to provide health care in this state. The agreements shall:

(ii) Provide that the physician or dentist shall be repaid up to one hundred percent (100%) of the amount of outstanding educational loans the physician or dentist has acquired as a direct result of undergraduate or postgraduate educational training directly related to providing medical or dental services, not to exceed thirty thousand dollars (\$30,000.00) per year, ~~including the matching funds specified in subsection (d) of this section,~~ in exchange for practicing his profession under the terms of this section;

35-1-240. Powers and duties.

(a) The department of health, through the state health officer, or under his direction and supervision, through the other employees of the department, shall have and exercise the following powers and duties:

(xxii) Administer the Wyoming physician recruitment grant program provided in W.S. 35-1-1101.

Section 3. W.S. 9-2-118(d) is repealed.

Section 4. There is appropriated four hundred thousand dollars (\$400,000.00) from the general fund to the physician recruitment account created by W.S. 35-1-1101. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of the physician recruitment program created by W.S. 35-1-1101. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010. This appropriation shall be included in the department's 2011-2012 standard biennial budget request.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2008.

Chapter 122

EMERGENCY MEDICAL TECHNICIANS

Original Senate File No. 62

AN ACT relating to emergency medical technicians; creating a volunteer emergency medical technician pension fund as specified; providing for administration; providing for training of ambulance attendants and physician medical directors; granting rulemaking authority; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 35-29-101 through 35-29-112 are created to read:

CHAPTER 29 VOLUNTEER EMERGENCY MEDICAL TECHNICIAN PENSION FUND

35-29-101. Definitions.

(a) As used in this article:

(i) "Board" means the volunteer emergency medical technician (EMT) pension board established by this article;

(ii) "Children" means all natural children and adopted children of the participating member, born or conceived at the time of his death or retirement;

(iii) "Emergency medical technician" or "EMT" means as defined by W.S. 33-36-102(a)(x), and who performs EMT services as an attendant with a state licensed ambulance service and who devotes less than his entire time of employment to, but is carried on the rolls of, a regularly constituted Wyoming ambulance service, excluding industrial ambulance services as defined in W.S. 33-36-102(a)(vi), the members of which may be partly paid and partly volunteer. Payment of compensation for services actually rendered by enrolled volunteers does not take them out of this classification. Any individual who volunteers assistance but is not regularly enrolled as an EMT is not a volunteer within the meaning of this chapter;

(iv) "Entry age" means the earliest date from which contributions have been received by the fund for the participating member;

(v) "Fund" means the volunteer emergency medical technician (EMT) pension account within the trust and agency fund established by W.S. 35-29-102;

(vi) "Participating member" means any volunteer EMT for whom payments are received by the volunteer emergency medical technician pension fund as prescribed in W.S. 35-29-107(e);

(vii) "Spouse" means the lawful spouse of a participating member who was married to the volunteer EMT at the time of the volunteer EMT's entry into the fund, or who although married after the date of entry, is recognized as the spouse covered by the benefits of the fund as a result of special action of the board.

35-29-102. Fund account created; administration; disbursements from account.

(a) The volunteer emergency medical technician pension account within the trust and agency fund is created. All awards, benefits and pensions established under this article shall be paid from the fund account.

(b) The fund account established under subsection (a) of this section shall be controlled by the board and administered by the director of the Wyoming retirement system. All expenses of administration shall be paid by the fund. Disbursements from the fund shall be made only upon warrants drawn by the state auditor upon certification by authorized system employees.

35-29-103. Biennial audit; state's liability.

(a) The director of the Wyoming retirement system shall hire an independent audit firm for an annual audit of the fund account established under W.S. 35-29-102 and shall report audit findings to the board and the governor.

(b) The fund account created by W.S. 35-29-102 shall be administered without liability on the part of the state beyond the amount of the funds available to the fund account.

35-29-104. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.

(a) In addition to contributions from the state and licensed ambulance services, the board may receive and credit to the fund any gifts, donations and other contributions made by individuals, organizations and cities, towns and counties for the benefit of the fund. The board may invest monies within the fund not immediately necessary to pay benefits, awards or pensions under this article, in investments authorized under W.S. 9-3-408(b).

(b) The board shall employ a consulting actuary to review the fund annually to determine its solvency and to make recommendations as to revisions and modifications of the plan. The board may employ legal and other consultants as necessary. Actuarial reports are public records and available for inspection by all participating members of the fund.

35-29-105. Contributions by volunteer EMTs; collection; dual participation prohibited.

(a) Following initial funding of the fund by legislative appropriation, the county, city, town or licensed ambulance service for whom a participating volunteer emergency medical technician performs EMT services shall pay to the fund the amount required under W.S. 35-29-106(e). Payments shall be collected upon terms and conditions established by the board under W.S. 35-29-106(e) and shall be forwarded by each collecting officer to the state retirement director for deposit in the fund.

(b) No active member of the volunteer firemen's pension fund established under W.S. 35-9-601 through 35-9-615 shall be eligible for membership in the fund created by this article.

35-29-106. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.

(a) For any participating member attaining the retirement age corresponding to his entry age as specified under subsection (d) of this section, the board shall authorize a monthly payment to the member during his remaining lifetime of an amount equal to fifteen dollars (\$15.00) per year of service for the first ten (10) years and eighteen dollars (\$18.00) per year of service over ten (10) years.

(b) Upon the death of any participating member, the board shall authorize a monthly payment to the surviving spouse of the member during the spouse's remaining lifetime of an amount equal to fifty percent (50%) of the amount calculated under subsection (a) of this section.

(c) Upon the death of the last survivor of any participating member and his spouse, with children who have not attained the age of twenty-one (21) years at the time of death, the board shall authorize a monthly payment of fifty percent (50%) of the amount calculated under subsection (b) of this section.

(d) For all members whose entry age is less than age forty-six (46), retirement age shall be age sixty (60). For members whose entry age is age forty-six (46) or greater, the following prescribes the member's retirement age:

Age at Entry Into Plan	Retirement Age
46	61
47	61
48	62
49	62
50	63
51	63
52	64
53	64
54	65
55	65
56	66
57	66
58	67
59	68
60	68
61	68
62	69
63	69
64	70
65	70

(e) A volunteer emergency medical technician is a participating member under this article for each month a contribution of twelve dollars and fifty cents (\$12.50) is made by or on behalf of the member. For purposes of eligibility for benefits under subsections (b) and (c) of this section, a volunteer emergency medical technician is a participating member beginning the first month following the month in which the required monthly payment and any required application for participation is actually received by the Wyoming retirement system. To continue as a participating member, subsequent monthly payments shall be received by the Wyoming retirement system not later than three (3) months following the close of the calendar month for which the payments are applicable. With the consent of and upon any terms and conditions established by the board, payments may be accepted at an earlier or later date. The board shall maintain full and complete records of the contributions made on behalf of each participating member and on request, shall furnish any participating member a statement of the contribution amounts and the dates for which contributions were received. On the death or retirement of any participating member, his entry age shall be determined by the board to be the earliest date from which contributions for the member have been received by the board. If contributions have varied in amount, the board may make appropriate adjustments in the benefits awarded. In making any adjustment, the board shall be guided by actuarial practice to afford substantial equity to members of the plan. No penalty shall be imposed upon any participating member transferring employment in Wyoming if required payments are made on a timely basis.

(f) A participating member may withdraw from the plan and upon withdrawal, if the member has been a participating member for at least

five (5) years, shall be paid an amount equal to the amount contributed into his account together with interest at the rate of two percent (2%) per annum compounded annually.

(g) Effective July 1, 2008 and each July 1 thereafter, any retirement or survivor benefit received by eligible individuals under this article shall be adjusted as follows:

(i) Not later than July 1, the board shall determine the percentage increase in the cost of living for the preceding calendar year. The percentage increase in the cost of living for a calendar year shall be equal to the annual percentage increase in the cost of living as of the immediately preceding calendar year, as shown by the Wyoming cost of living index established by the division of economic analysis of the department of administration and information;

(ii) Subject to the limitation imposed under paragraphs (v) and (vi) of this subsection, the benefits existing on each July 1 for each eligible individual may be increased by an amount not to exceed the greater of the percentage increase in the cost of living as determined by the board under paragraph (i) of this subsection or a percentage adjustment to a level the system's actuary determines to be actuarially sound pursuant to paragraph (v) of this subsection;

(iii) The amount of any percentage increase in the cost of living which exceeds the percentage adjustment under paragraph (ii) of this subsection shall, to the extent determined actuarially sound by the system's actuary, be accumulated and added to the percentage increases in the cost of living for future years;

(iv) Individuals who have been receiving applicable benefits for at least two (2) years, including survivors who received benefits during this period either alone or in combination with a member, are eligible for the benefit adjustment under this subsection;

(v) An increase in benefits under this subsection shall be implemented only upon a determination by the actuary for the Wyoming retirement system that the increase is actuarially sound. As required under W.S. 9-3-419(b)(v), the system actuary shall annually report its determination under this paragraph to the governor and the joint appropriations interim committee; and

(vi) The total benefit adjustment under this subsection shall not exceed two percent (2%) in any one (1) year.

(h) The board shall authorize benefit payments from the fund in accordance with qualified domestic relations orders pursuant to W.S. 9-3-426.

(j) If any participating member with at least five (5) years of participation retires from active service within his department before reaching retirement age and does not withdraw from the plan as provided in subsection (h) of this section, upon reaching the retirement age specified in subsection (d) of this section, he shall receive a monthly pension payment equal to fifteen dollars (\$15.00) per year of service for the first ten (10) years and eighteen dollars (\$18.00) per year of service over ten (10) years for each year of service during which contributions were made on

behalf of the member. A member after ten (10) years of active service as an EMT may choose to remove himself from active service and continue to contribute for up to five (5) years as provided in W.S. 35-29-106(e) and rules promulgated by the board.

35-29-107. Death benefits in addition to other benefits.

Death benefits received under this article shall be in addition to and are payable after the application of worker's compensation benefits which are payable to volunteer emergency medical technicians under the Wyoming Worker's Compensation Act.

35-29-108. Board; established; nomination; appointment; terms and qualification of members.

(a) The volunteer emergency medical technician pension board is created. The board shall administer the fund.

(b) The board shall consist of six (6) members who shall be appointed by the governor for staggered terms of three (3) years. The members shall be volunteer emergency medical technicians who have a minimum of five (5) years service as volunteer EMTs in the state. The governor may remove any board member as provided in W.S. 9-1-202.

35-29-109. Board; chairman; compensation of members; powers and duties.

(a) The director of the Wyoming retirement system shall act as an ex officio chairman of the board and shall have a vote.

(b) Members of the board shall serve without compensation, but actual and reasonable expenses incurred by members for attending meetings and representing the board shall be reimbursed from the fund.

(c) The board may:

(i) Adjust claims made by participating members under this article and may waive or alter specific requirements relating to benefits under this article, but shall not have authority to make a general increase in benefits;

(ii) Make rules and regulations governing its operation;

(iii) Investigate claim applications, conduct hearings, receive evidence and otherwise act in a quasi-judicial capacity;

(iv) Permit the suspension of payments in certain cases deemed appropriate by the board, with a commensurate reduction in benefits paid under this article.

35-29-110. Board; hearings; appeals.

(a) The board shall provide a written transcript of all testimony received at any hearing conducted by the board and shall provide opportunity for hearing to any person petitioning the board for a hearing with or without counsel or witnesses. The board shall provide petitioners the power to subpoena witnesses to testify in their behalf. The taking of evidence shall be summary, giving a full opportunity to all parties to develop the facts fully.

(b) The decision of the board upon hearing is a final administrative decision and is subject to judicial review in accordance with the Wyoming Administrative Procedure Act.

35-29-111. Adjustment of benefits in case of impairment of funds.

If at any time the net assets of the fund become actuarially impaired, the board may adjust the benefits provided pro rata until the impairment is removed.

35-29-112. Purchase of service credit.

Any member who has been a participating member for at least five (5) years may elect to make a one (1) time purchase of up to five (5) years of service credit as established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board, the individual's attained age and the benefit structure at the time of purchase.

Section 2. Notwithstanding W.S. 35-29-108 created under section 1 of this act, initial members of the volunteer emergency medical technician pension board may be appointed to initial terms of less than three (3) years to enable staggered terms as required under W.S. 35-29-108.

Section 3.

(a) There is appropriated nine hundred seventy-eight thousand two hundred dollars (\$978,200.00) from the general fund to the Wyoming retirement system. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of funding the difference between the actuarially determined premium for participation in the volunteer emergency medical technician pension account and the contribution required by W.S. 35-29-106(e). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(b) There is appropriated one hundred forty-eight thousand dollars (\$148,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing initial and continuing medical education training for ambulance attendants pursuant to W.S. 33-36-110(a)(ii) and (iii), including training scholarships for individuals participating in the training. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(c) There is appropriated ninety thousand dollars (\$90,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending

June 30, 2010. This appropriation shall only be expended for the purpose of increasing the reimbursement to ambulance services for conducting emergency medical technician training classes from two thousand five hundred dollars (\$2,500.00) per class up to five thousand dollars (\$5,000.00) per class. The department of health shall establish a base payment amount for each class, plus an additional allowance based upon need and other geographic and economic factors. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(d) There is appropriated four hundred eight thousand dollars (\$408,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing initial and continuing education training for physician medical directors of ambulance services, including training scholarships for individuals participating in the training and attendance at annual physician medical directors conferences, and for providing monthly stipends of five hundred dollars (\$500.00) to physician medical directors of ambulance services. The department of health shall by rule and regulation establish minimum standards for the payment of the monthly stipend. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(e) There is appropriated one hundred twenty thousand dollars (\$120,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall only be expended for the purpose of providing assistance grants not to exceed ten thousand dollars (\$10,000.00) to local ambulance services to conduct emergency medical services continuing education conferences approved by the department. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2010.

(f) Appropriations made in subsections (b) through (e) of this section shall not be included in the department's 2011-2012 standard biennial budget request.

Section 4. This act is effective July 1, 2008.

Approved March 13, 2008.

Chapter 123**CAPITOL BUILDING RESTORATION**

Original Senate File No. 87

AN ACT relating to the administration of government; creating a joint legislative and executive task force to carry out capitol building rehabilitation and restoration as specified; creating the capitol building rehabilitation and restoration account; specifying use of funds in the account; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-5-109 is created to read:

9-5-109. Task force on capitol building rehabilitation and restoration; composition; duties; account created.

(a) There is created the joint legislative and executive task force on capitol building rehabilitation and restoration.

(b) The task force shall be comprised of:

(i) A representative of the five (5) statewide elected officials, as selected by those officials;

(ii) One (1) member of the senate and one (1) member of the public appointed by the president of the senate;

(iii) One (1) member of the house of representatives and one (1) member of the public appointed by the speaker of the house;

(iv) A staff member from the state historic preservation office appointed by the director of the department of state parks and cultural resources; and

(v) A member of the public appointed by the governor.

(c) The members of the task force shall appoint a chairman to preside over meetings.

(d) The task force shall:

~~(i) Oversee the design, planning and construction of rehabilitation and restoration of the capitol building as it determines appropriate for a modern working office building while preserving historic features of the building. The restoration and rehabilitation shall be designed and planned to be completed by December 31, 2012; [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 14, 2008.]~~

(ii) Develop rehabilitation and restoration priorities for the state capitol building;

(iii) Contract for the performance of any function appropriate to carry out its duties, including the employment of consultants and other professionals;

(iv) Periodically report its findings and recommendations to the state building commission, the legislative management council and the joint appropriations interim committee;

~~(v) Submit specific project recommendations to the legislature for approval and authorization of expenditure of appropriations; and [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 14, 2008.]~~

(vi) Recommend to the management council statutory changes that may be required to implement project recommendations.

(e) Staff and support for the task force shall be provided by the department of administration and information. Members who are government employees or public officials shall be considered on official business of their agency when performing duties as members of the task force. Other members shall receive mileage and per diem in the same manner and amount as state legislators when performing duties. Mileage and per diem shall be paid by the appointing authority.

~~(f) In carrying out the rehabilitation and restoration of the capitol building, the task force shall not be subject to the provisions of W.S. 9-5-106 through 9-5-108. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 14, 2008.]~~

(g) The task force may suspend the expenditure of time or funds on the project if it is established that it would be in the public interest. The task force shall report the reason for any suspension activity to the legislature.

(h) The task force shall terminate on December 31, 2012.

(j) There is created the capitol building rehabilitation and restoration account. Funds in the account shall only be expended upon appropriation by the legislature to implement projects recommended by the task force and approved by the legislature. Notwithstanding any other provision of law, funds within the account shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207(a) or any other provision of law, funds within the account shall not lapse or revert until directed by the legislature. Earnings on monies within the account shall be deposited to the account.

Section 2.

(a) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of paying salary, per diem and mileage for legislative members of the task force and per diem and mileage for legislative appointees. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Funds appropriated under this subsection shall not revert until June 30, 2012.

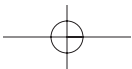
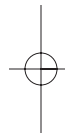
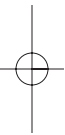
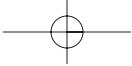
(b) Seven million dollars (\$7,000,000.00) is appropriated and shall be transferred on July 1, 2008, from the capitol building restoration account

created by 2006 Wyoming Session Laws, Chapter 35, Section 300(g) as amended by 2007 Wyoming Session Laws, Chapter 136, Section 4, to the capitol building rehabilitation and restoration account created by this act.

(c) Twenty million dollars (\$20,000,000.00) is appropriated and shall be transferred on July 1, 2008, from the capitol complex construction account created by 2006 Wyoming Session Laws, Chapter 35, Section 300(g) as amended by 2007 Wyoming Session Laws, Chapter 136, Section 4, to the capitol building rehabilitation and restoration account created by this act.

Section 3. This act is effective July 1, 2008.

Approved March 14, 2008.



Original House Joint Resolution No. 1

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to modify the signature requirement for a petition for an initiative or referendum; changing the requirement from fifteen percent of those resident in at least two-thirds of the counties to at least fifteen percent of those resident in at least two-thirds of the senate districts in the state.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:

Section 1. The following proposal to amend Wyoming Constitution, Article 3, Section 52(c)(ii) is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

Article 3, Section 52. Initiative and referendum.

(c) After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. The petition may be filed with the secretary of state if it meets both of the following requirements:

(ii) It is signed by qualified voters equal in number to fifteen percent (15%) of those resident in at least two-thirds (2/3) of the ~~counties~~ senate districts of the state, as determined by those who voted in the preceding general election in ~~that county~~ each senate district.

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:

The passage of this amendment would change the requirement for petition signatures for an initiative or referendum. Currently a petition must be signed by at least fifteen percent (15%) of the qualified voters in at least two-thirds (2/3) of the counties, as determined by those who voted in the last general election. This amendment would change the requirement to at least fifteen percent (15%) of the qualified voters in at least two-thirds (2/3) of the senate districts, as determined by those who voted in the last general election.

Approved March 5, 2008.

Original House Joint Resolution No. 10

A JOINT RESOLUTION requesting Congress to support the local radio freedom act.

WHEREAS, Wyoming citizens enjoy broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades; and

WHEREAS, for more than eighty (80) years the Unites States Congress has rejected repeated calls by the recording industry to impose a perfor-

mance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry; and

WHEREAS, local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions and publicity that promotes the sale of new music, concert tickets, ring tones, music videos and assorted merchandise; and

WHEREAS, Congress found that the sale of many sound recordings and the careers of many performers benefited considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting; and

WHEREAS, local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as September 11 and hurricanes such as Katrina and Rita, as well as public affairs programming, sports and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee; and

WHEREAS, there are many local Wyoming radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers and transportation facilities; and

WHEREAS, the hardship that would result from a new performance fee would hurt Wyoming businesses and ultimately the Wyoming consumers who rely on local radio for news, weather and entertainment; and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music and sound recording industries in the world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the State of Wyoming urges Congress to not impose any new performance fee, tax, royalty or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air, or on any business for such public performance of sound recordings.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 7, 2008.

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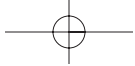
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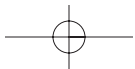
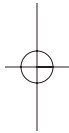


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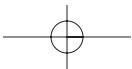
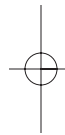
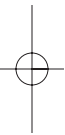


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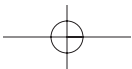
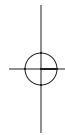
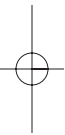


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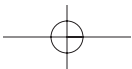
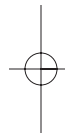
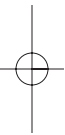
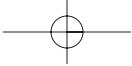


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