

**SESSION
LAWS
OF
WYOMING**



**2009
GENERAL SESSION**

SESSION LAWS
OF THE
STATE OF WYOMING
PASSED BY THE
SIXTIETH STATE LEGISLATURE
2009 GENERAL SESSION

CONVENED AT CHEYENNE, JANUARY 13, 2009

ADJOURNED MARCH 5, 2009

Compiled and Published under Statutory Authority

by

LEGISLATIVE SERVICE OFFICE

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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.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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**AMENDMENTS
to the
CONSTITUTION
of the
STATE OF WYOMING**

CONSTITUTIONAL AMENDMENTS

Ratified by the electors at the General Election held on November 4, 2008.

CONSTITUTIONAL AMENDMENT NO. A

A JOINT RESOLUTION proposing to amend the Wyoming Constitution by amending the oath of office required of senators and representatives and all judicial, state and county officers.

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 6, Section 20 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 6, Section 20. Oath of office; form.

Senators and representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of ~~this the~~ state; of Wyoming; that I have not knowingly violated any law related to my election or appointment, or caused it to be done by others; and that I will discharge the duties of my office with fidelity."; ~~that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."~~

Section 2. That the Secretary of State shall, notwithstanding W.S. 22-20-102(a), place this proposed amendment on the ballot after all other proposed amendments to the Wyoming Constitution presented at the same election and shall endorse the following statement on the proposed amendment:

The adoption of this amendment would clarify and modernize the oath of office taken by all elected and appointed officials of whom the oath is required. The new oath will be: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of the state of Wyoming; that I have not knowingly violated any law related to my election or appointment, or caused it to be done by others; and that I will discharge the duties of my office with fidelity."

LAWS
PASSED BY THE
SIXTIETH
WYOMING LEGISLATURE
2009 GENERAL SESSION

Chapter 1

GAME AND FISH-IMMUNOCONTRACEPTIVES

Original House Bill No. 4

AN ACT relating to game and fish; providing for regulation of the administration of immunocontraceptives in wildlife; and providing for an effective date.

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

Section 1. W.S. 23-1-302(a)(xxviii) and by creating a new paragraph (xxx) is amended to read:

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxviii) To reject or to accept and expend for purposes authorized under this section any and all gifts of cash, stocks, bonds or any other form of monies. Gifts shall be deposited and expended as provided in W.S. 23-1-501; ~~and~~

(xxx) To prohibit and regulate the administration of any chemical or biological substance or physical procedure to wildlife under the management and jurisdiction of the commission for the purpose of controlling fertility or reproduction.

Section 2. This act is effective July 1, 2009.

Approved February 17, 2009.

Chapter 2

INTERSTATE COMPACT FOR SUPERVISION OF PAROLEES-REPEAL

Original House Bill No. 5

AN ACT relating to criminal procedure; repealing obsolete provisions relating to the interstate compact for the supervision of parolees and probationers; and providing for an effective date.

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

Section 1. W.S. 7-13-412 through 7-13-417 are repealed.

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 February 17, 2009.

Chapter 3

BRAND INSPECTION FEES

Original House Bill No. 12

AN ACT relating to brand inspection fees; providing for reimbursable expenses as specified; and providing for an effective date.

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

Section 1. W.S. 11-20-402 by creating a new subsection (c) is amended to read:

11-20-402. Miscellaneous inspection fees.

(c) The board may establish and, through its authorized inspectors, collect fees from the livestock owner or other responsible party not to exceed the actual cost of any additional necessary reimbursable expenses including transportation, supplies or equipment rental relating to services required by the board. "Reimbursable expenses" for the purposes of this subsection shall mean expenses necessary to provide for the immediate safety of the public and livestock for which the board has authority. This subsection shall not apply to those services authorized under W.S. 11-20-401.

Section 2. This act is effective July 1, 2009.

Approved February 17, 2009.

Chapter 4

JUDICIAL VACANCIES

Original House Bill No. 55

AN ACT relating to courts; authorizing the Wyoming supreme court to determine the residence of circuit court judges as specified; and providing for an effective date.

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

Section 1. W.S. 5-9-103 is amended to read:

5-9-103. Number and location of judges.

(a) The legislature shall from time to time authorize the number and location of circuit court judges.

(b) The supreme court may, based on caseload studies, determine where within a circuit the circuit court judge shall reside.

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 February 17, 2009.

Chapter 5

STATE PARKS AND CULTURAL RESOURCES-FORT BRIDGER

Original Senate File No. 4

AN ACT relating to state parks and cultural resources; accepting transfer of land for Fort Bridger historic site; and providing for an effective date.

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

Section 1. W.S. 36-8-1204 is created to read:

36-8-1204. Fort Bridger state historic site; acceptance of lands.

The legislature authorizes the acceptance of the following lands to be included in the Fort Bridger state historic site managed by the department of state parks and historic sites upon final negotiation with Uinta County: Township 16 North, Range 115 West, NW1/4 of the SE1/4 of the SW1/4 of Section 33, the North 30' of Carter Avenue, between Block 15 and Block 6 of the Carter's Addition to Fort Bridger as said plat is recorded in the Uinta County Records office.

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 February 24, 2009.

Chapter 6

HISTORIC MINE TRAIL AND BYWAY PROGRAM

Original Senate File No. 7

AN ACT relating to the Wyoming historic mine trail and byway system; transferring authority over system to the department of state parks and cultural resources; changing the process for submission of grant applications; repealing the Wyoming historic mine trail and byway commission; 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. 36-8-1402(b) is amended to read:

36-8-1402. Wyoming historic mine trail and byway system; creation; department duties and processes for trail and byway development; advisory groups.

(b) ~~The Wyoming historic mine trail and byway system shall be established by the commission created under W.S. 36-8-1401 through a process of nominations submitted from among various public and private sectors within Wyoming which are knowledgeable of historic mining activities, and in consultation and coordination with the affected boards of county commissioners and other local governing bodies and agencies~~ department of state parks and cultural resources. The system shall expand upon the first designated historic mine trail and byway as established by this subsection, which shall link the gold mines located in South Pass City, Miners' Delight and Atlantic City, Wyoming, to the iron mines located near Atlantic City, to the uranium mines in the Crooks Gap and Gas Hills mining districts located in Fremont County, Wyoming.

Section 2. W.S. 36-8-1401, 36-8-1402(c) and (d) and 36-8-1403 are repealed.

Section 3.

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

(i) All duties of the Wyoming historic mine trail and byway commission with respect to the Wyoming historic mine trail and byway program be transferred to the department of state parks and cultural resources;

(ii) All unexpended funds not otherwise obligated and any other property, if any, of the Wyoming historic mine trail and byway commission exclusively dedicated to the Wyoming historic mine trail and byway program be transferred to the department of state parks and cultural resources;

(iii) Any contract, agreement or obligation entered into or assumed by the Wyoming historic mine trail and byway commission with respect to the Wyoming historic mine trail and byway program, if the execution or assumption was within the lawful powers of the Wyoming historic mine trail and byway commission, be assumed by the department of state parks and cultural resources;

(iv) Any policy adopted by the Wyoming historic mine trail and byway commission with respect to the Wyoming historic mine trail and byway program remain in effect unaltered as policy of the department of state parks and cultural resources until amended or repealed by the department of state parks and cultural resources.

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 February 24, 2009.

Chapter 7

STATE PARKS AND CULTURAL RESOURCES-SOUTH PASS CITY

Original Senate File No. 5

AN ACT relating to state parks and cultural resources; providing for an increase in size of Old South Pass City Historical Preserve; providing for acceptance of a land transfer; providing an appropriation; 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. 36-8-501(b)(intro) and (i) is amended to read:

36-8-501. Powers generally.

(b) Upon approval by the governor, the department of state parks and cultural resources may purchase in the name of the state of Wyoming the following real property, unless the Carissa gold mine has created unacceptable economical environmental impacts as shown by the department of environmental quality investigation and determined by the governor, in Fremont county containing approximately ~~216.46~~ 312.41 acres which are hereby declared to be part of the Old South Pass Historical Preserve-Wyoming:

(i) In township 29 north, range 100 west, 6th p.m., SE1/4 SE1/4 NE1/4, NE1/4 NE1/4 SE1/4 of section 20; lots 6, 7, 9, 16, 19 and 24 of section 20; W1/2 SW1/4 NW1/4 of section 21; E1/2 SW1/4 NW1/4 of section 21; and W1/4 SE1/4 NW1/4 of section 21.

Section 2.

(a) The department of environmental quality is authorized to submit a grant application to the United States office of surface mining for distribution of a portion 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, for the period ending June 30, 2010, for the following project:

(i) Forty-five thousand dollars (\$45,000.00) for the remediation costs associated with the property transferred to the state of Wyoming pursuant to section 1 of this act.

(b) Notwithstanding W.S. 35-11-1210, grant funds received for the project 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) The legislature accepts the transfer of lands located at township 29 north, range 100 west, 6th p.m., lots 6, 7, 9, 16, 19 and 24 of section 20 from the bureau of land management to the department of state parks and cultural resources upon the completion of all acts necessary to comply with the requirements of a land patent transfer from the bureau of land management pursuant to the federal Recreational and Public Purposes Act.

(d) On or before October 1, 2011, the department of state parks and cultural resources shall report to the joint travel, recreation, wildlife and cultural resources interim committee on the status of the land patent transfer authorized under subsection (c) of this section.

Section 3. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 8**WYOMING ECONOMIC DEVELOPMENT ACT**

Original Senate File No. 22

AN ACT relating to the Wyoming Economic Development Act; providing amendments to the partnership challenge loan program; increasing bridge financing limits; increasing guarantee loan participation loans limits; providing for Wyoming main street loan participation under the Wyoming partnership challenge loan program; and providing for an effective date.

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

Section 1. W.S. 9-12-301(a)(vi), (vii) and by creating a new paragraph (ix), 9-12-302(a) and 9-12-304(a)(intro), (b)(i) and by creating a new subsection (g) are amended to read:

9-12-301. Definitions.

(a) As used in this article:

(vi) "Bridge financing" means the provision of financing for that portion of the total project cost which is calculated by subtracting from total project cost the sum of ownership debt and equity. The council shall not consider a proposal in which the bridge financing component exceeds thirty-five percent (35%) of total project cost or five hundred thousand dollars (\$500,000.00), whichever is less, and the business does not contribute more than fifteen percent (15%) of the total project cost;

(vii) "Guarantee loan participation" means a provision of financing by the council in which the council participates with a ~~bank lender~~ that has secured a federal guaranteed loan to guarantee repayment of a loan made to a business. The maximum participation by the council shall be fifty percent (50%) of the loan or ~~five hundred thousand dollars (\$500,000.00) one million dollars (\$1,000,000.00)~~, whichever is less;

(ix) "Wyoming main street loan participation" means a provision of financing by the council in which the council participates with a lender that has made a loan to a business for building improvements to maintain the structure's historical character. The maximum participation by the council shall be seventy-five percent (75%) of the loan or one hundred thousand dollars (\$100,000.00), whichever is less.

9-12-302. Wyoming partnership challenge loan program; creation; rulemaking; administration account.

(a) The council shall establish and administer a partnership challenge loan program under this article and may contract for necessary professional services. Loans authorized under the program shall be limited, except as otherwise provided under W.S. 9-12-304(c) through ~~(f)~~(g), to community development organizations and state development organizations and

made in accordance with the provisions of W.S. 9-12-304. Any community development organization or state development organization may submit an application to the council to participate in the program on forms prescribed by and subject to rules promulgated by the council.

9-12-304. Criteria for loans.

(a) Except as otherwise provided under subsections (c) through (f) ~~(g)~~ of this section, loans under this article may only be made by the council to community development organizations and state development organizations which meet the following eligibility criteria:

(b) Loans, loan commitments or loan guarantees or any combination thereof shall be made under this article only:

(i) If the total amount to a single community development organization, or to a business for an economic disaster loan as provided under subsection (c) of this section or to a business for bridge financing as provided under subsection (d) of this section, does not exceed ~~two hundred fifty thousand dollars (\$250,000.00)~~ five hundred thousand dollars (\$500,000.00), if the total amount to state development organizations does not exceed three million five hundred thousand dollars (\$3,500,000.00), if the amount to a business for a federally guaranteed loan as provided under subsection (e) of this section does not exceed ~~five hundred thousand dollars (\$500,000.00)~~ or one million dollars (\$1,000,000.00), if the amount to a business for a loan guarantee does not exceed one hundred thousand dollars (\$100,000.00) per loan guaranteed or eighty percent (80%) of any net loan loss by the bank, whichever is less or if the amount to a business for a Wyoming main street loan participation as provided under subsection (g) of this section does not exceed one hundred thousand dollars (\$100,000.00);

(g) Any business may apply to the council for a Wyoming main street loan participation as defined in W.S. 9-12-301(a)(ix). The council shall prescribe the form and contents of the application. The council shall review each application and make a determination as soon as practicable. In the event of a default for any loan made under this subsection, liability shall be shared proportionately between the state and the lender in the same percentage as the source of the loan. The interest of the state and the lender shall have priority over any claim of the business receiving the main street loan participation or any other third party.

Section 2. W.S. 9-12-1104(b)(vi) is repealed.

Section 3. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 9

ECONOMIC DEVELOPMENT ACCOUNT

Original Senate File No. 75

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.

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 10

STATE PARKS-RANGER AUTHORITY

Original Senate File No. 11

AN ACT relating to state parks and historic sites; providing authority for park superintendents, assistant superintendents and rangers to act as peace officers on state recreation areas and state archeological sites; and providing for an effective date.

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

Section 1. W.S. 6-1-104(a)(vi)(P), 7-2-101(a)(iv)(G) and 35-7-1002(a)(xxiv) are amended to read:

6-1-104. Definitions.

(a) As used in W.S. 6-1-101 through 6-10-203 unless otherwise defined:

(vi) "Peace officer" includes the following officers assigned to duty in the state of Wyoming:

(P) Any superintendent, assistant superintendent or full-time park ranger of any state park, state recreation area, state archeological site or state historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park, state recreation area, state archeological site or state historic site or when responding to a

request to assist other peace officers acting within the scope of their official duties in their own jurisdiction.

7-2-101. Definitions.

(a) As used in W.S. 7-2-101 through 7-2-107:

(iv) "Peace officer" means:

(G) Any superintendent, assistant superintendent or full-time park ranger of any state park, state recreation area, state archeological site or state historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park, state recreation area, state archeological site or state historic site, or when responding to a request to assist other peace officers performing their official duties;

35-7-1002. Definitions.

(a) As used in this act:

(xxiv) "Law enforcement officer" means any sheriff, undersheriff or sheriff's deputy of any county of this state, any duly authorized municipal policeman of any city or town of this state, any member of the Wyoming highway patrol, any police officer of the University of Wyoming or any Wyoming community college who is a peace officer, any superintendent, assistant superintendent or full-time park ranger of a state park, state recreation area, state archeological site or state historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park, state recreation area, state archeological site or state historic site or when responding to a request to assist other law enforcement officers acting within the scope of their official duties in their own jurisdiction, or any special agent employed by the commissioner under this 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 February 24, 2009.

Chapter 11**INTENTIONAL FEEDING OF ELK**

Original Senate File No. 36

AN ACT relating to elk and disease transmission to livestock; prohibiting intentional feeding of elk; providing exceptions; providing definitions; providing penalties; and providing for an effective date.

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

Section 1. W.S. 23-3-309 is created to read:

23-3-309. Intentional feeding of elk; penalty.

(a) No person shall intentionally attract or feed any elk by depositing, placing, distributing or scattering feed that results in commingling with livestock.

(b) Nothing in this section shall prohibit:

(i) Any normal or accepted agricultural management practice;

(ii) Any elk feeding program authorized or conducted by the department;

(iii) Any legal form of baiting elk as authorized by commission rule and regulation;

(iv) Any feeding of elk for the purpose of reducing the opportunity for contact with livestock when undertaken with prior notice to the department;

(v) Any feeding of elk outside a brucellosis surveillance area designated pursuant to Wyoming livestock board rules and regulations.

(c) A first violation of this section constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v). A second or subsequent violation of this section constitutes a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 12

COSTS OF EMERGENCY DETENTION AND HOSPITALIZATION

Original Senate File No. 19

AN ACT relating to emergency detention and involuntary hospitalization costs; limiting authority to seek recovery of costs from patients as specified; and providing for an effective date.

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

Section 1. W.S. 25-10-112(d) is amended to read:

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

(d) The hospital or other treatment provider shall attempt to recover all costs of treatment from public and private health insurance, from patients, and from government benefit programs prior to seeking payment from the county or the department. The hospital or other treatment provider shall have discharged its obligation to recover costs under this subsection if it:

(i) Has obtained or made reasonable effort to obtain from the patient or the patient's legally designated representative an affidavit showing the patient's financial condition which would support certification of the facts under paragraph (ii) of this subsection; and

(ii) Certifies to the county or the department that the patient has no public or private health insurance and that there are no other government benefit programs from which it can recover the costs of treatment.

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 13

MENTAL HEALTH AND SUBSTANCE ABUSE APPROPRIATIONS

Original Senate File No. 17

AN ACT relating to mental health and substance abuse services; providing appropriations; specifying conditions; authorizing a competitive bid process as specified; identifying the regions designated by the department of health for purposes of certain appropriations; and providing for an effective date.

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

Section 1. Mental health crisis stabilization.

(a) There is appropriated seven hundred seventy thousand dollars (\$770,000.00) or as much thereof as necessary, from the general fund to the department of health, for the fiscal year beginning July 1, 2009 and ending June 30, 2010. This appropriation shall only be expended for the purpose of developing and enhancing mental health crisis stabilization services provided within the Basin region designated by the department of health. The program receiving this appropriation in the region shall be selected by the department of health, in consultation with the mental health and substance abuse services division, through a competitive bid process. 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 department's 2011-2012 standard biennial budget request.

(b) There is appropriated one hundred forty-eight thousand dollars (\$148,000.00), or as much thereof as necessary, from the general fund to the department of health, for the fiscal year beginning July 1, 2009 and ending June 30, 2010. This appropriation shall only be expended for the purpose of developing and enhancing mental health crisis stabilization services provided within the southeast region designated by the department of health. The program receiving this appropriation in the region shall be selected by the department of health, in consultation with the mental health and substance abuse services division, through a competitive bid process. 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 department's 2011-2012 standard biennial budget request.

Section 2. Regions of the state.

(a) For purposes of this act, the five (5) regions of the state designated by the department of health include:

(i) The southeast region, comprised of Albany, Carbon, Goshen, Laramie and Platte counties;

(ii) The central region, comprised of Converse, Fremont, Natrona and Niobrara counties;

(iii) The northeast region, comprised of Campbell, Crook, Johnson, Sheridan and Weston counties;

(iv) The west region, comprised of Lincoln, Sublette, Sweetwater, Teton and Uinta counties; and

(v) The Basin region, comprised of Big Horn, Hot Springs, Park and Washakie counties.

Section 3. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 14

INCREASED INDUSTRIAL ROAD PROGRAM LIMITS

Original Senate File No. 29

AN ACT relating to the industrial road program; increasing the maximum expenditure allowed; and providing for an effective date.

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

Section 1. W.S. 24-5-119 is amended to read:

24-5-119. Counties to match state funds; maximum amount of county expenditures; exception; acquisition of right-of-way.

Any county participating in the industrial road program shall match money equally with money set aside pursuant to W.S. 24-5-118. These funds may be derived from any funds in the respective county budget now available or any monies which may subsequently be budgeted for this program, provided, however, no county shall expend on this program in excess of one million dollars (\$1,000,000.00) two million dollars (\$2,000,000.00) each and every biennium. This act shall not apply to any project having a total cost of less than fifty thousand dollars (\$50,000.00) total. The board of the county commissioners of each county shall acquire the right-of-way for any industrial road, the expense of which shall be charged against the industrial road program.

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 15

WYOMING HEALTH INSURANCE POOL

Original Senate File No. 113

AN ACT relating to the Wyoming health insurance pool; providing for issuance of catastrophic health insurance coverage as specified; providing eligibility criteria; and providing for an effective date.

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

Section 1. W.S. 26-43-103 by creating a new subsection (d) and 26-43-106(b) by creating a new paragraph (vi) are amended to read:

26-43-103. Eligibility.

(d) For purposes of catastrophic health insurance pursuant to W.S. 26-43-106(b)(vi), in addition to the requirements of subsection (a) of this section, eligibility shall be limited to those individuals whose total household income does not exceed four hundred percent (400%) of the federal poverty level.

26-43-106. Minimum benefits; limitations.

(b) In establishing the pool coverage, the commissioner shall:

(vi) Offer for those individuals described in W.S. 26-43-103(d) a catastrophic health plan having a deductible level of twenty-five thousand dollars (\$25,000).

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 16

VEHICLE TITLE AND REGISTRATION

Original Senate File No. 58

AN ACT relating to vehicle title and registration; reorganizing and repealing statutes; amending time limits; amending license plate and specialty plate statutes; modifying the qualification and treatment of rental vehicles and rental companies; requiring bonding; amending 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. 31-2-224 and 31-2-225 are created to read:

31-2-224. Registration exemptions.

(a) The following vehicles are exempt from the provisions of this article:

(i) Transportable homes and the empty frame or frames used to haul transportable homes;

(ii) Passenger automobiles or trailers owned by a full-time member of the armed forces of the United States, whether in regular service, organized reserves or national guard, as long as a registration from another state is in effect when the vehicle entered Wyoming and the vehicle is properly registered in accordance with the laws of that state;

(iii) Commercial vehicles displaying the registration numbers or plates required by W.S. 31-18-201 and whose operator produces a certificate of registration indicating the vehicle is validly registered pursuant to W.S. 31-18-201;

(iv) Vehicles granted reciprocity pursuant to W.S. 31-2-203;

(v) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(A) Not operated for gain or profit in Wyoming nor used for transportation to or from employment in Wyoming; and

(B) Not owned or operated by a person employed in this state, unless that person is a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement.

(vi) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(A) Operated primarily by a full-time student at the University of Wyoming, a Wyoming community college or a school licensed in this state offering post secondary education;

(B) Used for transportation of nonresident seasonally employed agricultural workers unless the owner of the vehicle becomes a resident under W.S. 31-1-101(a)(xxi)(A); or

(C) Operated primarily by a student enrolled in a post secondary educational institution accredited by a recognized and accepted

accrediting agency, or in a parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) offering post secondary education programs, if the institution or school owns or operates an educational program or facility in this state and the student is employed on a temporary basis in that program or facility as part of his educational curriculum.

(vii) The following vehicles if validly registered in states contiguous to Wyoming if the contiguous states grant similar exemptions to Wyoming owners of like vehicles:

(A) Trucks, the unladen weight of which does not exceed three thousand five hundred (3,500) pounds; and

(B) Passenger cars while operated by salesmen who make no deliveries.

(viii) Mopeds;

(ix) Pedestrian vehicles;

(x) Rental vehicles rented in another state or country and validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and not being operated for gain or profit in Wyoming nor used for daily transportation to or from employment in Wyoming for a continuous period of more than fourteen (14) days;

(xi) Rental vehicles rented in Wyoming from a licensed rental vehicle agency, provided the surcharge is paid pursuant to W.S. 31-3-104 and the vehicle is validly registered in another jurisdiction and displays valid registration or license plates in accordance with the laws of that jurisdiction.

(b) Off-road recreational vehicles shall not be registered.

31-2-225. Application requirements; contents; weight certificate; title requirement; liability.

(a) Applications for registration of vehicles shall be filed in the office of the county treasurer in person, by regular mail, or if available, electronically, in the county in which the owner of the vehicle resides or in any county in any other case and contain:

(i) Information required by W.S. 31-2-103(a)(i), (ii), (vii) and (ix);

(ii) Unladen weight if required to compute fees and taxes;

(iii) The purpose for which the vehicle is used and such other

information as required by the department or the county treasurer;

(iv) Color of the vehicle at the time of registration; and

(v) Information regarding whether the owner desires to donate one dollar (\$1.00) or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(b) The department, county treasurer or any peace officer may cause a truck or trailer to be reweighed at any time and a new weight certificate issued. A copy of the certificate of registration shall be carried at all times in the motor vehicle for which it is valid and shall be displayed upon demand of any peace officer.

(c) County treasurers shall not register nor renew the registration of a vehicle unless a certificate of title has been issued to the owner or the owner presents satisfactory evidence that a certificate of title for the vehicle has been previously issued to the owner by any county clerk except:

(i) A county treasurer may register a vehicle without the Wyoming title of an applicant who is an owner, lessee or operator if the vehicle is required to be registered in Wyoming, and the owner, lessee or operator, if applicable, presents proof from any jurisdiction of a current registration and any other requested documentation from any other source necessary to satisfy the treasurer that the applicant is the owner, lessee or otherwise has lawful right to the vehicle as an owner, lessee or operator.

(d) Applications for a specific license plate number shall be made to the county treasurer by the last day of the annual registration month. The county treasurer shall determine the number of license plates to be reserved for each license plate type, but in no case shall the number reserved for any registration year for any one (1) type exceed nine thousand nine hundred ninety-nine (9,999).

(e) No motor vehicle shall be registered unless the applicant verifies the motor vehicle is covered by a motor vehicle liability policy in full force and effect in amounts provided by W.S. 31-9-405(b) or a bond on file with the department in amounts provided by W.S. 31-9-102(a)(xi). The department shall adopt rules and regulations to implement this subsection. This subsection does not apply to self-insurers under W.S. 31-9-414. Issuance or renewal of registration by a county treasurer does not constitute verification or certification on the part of the county treasurer that the registered vehicle is in fact covered by required insurance or bond and neither the county treasurer nor any employee of the county treasurer's office is liable for damages caused by any person operating a registered vehicle in violation of W.S. 31-4-103(a). Proof of insurance shall be carried at all times in the insured vehicle and shall be open for inspection at all times when requested by any peace officer. Any applicant making a

false certification required by this subsection or failing to provide proof of insurance on the registered vehicle as required, is guilty of a misdemeanor punishable pursuant to W.S. 31-4-103(a) upon conviction.

Section 2. W.S. 31-1-101(a)(v), (x), (xiv), (xv)(F), (J), by creating a new subparagraph (N), (xviii)(A), (B), (xx), (xxi), (xxviii) and by creating new paragraphs (xxx) through (xxxii), 31-1-201(a), (d) and (f), 31-1-202, 31-2-101, 31-2-102(a)(ii) and (iii), 31-2-103(a)(intro), (iii), (v), (vi), (ix), by creating a new paragraph (x), (b) through (d) and by creating a new subsection (g), 31-2-104(b) and (f), 31-2-105, 31-2-107(d) and by creating a new subsection (n), 31-2-108(c), (d) and by creating a new subsection (p), 31-2-109 by creating a new subsection (d), 31-2-201(a)(intro), (ii)(B), (iv)(intro) and by creating new subsections (j) through (n), 31-2-204(a), 31-2-206(g), (h) and (k), 31-2-212, 31-2-213(b), 31-2-214(a)(intro), 31-2-215(a) and (b), 31-2-216(a), 31-2-217(a) and (b), 31-2-218(a) and (b), 31-2-219(a), 31-2-220(a) and (b), 31-3-101(a)(i)(A) through (F), (c), (g)(ii), (iii) and (h), 31-3-102(a)(v)(intro), (vi)(A), by creating a new subparagraph (C), (vii) and (xvi), 31-3-103(e) and (g)(intro), 31-3-104(a) through (d), 31-4-101(a)(i) and by creating a new subsection (e) and 31-18-201(t) are amended to read:

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(v) "Factory price" means ~~ninety percent (90%) of the manufacturer's suggested retail price of the make, model and trim level of a vehicle, when new, including all improvements and modifications attached to the vehicle and all accessories and equipment used with the vehicle during the period for which registration is issued, but excludes federal excise taxes, the cost of transportation from the place of manufacture to the place of sale to the first user, mobile radio telephone equipment leased and nonstandard improvements and modifications necessary to permit operation by or transportation of persons with a mobility handicap as defined in W.S. 31-2-213(d)~~ The factory price shall be determined from any current, nationally recognized price guide;

(x) "Implement of husbandry" means sheep wagons, portable livestock loading chutes and every vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon the highways but includes ~~a~~ any trailer only when being towed by a farm tractor;

(xiv) "Legal owner" means ~~the person~~ all persons in whose name a valid certificate of title has been issued;

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power or motorized skateboards. The term includes the following vehicles as hereafter defined:

(F) "Passenger car" means a motor vehicle designed to carry ten (10) persons or less and primarily used to transport persons, including ambulances and hearses but excluding motorcycles, motor homes, multipurpose vehicles, trucks and school buses;

(J) "Truck" means a motor vehicle designed, used or maintained for the transportation of property, including pickup trucks but excluding multipurpose vehicles and passenger cars;

(N) "Pickup truck" means any motor vehicle, excluding multipurpose vehicles and passenger cars, designed, used or maintained for the transportation of property with an attached open cargo box directly behind the passenger compartment and designed to be equipped with a tailgate which can be lowered or opened to load or unload property or cargo.

(xviii) "Owner" means:

(A) The legal owner as defined by W.S. 31-1-101(a)(xiv); or

(B) A person, other than a lienholder, having the property in or title to a vehicle including a person who leases a vehicle and is entitled to lawful use and possession of a vehicle subject to a security interest in another person but excluding a lessee under a lease not intended as security.

(xx) "Rental vehicle" means a vehicle which is rented or offered for rental without a driver for a period of thirty-one (31) days or less;

(xxi) "Resident" for the purposes of this act and unless otherwise exempt, means any one (1) of the following:

(A) Any person, except a full-time student at the University of Wyoming or a Wyoming community college or a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement, who is gainfully employed or engages in any trade, profession or occupation within this state and owns, leases or rents a place of residence or otherwise lives within Wyoming and who for the purpose of employment or, regardless of domicile or any other circumstance, remains in the jurisdiction for a period of one hundred twenty (120) days or more; or

(B) Any person, ~~other than a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement or a full-time student at the University of Wyoming or a Wyoming community college, who is gainfully employed in Wyoming~~ immediately upon filing a homestead or military tax exemption on property in this state; or

(C) Any ~~individual person~~, partnership, company, firm, corporation or association which maintains a main or branch office or warehouse facility within Wyoming or which bases and operates motor vehicles in Wyoming; or

(D) Any individual, partnership, company, firm, corporation or association which operates motor vehicles in intrastate haulage in Wyoming; or

(E) Any person, immediately upon the date of registering to vote in Wyoming; or

(F) Any person, immediately upon the date of application for public assistance from this state; or

(G) Any person, immediately upon purchasing or holding a valid Wyoming resident hunting or fishing license.

(xxviii) “U-Drive-It ~~motor vehicle~~” means a ~~motor vehicle~~ which is rented or offered for rental without a driver ~~and is designed to carry ten (10) persons or less for a period of thirty-one (31) days or less~~, including consumer rental trucks and trailers used to transport personal property and effects, but not including:

(A) Trucks and trailers used to transport commercial freight;

(B) Trailers rented from an agency that does not also offer motor vehicles for rental.

(xxx) “Annual registration month” means:

(A) For a vehicle currently registered in this state, the month in which the registration expires;

(B) For a newly acquired vehicle, the month of acquisition;

(C) For any other vehicle, the month in which the vehicle was initially required to be registered in this state;

(D) For dealer demo, full use and manufacturer license plates, the month in which the dealer’s certificate was issued.

(xxxi) “Full-time student” means, for the purpose of this act: a person who attends the University of Wyoming, community college or any school licensed in this state offering post secondary education on a full-time basis, as defined by the University of Wyoming, community college or any other post secondary school licensed in this state;

(xxxii) "Special equipment" includes any equipment not included in the manufacturer's suggested retail price and not required for the operation of a vehicle upon a highway, but that is attached to the vehicle` during the period for which registration is issued and used for a business or other purpose.

31-1-201. General administrative procedures.

(a) The department shall provide for the administration and enforcement of this act by its divisions. The department has supervisory jurisdiction over the levy and collection of fees and taxes levied by this act and shall ~~subject to subsection (g) of this section,~~ promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act.

(d) The department shall prescribe and provide suitable forms of applications, registration cards and all other forms necessary to carry out the provisions of this act subject to the requirements of this act and shall ~~subject to subsection (g) of this section,~~ promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act. The department shall promulgate rules and regulations permitting any person aggrieved by any final administrative decision of the department including the payment of any fees and taxes to appeal to the office of administrative hearings pursuant to W.S. 9-2-2202. The department shall provide, at cost, suitable certificate of title forms to county clerks.

(f) The department may revoke any vehicle registration, certificate of title, or other authorization when the holder thereof commits fraud or knowingly provides false information on any application or in any process to obtain vehicle registration, certificate of title or other authorization, or is not entitled thereto or for violation of this act following notice and hearing pursuant to the Wyoming Administrative Procedure Act. Following revocation any peace officer, department investigator or special enforcement officer designated by the director to do so upon request by the department shall seize and take possession of the registration card, certificate of title, dealer's certificate, license plates or authorization and return the items to the department within five (5) business days.

31-1-202. Records.

(a) County treasurers shall keep and maintain a permanent record of vehicle registrations, ~~and other applications submitted to and authorizations issued by them pursuant to this act.~~ All applications and records other than the record of vehicle registrations may be destroyed by the treasurer after two (2) years from December 31 of each year.

(b) County clerks shall keep and maintain a record ~~book~~ in which a record of all certificates of title shall be recorded at the time of issue and which is open to inspection by the public during reasonable office hours.

(c) Within ~~seventy-two (72) hours~~ three (3) business days after issuance of a vehicle registration or certificate of title, county treasurers and county clerks shall forward a ~~copy~~ record thereof to the department. County treasurers shall notify the department and sheriff of his county of loss or mutilation of license plates.

(d) The department shall maintain records of vehicle registrations from all counties indexed by distinctive vehicle numbers assigned by the department, the name of the registered owner and vehicle identification numbers. The department shall maintain a record of all vehicle certificates of title from all counties. Records are public and open to inspection by the public during reasonable office hours. The department shall maintain a vehicle identification number index of all vehicles for which certificates of title have been issued. Upon receipt of a notice of issuance of a certificate of title from any county clerk the department may destroy all records relating to former transfers of title to the vehicle and shall retain only the notice of issuance of the certificate of title in effect at any time. The department may annually compile and publish a list of all registered vehicles and supplements thereto which shall be furnished to Wyoming peace officers and the ~~state director of civil defense~~ Wyoming office of homeland security without charge.

(e) Records under this section shall be available to the public pursuant to current federal and state laws relative to the release of private information. Nothing in this section shall supersede federal law.

31-2-101. Required application.

(a) Except as provided by W.S. 31-2-102 and ~~subsection (b) of this section pursuant to W.S. 31-1-101(a)(xxi)(A) through (G)~~, every owner of a vehicle ~~which will be operated on Wyoming highways and for which no Wyoming certificate of title has been issued to the owner; or the transferee upon transfer of ownership of a vehicle for which a Wyoming certificate of title is required, shall apply for a certificate of title at the office of a county clerk, or if available, electronically, within the same time periods as required by W.S. 31-2-201(a)(ii) and (iii).~~

(b) Every owner or transferee upon transfer of ownership of ~~an off-road recreational~~ any vehicle that has an identifying number pursuant to W.S. 31-1-101(a)(ix), including off-road recreational or multipurpose vehicles and, for the purpose of titling under this section, including snowmobiles and watercraft, shall apply for a certificate of title at the office of a county clerk.

31-2-102. Exemptions.

(a) No certificate of title shall be issued for:

(ii) Farm tractors Implements of husbandry, except multipurpose vehicles that qualify as implements of husbandry;

(iii) Vehicles of nonresident owners titled in another state;—If the vehicle is required to be registered in Wyoming, upon proper showing of the current registration in another state, the county clerk shall issue a special nontransferable certificate for registration purposes;

31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for paper certificates of title or electronic certificates of title, if available, shall be under oath and contain or be accompanied by:

(iii) If a new vehicle purchased from a properly licensed dealer in any other state or a properly licensed Wyoming new vehicle dealer, as defined by W.S. 31-16-101(a)(xviii)(A):

(A) The manufacturer's certificate of origin indicating the date of sale to and the name of the first person receiving it from the manufacturer and a certification the vehicle was new when sold by the manufacturer, however, no person shall transfer ownership of a vehicle from a manufacturer's statement of origin or a manufacturer's certificate of origin unless the person is the manufacturer of the vehicle or a properly licensed dealer for that state and who holds a valid sales and service agreement from the manufacturer of the vehicle; and

(B) Certification by the properly licensed dealer that the vehicle was new when sold to the applicant; and

(C) A statement from the dealer indicating the manufacturer's suggested retail price (MSRP) for the make, model and trim level of the vehicle sold.

(v) The current title containing an assignment and warranty of title, if applicable, and an affidavit by the seller, either separate or contained on the current title, which shall contain a reference to the federal regulations stating that failure to complete or providing false information may result in fines and imprisonment and include the following—may include a department approved statement in substantially the following form: "I state that the odometer now reads miles (no tenths) and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein unless one (1) of the following statements is checked: A. I hereby

certify that to the best of my knowledge the odometer reading reflects the amount of mileage is in excess of its mechanical limits; B. I hereby certify that the odometer reading is NOT the actual mileage. WARNING-ODOMETER DISCREPANCY”, to be retained by the county clerk upon issuance of a new title. This paragraph shall not apply to vehicles not originally manufactured with an odometer;

(vi) In the case of a vehicle registered or titled in a state other than Wyoming, or any homemade vehicle, rebuilt vehicle, reconstructed vehicle, any vehicle assembled from a kit or any vehicle for which a bond is required, a current statement made by a Wyoming law enforcement officer, or licensed Wyoming dealer only for vehicles in his inventory or possession, that the vehicle identification number on the vehicle has been inspected and that the inspection occurred in Wyoming and certifying the correct vehicle identification number displayed on the vehicle. Any licensed Wyoming dealer performing an inspection of a vehicle identification number under this section shall, in addition to the requirements of this act, do so pursuant to W.S. 31-11-108. In the case of a vehicle not in Wyoming, the vehicle identification number may be inspected and certified on a form ~~prescribed approved~~ by the department if the inspection is made by an authorized law enforcement officer of a city, county or state law enforcement agency or a commissioned officer at a federal military installation ~~and the form is duly notarized or any other person authorized to do so by law~~ and delivered to the county clerk in the county where the application for certificate of title is made along with payment for the inspection fee required under W.S. 31-3-102(b)(iv); ~~If the certificate of title or registration of a vehicle under this paragraph contains a brand or any word or symbol indicating the vehicle has been damaged by flood, rebuilt, reconstructed or otherwise modified, the brand, word or symbol shall be carried forward on all subsequent certificates of title issued in this state. A vehicle designated by any other state as nonrepairable or any other word or symbol of like kind shall be issued a certificate of title and may be reregistered if the owner complies with the provisions of W.S. 31-2-107 and 31-2-108;~~

(ix) Such other information as required by the department or county clerk which may include but not be limited to a vehicle bill of sale or similar document, any documentation necessary to verify proof of ownership including an affidavit for proof of ownership or any surety bond required by this act. Any affidavit for proof of ownership shall be prescribed pursuant to W.S. 31-1-201(d) and shall be utilized by each county of this state;

(x) A Wyoming certificate of title shall contain an appropriate notice whenever records readily accessible to the state indicate that the motor vehicle was previously issued a title or registration from any jurisdiction that bore any word or symbol signifying that the vehicle was “salvage”, “unrebuildable”, “parts only”, “scrap”, “junk”, “nonrepairable”, “reconstructed”, “rebuilt” or any other symbol or word of like kind, or that it has been damaged by flood. Any information concerning a motor vehicle’s

status shall also be conveyed on any subsequent title issued for the vehicle by this state, including a duplicate or replacement title.

(b) If the application for title is for a ~~new~~ vehicle purchased from a properly licensed Wyoming dealer, the application may be signed by the dealer, include a statement of transfer by the dealer and of any lien retained by the dealer. Only a properly licensed Wyoming dealer may sign a statement of transfer.

(c) If a vehicle to be titled has no vehicle identification number, the applicant shall apply for and obtain a number from the department pursuant to W.S. 31-11-105.

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a paper certificate of title or electronic certificate of title, if available, upon a form or electronic format, approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b). If a lien is filed with respect to the vehicle, the county clerk shall, immediately within three (3) business days, deliver a copy of the filed lien and a copy of the issued title to the financial institution and if available, such delivery may be made electronically. Each paper certificate of title or electronic version, shall bear a document control number with county designation and certificate of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

(g) Any Wyoming law enforcement officer who determines from a physical inspection that the vehicle identification number has been removed, changed, altered or obliterated for any reason, shall proceed pursuant to W.S. 31-11-111, unless the vehicle is in the process of obtaining a state assigned number pursuant to W.S. 31-11-105.

31-2-104. Transfer of ownership.

(b) If the transferee is a licensed dealer who holds the vehicle for resale, procures the certificate of title from the transferor and operates the vehicle

only for demonstration purposes under dealer license plates, the dealer is not required to obtain a new certificate of title but may transfer the vehicle by an assignment and warranty of title upon the certificate of title or department approved statement of transfer form and deliver the certificate to a subsequent transferee.

(f) Any person knowingly providing false or incomplete information on ~~the damage disclosure~~ any statement required by this act is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both.

31-2-105. Duplicate titles; affidavit of vehicle ownership; bond for certificate of title.

(a) Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE". No duplicate certificate shall be issued before the 11th day after the affidavit is filed unless the owner deposits an indemnity bond to the state of Wyoming with the county clerk ~~in an amount of not less than double the value of the vehicle shown upon the registration of the vehicle. The bond shall be executed by a surety duly authorized to carry on business in Wyoming or by individual sureties qualified as provided by W.S. 1-1-104 and 1-1-105. Bonds shall be conditioned for protection and indemnification of all persons who may have any interest in or dealing with the vehicle against any loss which may occur by reason of the issuance of the duplicate certificate before the 11th day after the affidavit is filed~~ as specified in this section.

(b) If an applicant for a certificate of title required by this act is unable to provide the county clerk with a certificate of title that assigns the prior owner's interest, a notarized bill of sale or other evidence of ownership that satisfies the county clerk that the applicant owns the vehicle, a certificate of title may be issued only if:

(i) The applicant submits an affidavit of vehicle ownership on a form prescribed by the department that shall be signed and sworn before a person who is authorized to administer oaths and affirmations. The affidavit shall contain:

(A) A complete description of the vehicle;

(B) A recital of facts and circumstances by which the applicant acquired the ownership and possession of the vehicle including the previous owner's name and address and why the applicant is unable to provide the clerk with the information required in subsection (b) of this section;

(C) A disclosure of any and all security interests, liens or encumbrances that are known to the applicant and that are outstanding against the vehicle;

(D) A statement that the applicant is the true and lawful owner of the vehicle and has the right to have a certificate of title issued.

(ii) In addition to the affidavit of ownership, the applicant shall furnish the county clerk an indemnity bond as specified by this section.

(c) If the vehicle for which the applicant is applying for a certificate of title has a value less than six hundred dollars (\$600.00), a title may be issued without a bond if the applicant presents an affidavit of vehicle ownership, a notarized bill of sale, a certified, written statement of the value from a properly licensed Wyoming vehicle dealer and a vehicle identification number (VIN) inspection, or any other information the county clerk may require for proof of ownership, at the time of application.

(d) Any bond required by this section shall be executed by a surety duly authorized to carry on business in Wyoming or by individual sureties qualified as provided by W.S. 1-1-104 and 1-1-105. The amount of any bond required under this section shall not be less than double the value of the vehicle determined at the time of the application. If the value of the vehicle cannot be determined from any prior registration or title, the applicant shall provide the county clerk the value of the vehicle. The value of the vehicle shall be determined by the applicant or the surety from any current national appraisal guide, current or past registration if the value is present on any registration for the vehicle, or the value may be on certified written statement obtained from a properly licensed Wyoming vehicle dealer. The bond shall be conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor or encumbrancer of the vehicle and any respective successors in interest against expenses, losses or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title and interest of the applicant in the vehicle.

(e) If any person suffers a loss or damage by reason of the filing or issuance of the certificate of title as provided in this section, such person shall have a right of action to seek relief directly against the applicant and the surety on the applicant's bond against either of whom the person damaged may proceed independently of the other, but the aggregate liability of the surety to any or all persons seeking relief shall not exceed the total amount of the bond.

31-2-107. Titles for damaged vehicles; return of certificate of title and registration for damaged vehicle; replacement title and registration.

(d) This section shall not apply to motor vehicles with more than eight (8) years of service except any vehicle that was previously issued a title from any state that bore any word or symbol signifying that the vehicle was "salvage", "unrebuildable", "parts only", "scrap", "junk", "nonrepairable", "reconstructed", "rebuilt" or any other symbol or word of like kind, or that it has been damaged by flood, shall obtain a Wyoming title with the prior brand or any other information concerning the motor vehicle status, carried forward on any subsequent Wyoming title irregardless of years of service.

(n) Any vehicle that is titled pursuant to this section may be reregistered if the owner complies with the provisions of this section and W.S. 31-2-108. Any vehicle branded "salvage" as a result of hail or theft with no damage, other than cosmetic, or vehicles titled "rebuilt" or "reconstructed" by any other state and that brand is carried forward on a Wyoming title, are not required to go through the rebuilt title process and may be reregistered pursuant to this act after obtaining a Wyoming title branded "salvage" or "rebuilt", as applicable.

31-2-108. Rebuilt salvage vehicles; titles; requirements.

(c) A motor vehicle owner submitting an application for a rebuilt salvage vehicle decal shall be required to provide a completed document approved by the department identifying the vehicle's damage prior to being repaired, a copy of the original certificate of title branded "salvage" and the name and address of the person who repaired or rebuilt the vehicle. The owner shall also include an affirmation that the information in the declaration is complete and accurate and, to the knowledge of the declarant, no stolen parts were used during the rebuilding. Vehicles for which the certificate of title issued by another jurisdiction is clearly branded or declared as "salvage" due to hail or theft with no damage, other than cosmetic, or vehicles titled "rebuilt" or "reconstructed" by any other state and the brand is carried forward on a Wyoming title, are not required to go through the rebuilt title process for registration purposes and may be reregistered pursuant to this act after obtaining a Wyoming title branded "salvage" or "rebuilt" as applicable, or in the case of a vehicle damaged by hail or theft with no damage, other than cosmetic, by submitting to the county clerk a statement from a properly licensed Wyoming vehicle dealer or a licensed insurance adjuster that the damage is cosmetic only.

(d) After the owner of a motor vehicle for which a certificate of title branded "salvage" has been issued pursuant to this act, provides the information required under subsection (c) of this section to the department, the department shall provide to the owner a secure decal which shall comply with the permanency requirements of the department, stating

“rebuilt salvage vehicle”. The owner shall apply the decal to the driver’s door jamb of the vehicle prior to having the vehicle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. On a motorcycle, the owner shall apply the decal opposite the vehicle identification number on the fork crown in a manner that does not obscure the vehicle identification number, prior to having the motorcycle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. The owner shall pay the fee specified in W.S. 31-3-102(b) for the inspection.

(p) If a damaged vehicle is rebuilt and the owner is issued a certificate of title branded “rebuilt”, the owner shall register the vehicle as required under W.S. 31-2-201, unless the owner is a licensed vehicle dealer under chapter 16 of this title and the vehicle was rebuilt for resale to the public. If the person registering the rebuilt vehicle is the person under whose name the vehicle was previously registered and the annual registration year for the vehicle prior to being damaged has not expired at the time of application under this section, a credit shall be issued for the remainder of the current annual registration year for the vehicle to be applied against any registration fees due for registration of the vehicle for the same period.

31-2-109. Disclosure requirements.

(d) Nothing in this act shall prevent the buyer from voiding the sale if there is evidence that the buyer failed to receive the branded title, or a copy of the branded title, or any other notification indicating the title bore any brand at the time of purchase, regardless of when the title was issued in the buyer’s name. The election to render the sale voidable shall be in writing and delivered to the seller not later than thirty (30) days after the buyer first receives knowledge that the title carries a brand. This paragraph shall apply only if there is evidence that the seller knowingly failed to notify the buyer with the intent to defraud the buyer.

31-2-201. Registration required; timelines.

(a) Every owner of a vehicle shall apply for registration of and license plates for the vehicle. Except as provided in W.S. 31-2-224, every owner, or if applicable, operator or lessee, of a vehicle which will be operated or driven upon any highway in Wyoming, shall be required to obtain registration at the following times:

(ii) Upon transfer of ownership of a vehicle:

(B) Within forty-five (45) days if transferred by an out-of-state dealer, regardless of when the out-of-state temporary permit expires;

(iv) Notwithstanding paragraph (iii) of this subsection, immediately if

the operator of a vehicle operated in this state is: when the vehicle is being operated by a person not from this state for transportation to or from, or for the purpose of gainful employment or any trade, profession or occupation within this state.

(j) Any nonresident owner, lessee or operator of a vehicle that is not a commercial vehicle, who is employed in this state on a temporary or full-time basis may choose to purchase a temporary worker registration permit from the county treasurer in lieu of registering the vehicle pursuant to paragraph (a)(iv) of this section and paying the fees pursuant to W.S. 31-3-101, provided the vehicle displays a valid registration and license plate from another jurisdiction and is properly insured. Application for the temporary worker registration permit shall be made to the county treasurer in the manner and form prescribed by the department and shall be submitted with proof of valid insurance. The temporary worker registration permit shall bear a distinctive number assigned to the vehicle, an expiration date and at all times be prominently displayed and clearly visible on the vehicle in a manner prescribed by the department. Fees collected under this subsection shall be deposited in the county general fund. The fee for a temporary worker registration permit shall be fifty dollars (\$50.00) per each month of required registration, and shall not exceed one hundred twenty (120) days per vehicle.

(k) W.S. 31-2-225 notwithstanding, upon compliance with W.S. 39-15-107(b) and 39-16-107(b), if applicable, an owner of a commercial vehicle that is not a Wyoming based commercial vehicle as defined by W.S. 31-18-201(a)(vi), a nonresident owner of a vehicle not employed in this state, or any owner upon transfer of ownership or lease, may, as an alternative to registration, obtain one (1) temporary registration permit in a twelve (12) month period authorizing operation of the vehicle on the highways of this state for a period not to exceed ninety (90) days from the date of issuance of the temporary registration permit. Any registration issued under this section shall bear a distinctive number assigned to the vehicle, an expiration date and at all times be prominently displayed and clearly visible on the vehicle in the manner prescribed by the department. Application for a temporary registration permit shall be made to the county treasurer in the manner and form prescribed by the department. A temporary registration permit under this subsection shall be considered an initial registration under W.S. 31-1-101(a)(xxx). The fee for the temporary registration permit shall be an amount equal to the following fractions of the annual registration fees for the vehicle required under W.S. 31-3-101:

- (i) Up to thirty (30) days at one-tenth (.10);
- (ii) Up to sixty (60) days at two-tenths (.20);
- (iii) Up to ninety (90) days at three-tenths (.30).

(m) A one time "in transit" permit may also be purchased for a fee of twenty dollars (\$20.00) per vehicle, which entitles a person who obtains a vehicle from any person, other than a licensed Wyoming vehicle dealer, to operate the vehicle on the highways of Wyoming without registration, only for the purpose of removing the vehicle from the state within a period of forty-eight (48) hours from the date of the permit. The applicant for this permit shall be required to provide any documentation necessary, including proof of insurance, to satisfy the county treasurer that the applicant has the lawful right to the vehicle. The permit shall expire forty-eight (48) hours after issuance, or upon leaving the state. The permit shall bear a distinctive number assigned to the vehicle, an expiration date and shall at all times be prominently displayed and clearly visible on the vehicle in a manner prescribed by the department.

(n) A vehicle which is not included as part of a licensed dealer's inventory, is not currently registered in this state or any other jurisdiction and is required to be registered if operated on the public highways of this state may be operated for demonstration purposes, without a load, on the public highways of this state while displaying a demonstration permit. The permit shall be obtained from the department, agent or any authorized person by the department, upon application, presentation of a valid certificate of title and payment of the prescribed fee. The permit shall indicate the dates of demonstration, not exceeding ninety-six (96) hours, and such other information as the department prescribes. The department shall prescribe the manner in which the permit shall be displayed.

31-2-204. Issuance of certificates of registration and license plates by county; form.

(a) Upon receipt of an approved application and payment of fees the county treasurer shall issue to the applicant a certificate of registration conforming with the facts set forth in the application together with one (1) license plate or validation sticker for motorcycles, multipurpose vehicles, trailers, including house trailers, and vehicles operated with dealer license plates and two (2) license plates or proper validation stickers for any other vehicle. A copy of the certificate of registration shall be carried at all times in the motor vehicle for which it is valid and shall be displayed upon demand of any peace officer.

31-2-206. Annual renewal; delivery of license plates and stickers; staggered registration.

~~(g) Notwithstanding subsection (e) of this section, Any person who registers two (2) or more vehicles may select one (1) currently existing annual registration month for all of those vehicles. Notwithstanding paragraph (j)(ii) of this section W.S. 31-1-101(a)(xxx)(B), any person who elects to register vehicles under the provisions of this subsection may thereafter apply to the county treasurer to have the same annual registration month apply to subsequently acquired vehicles. When electing to establish the~~

same registration period for all vehicles, the owner shall pay the current annual registration fee plus one-twelfth (1/12) of that annual fee for each additional month necessary to extend the registration to the registration period under which all the vehicles will be registered. No depreciation shall be allowed for the required additional months. Thereafter, all the vehicles shall be registered on an annual basis.

(h) If a county treasurer with the approval of the board of county commissioners elects to register vehicles under this subsection, the annual registration month for all vehicles shall be December and except for vehicles registered during calendar year 1992 and each year thereafter, the license plates or stickers issued for any calendar year under this subsection shall only be used for the vehicle for which issued through the last day of March of the succeeding calendar year. For vehicles registered during calendar year 1992 and each year thereafter, the license plates or stickers issued for any calendar year under this subsection shall only be issued for use through the last day of February of the succeeding calendar year. ~~Paragraphs (j)(i) and (ii) of this section W.S. 31-1-101(a)(xxx)(A) and (B) do not apply if an election is made under this subsection. A county treasurer with the approval of the board of county commissioners may subsequently elect to follow the procedure in subsections (e) through (g) of this section for any succeeding calendar year by notifying the department not later than April 1 of the year preceding the year for which the election is made and providing adequate publicity to county residents about the election. If any election is made to follow the procedure in subsections (e) through (g) of this section, credit shall be given for registration fees paid through December 31 of the year for which the election is made. If a county treasurer follows the procedure under subsections (e) through (g) of this section, no subsequent election shall be made. No election under this subsection shall be made for a calendar year in which new license plates shall be issued.~~

(k) Dealer demo, full use and manufacturer license plates are valid for one (1) year beginning the first day of the month following the annual registration month provided the dealer or manufacturer holds a valid license pursuant to W.S. 31-16-104 and the dealer or manufacturer license is not suspended, revoked, cancelled or expired. The dealer or manufacturer license plates shall expire upon the date of any revocation, suspension, cancellation or expiration of the dealer or manufacturer license. Any and all license plates expired pursuant to this paragraph shall be immediately returned to the department upon expiration.

31-2-212. Loss, mutilation or destruction of registration, plates or validation stickers.

Upon loss, mutilation or destruction of a certificate of registration, license plate, or validation sticker the owner of a vehicle may obtain a duplicate certificate of registration, new license plates or validation stickers from any county treasurer or the department if the vehicle was registered or

plates or stickers were issued by the department upon application showing the loss, mutilation or destruction, return of mutilated plates or stickers and payment of the duplicate registration, plate or sticker fee. For those vehicles registered under the provisions of W.S. ~~31-2-206(b), 31-2-207 through 31-2-209, 31-2-213(h) or 31-2-215 through 31-2-217-31-2-223,~~ replacement duplicate license plates may be obtained upon application with the county treasurer from which the original plates were purchased or the department if applicable, accompanied by fees as provided by W.S. ~~31-3-102(a)(vi)(A)-31-3-102(a)(vi)(C).~~ Duplicate license plates obtained under this section to replace lost or stolen plates shall not be displayed on the vehicle until the validation stickers on the lost or stolen plates have expired. Upon loss, mutilation or destruction of a dealer plate or validation sticker the dealer may obtain a replacement dealer plate or validation sticker from the county treasurer from which he purchased the original plate in the same manner as the owner of a vehicle and upon payment of the appropriate fee under W.S. 31-3-102(a)(vi). Obtaining a replacement plate is not the purchase of an additional plate under W.S. 31-16-125(b)(i). Upon application for new license plates or stickers the county treasurer shall notify the department and the county sheriff as soon as possible of the loss, mutilation or destruction. The department shall notify the appropriate law enforcement agencies of any loss, mutilation or destruction of license plates or stickers.

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(b) The department may issue license plates, except dealer and antique motor vehicle license plates, which shall be valid for not more than eight (8) years if annual validation stickers are attached covering the original year designation on the plate in the upper left corner of the license plate with the month and year of expiration clearly visible. Department authorized license plates and annual stickers shall be of colors that are readily distinguishable from the previous year.

31-2-214. Transfer of ownership.

(a) Except as provided by subsections (b) through (d) of this section, upon transfer of ownership of a vehicle the registration of the vehicle expires and the original owner shall immediately remove the license plates from the vehicle. Within ~~ten (10) forty-five (45)~~ days after acquiring another vehicle for which the license plates would be proper, the original owner may file an application for the transfer of the license registration number to a vehicle acquired by him accompanied by the fees based on the amount which would be due on a new registration as of the date of transfer less any credit for the unused portion of the original registration fees for the original vehicle for the assignment of the plates to the recently acquired vehicle subject to the following:

31-2-215. Disabled veteran's license plates.

(a) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs and who is a resident at the time of application under subsection (b) of this section, may apply for distinctive license plates for a motor vehicle, other than a commercial vehicle, motorcycle, multipurpose vehicle, bus or motor home, owned or leased by him upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol or letters identifying the registrant as a disabled veteran. The department shall prescribe the symbol or letters which shall not include arabic numerals designating the county.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by ~~W.S. 31-2-201~~ this article, except application shall be made not less than thirty (30) days before the last day of the applicant's annual registration month. Application forms shall be available at all county treasurer's offices.

31-2-216. Special plates; former prisoners of war.

(a) The county treasurer shall issue one (1) set of special license plates for either a passenger car, truck or motor home owned or leased by a former prisoner of war in accordance with this section for the year 1988 and thereafter.

31-2-217. Special plates; Pearl Harbor survivors; national guard members; purple heart recipients.

(a) The county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck or motor home owned or leased by a survivor of Pearl Harbor or by a member of the Wyoming army or air national guard, in accordance with this section for the year 1990 and thereafter. For the year 1993 and thereafter, the county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck or motor home owned by a purple heart recipient. These license plates shall be displayed upon the vehicle for which they are issued.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by ~~W.S. 31-2-201~~ this article. Application forms shall be available at all county treasurer's offices. The registration fees prescribed by W.S. 31-3-101 shall accompany each application. No additional fee shall be charged for the license plates provided by this section.

31-2-218. Firefighter's license plates.

(a) A firefighter employed by a city, county, state or duly created fire protection district or a volunteer firefighter as defined by W.S. 35-9-601 may apply for distinctive license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by him upon registration of the vehicle. If the firefighter became a member of a bona fide fire department after January 1, 1995, he shall have a minimum of one (1) year service with the fire department and be firefighter one certified or engine boss wildfire certified in order to apply for the license plate. The fire chief or his designated assistant shall sign a written statement that the applicant is eligible to obtain the license plate. License plates issued under this section shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as a firefighter.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by ~~W.S. 31-2-201~~ this article. The written statement of eligibility required under subsection (a) of this section shall be presented to the county treasurer before a license plate may be issued. Application forms shall be available at all county treasurer's offices. The fee required under W.S. 31-3-102(a)(viii) shall accompany each application.

31-2-219. University of Wyoming license plates.

(a) Any person required to register a vehicle in Wyoming pursuant to ~~W.S. 31-2-201~~ this article may apply to the University of Wyoming for a statement of eligibility for distinctive University of Wyoming license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by the applicant upon registration of the vehicle. Upon payment by the applicant of a fee of one hundred dollars (\$100.00) established and assessed by the University of Wyoming, the university shall issue a written statement of eligibility for University of Wyoming license plates. Application shall be made at least thirty (30) days before registration of the vehicle expires. Any fees collected under this section shall be payable to the University of Wyoming, shall be deposited in a separate account and are continuously appropriated for use as provided in W.S. 21-17-118. The fee authorized under this section may be increased annually up to the percentage increase as shown by the Wyoming cost-of-living index as determined by the division of economic analysis of the department of administration and information.

31-2-220. Emergency medical technician's license plates.

(a) Any person certified by the department of health as an emergency medical technician may apply for distinctive license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by that person upon registration of the vehicle. These license plates

shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as an emergency medical technician.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by ~~W.S. 31-2-201~~ this article. A written statement of eligibility, accompanied by a copy of the applicant's current emergency medical technician certification, shall be presented to the county treasurer before a license plate or renewal sticker may be issued. Application forms shall be available at all county treasurer's offices. The normal registration fees and the fee required under W.S. 31-3-102(a)(viii) shall accompany each application. A person issued distinctive license plates pursuant to this section who is no longer a certified emergency medical technician shall apply for regular license plates pursuant to ~~W.S. 31-2-201~~ this article before registration of the vehicle expires.

31-3-101. Registration fees; exemptions.

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a vehicle:

(i) A county registration fee computed as follows, or five dollars (\$5.00), whichever is greater:

(A) 3% of 60% of the factory price plus special equipment value for a vehicle in its first year of service;

(B) 3% of 50% of the factory price plus special equipment value for a vehicle in its second year of service;

(C) 3% of 40% of the factory price plus special equipment value for a vehicle in its third year of service;

(D) 3% of 30% of the factory price plus special equipment value for a vehicle in its fourth year of service;

(E) 3% of 20% of the factory price plus special equipment value for a vehicle in its fifth year of service;

(F) 3% of 15% of the factory price plus special equipment value for a vehicle in its sixth year of service and thereafter.

(c) When ~~no~~ a factory price or special equipment value is not available for the computation of fees as required by this act an affidavit of valuation executed by the owner may be accepted. When an affidavit is presented for a homemade trailer or homemade special equipment, an affidavit of valuation executed by the owner may be accepted but the valuation

given shall not be less than the actual cost of construction of the trailer or homemade special equipment. The county clerk or treasurer may also utilize a valuation for any trailer set by the county assessor. In no event shall any special equipment for which a registration has been issued be assessed for property taxation purposes pursuant to W.S. 39-13-103.

(g) Owners of the following vehicles are exempt from the payment of fees provided by subsections (a) and (b) of this section:

(ii) Motor vehicles which ~~will have~~ not been operated or driven upon Wyoming highways during the registration year upon the verified affidavit by the owner stating facts entitling him to relief;

(iii) Antique motor vehicles if registered pursuant to W.S. 31-2-223;

(h) Any owner of a vehicle who wishes to donate money to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts shall be provided space on the registration form to do so pursuant to W.S. ~~31-2-201(b)(v)~~ 31-2-222(a)(v). Any money received under this subsection shall be forwarded by the county treasurer to the state treasurer to be deposited into a separate account to be used as provided by W.S. 35-5-118.

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(v) All ~~other~~ demo or manufacturer license plates\$ 25.00

(vi) Duplicate certificate of registration\$ 4.00

(A) New ~~or duplicate~~ license plates upon loss, mutilation or destruction of initial plates.....\$ 8.00

(C) Duplicate license plates that have to be produced for prestige, specialty and preferred number series plates upon loss, mutilation or destruction of initial license plates\$ 30.00

(vii) Certificate of title, ~~including a nontransferable certificate for registration purposes under W.S. 31-2-102(a)(iii)~~, original or duplicate ..
.....\$9.00

(xvi) Demonstration permit under W.S. ~~31-2-201(g)~~ 31-2-201(n)
.....\$ 10.00

31-3-103. Distribution of fees; refunds.

(e) Fifty percent (50%) of the fees collected pursuant to ~~W.S. 31-3-102(a)(vi)(A) and (B)~~ 31-3-102(a)(vi)(A) through (C) and (xii) shall be distributed to the county general fund in the county where the fees were collected.

(g) Fees collected by U-Drive-It ~~motor-vehicle~~ or ~~car rental companies~~ vehicle agencies pursuant to W.S. 31-3-104 in excess of registration fees paid on trucks or passenger vehicles in Wyoming shall be distributed as follows:

31-3-104. Surcharge on rental and u-drive-it vehicles.

(a) Rental ~~companies-vehicle agencies~~ engaged in the business of renting ~~passenger-rental~~ or U-Drive-It ~~motor~~ vehicles for periods of ~~twenty-nine (29)~~ thirty-one (31) days or less shall collect, at the time the vehicle is rented in Wyoming, a four percent (4%) surcharge on each rental contract. For purposes of this section, a vehicle is rented in Wyoming if possession is obtained by the renter in Wyoming. The surcharge shall be computed on the total dollar amount stated in the rental contract, except that taxes imposed by chapters 15 and 16 of title 39 shall not be used in computing the surcharge. The surcharge paid under this section shall not be subject to the taxes imposed by chapters 15 and 16 of title 39.

(b) The surcharge shall be noted in the rental contract and collected in accordance with the terms of the contract. Except as provided in subsection (c) of this section, the surcharge shall be retained by the vehicle owner or the rental ~~company-vehicle agency~~ engaged in the business of renting ~~passenger-rental~~ or U-Drive-It ~~motor~~ vehicles as reimbursement for registration fees paid under W.S. 31-3-101.

(c) On February 15 of each year, all rental ~~companies-vehicle agencies~~ which collect surcharges pursuant to this section shall file a report with the department stating the total amount of registration fees paid in Wyoming on ~~its passenger-their rental~~ or U-Drive-It ~~motor~~ vehicles for the preceding calendar year, the total amount of ~~passenger-rental~~ or U-Drive-It ~~motor~~ vehicle rental revenues earned ~~on rentals~~ in Wyoming for the preceding calendar year and the amount by which the total amount of the surcharges collected for the preceding calendar year exceeds the total amount of Wyoming registration fees on ~~passenger-rental~~ or U-Drive-It ~~motor~~ vehicles paid for the preceding calendar year. All surcharge revenues collected in excess of the total amount of Wyoming registration fees paid on ~~passenger rental~~ or U-Drive-It ~~motor~~ vehicles shall be remitted to the department for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this subsection:

(i) The rental ~~company-vehicle agency~~ shall retain copies of rental contracts;

(ii) The department may require rental ~~companies~~ vehicle agencies to furnish copies of rental contracts for purposes of ensuring compliance with this section.

(d) Any rental ~~company~~ vehicle agency which makes a false report to the department with the intent to misrepresent the amount of registration fees paid on ~~passenger rental~~ or U-Drive-It ~~motor~~ vehicles or the amount of surcharges collected is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation constitutes a separate offense.

31-4-101. General prohibitions.

(a) No person shall knowingly operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle:

(i) Unless a valid certificate of title, ~~or nontransferable certificate under W.S. 31-2-102(a)(iii)~~, certificate of registration and license plates or temporary permits have been issued for the vehicle except as otherwise provided by this act;

(e) No person shall operate a vehicle in any manner with an expired or improper registration, permit, decal or any other department approved registration upon any highway or other publicly maintained roadway in this state.

31-18-201. Commercial vehicles; registration; exemptions.

(t) An owner of a commercial vehicle engaged in the motion picture industry whose vehicle is properly registered in another state and not entitled to the registration or licensing exemption under W.S. ~~31-2-201(d)~~ 31-2-224 or this section may, as an alternative to registration or proportional registration and in lieu of the fee required by W.S. 39-17-106(g) and 39-17-206(d), apply to the department for a temporary permit to operate the vehicle in Wyoming for ninety (90) days upon payment of the appropriate fees prescribed in subsection (s) of this section. As used in this subsection, "motion picture industry" includes all filming in this state for commercial purposes including advertising. Any person operating a vehicle in Wyoming beyond the period authorized in the temporary permit is subject to a civil penalty requiring full registration of the vehicle in Wyoming for the registration year in which the violation occurred and payment of all fees required for registration.

Section 3. W.S. 31-2-208 through 31-2-210 are amended and renumbered as 31-2-221 through 31-2-223 to read:

~~31-2-208~~ 31-2-221. Prestige license plates.

Excluding dealer, antique, specialty, apportioned, publicly owned vehicle and radio amateur license plates, upon payment of the regular registration fees prescribed by W.S. 31-3-101 and a prestige license plate fee and application to the department, the distinctive license plate number assigned to a vehicle may consist of such combination of alphabetical letters or arabic numerals not currently held nor requested by any vehicle owner in the same county if approved by the department. Application shall be made to the department not later than sixty (60) days before the first day of the annual registration month for the vehicle. An owner having prestige license plates is entitled to the first priority for similar plates upon timely and proper application for license plates. A request for renewal of the registration for the prestige license plate may be made to a county treasurer for issuance of a renewal registration and validation sticker.

~~31-2-209~~ 31-2-222. Radio amateur license plates.

A resident who is the owner of a motor vehicle that is not a commercial vehicle or multipurpose vehicle and who is licensed by the federal communications commission to engage in private and experimental two-way radio operation and holding a bona fide novice class license or higher may apply to the department for radio amateur license plates for one (1) passenger car and one (1) pickup truck only whereby the distinctive license plate number assigned to the motor vehicles shall consist of the figures and letters that make up the call sign of the radio amateur as issued by the federal communications commission. Upon payment of the additional radio amateur license plate fee the department shall furnish radio amateur license plates of such size and design as prescribed by the department to the county treasurer of the county in which the approved applicant resides. The county treasurer shall issue the plates to the applicant upon payment of the regular registration fees. A request for renewal of the registration for the radio amateur license plate may be made to a county treasurer for issuance of a renewal registration and validation sticker. The department may promulgate rules and regulations as provided by the Wyoming Administrative Procedure Act to implement the provisions of this section.

~~31-2-210~~ 31-2-223. Antique motor vehicles.

(a) Antique motor vehicles ~~shall~~ may be registered and licensed pursuant to this section.

(b) The owner of an antique motor vehicle shall register the vehicle within ten (10) days from the date of acquisition of the vehicle by submitting an application to the department indicating:

- (i) The owner has resided in Wyoming for at least one (1) year;
- (ii) The vehicle is owned and operated solely for the purposes of

organized antique car club activities, parades, exhibitions, tours and other related activities and will not be used for general transportation;

(iii) The vehicle is titled in Wyoming.

(c) Upon receipt of an approved application and payment of fees the vehicle shall be registered and license plates issued therefor. The registration expires upon transfer of ownership of the vehicle. Notwithstanding W.S. 31-2-205(a)(i)(A), a license plate shall only be required to be displayed on the rear of those antique motor vehicles that were originally manufactured to have one (1) license plate.

Section 4. W.S. 31-1-201(g), 31-2-102(a)(iv) and (vi), 31-2-104(g), 31-2-107(c), 31-2-108(a), 31-2-201(a)(iv)(A) through (C) and (b) through (h), 31-2-206(b), (j) and (m), 31-3-101(a)(ii)(G) and (b)(xii) and 31-3-102(a)(iv)(intro) and (xviii) are repealed.

Section 5. No vehicle, including a trailer, watercraft or snowmobile, previously not required to be titled under title 31 of the Wyoming statutes, shall be required to be titled under this act until such time as the owner of such vehicle transfers his right to the vehicle, at which time the owner and subsequent owners shall be required to comply with this act.

Section 6. This act is effective January 1, 2010.

Approved February 24, 2009.

Chapter 17

BRUCELLOSIS SURVEILLANCE PROGRAM-2

Original Senate File No. 31

AN ACT relating to agriculture and animals; modifying the brucellosis surveillance program to provide for spaying heifers and adult vaccinations; modifying compensation rates; 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 amended to read:

11-19-407. Brucellosis testing program.

(a) The livestock board shall develop a brucellosis ~~testing~~ surveillance

program which in the designated surveillance area as defined by the livestock board. The program may be conducted with the help of veterinary practitioners and livestock auction markets. This program shall provide for the testing of livestock for brucellosis, for spaying heifers and for adult vaccinations only to the extent that may be reasonably necessary to maintain or to regain the brucellosis-free status of the state of Wyoming. Compensation under this program for all purposes except mandatory testing shall be pursuant to the terms of a livestock herd plan that has been entered into between the livestock producer and the Wyoming state veterinarian.

(b) The compensation for brucellosis surveillance testing, spaying heifers and adult vaccinations shall be paid at not less than three dollars and fifty cents (\$3.50) one dollar and fifty cents (\$1.50) per head and not more than eight dollars (\$8.00) per head of cattle actually tested, spayed or adult vaccinated. Compensation for brucellosis testing, spaying or adult vaccinating may include the purchase of brucellosis testing, spaying or adult vaccinating equipment, supplies and postage.

(c) Payments under subsection (b) of this section shall be made monthly directly to accredited veterinarians who perform brucellosis testing, spaying, adult vaccinating and surveillance planning or to livestock auction markets that use their facilities and veterinarians to conduct brucellosis testing, spaying or adult vaccinating 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, spayed or adult vaccinated, the ownership of the animals tested, spayed or adult vaccinated and the testing, spaying or adult vaccinating location.

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 February 24, 2009.

Chapter 18

DISTRICT COURTS-RELEASE OF INFORMATION

Original Senate File No. 25

AN ACT relating to criminal procedure; providing that specified information relating to a sexual offense shall not be released prior to the filing of an information or indictment in a district court; repealing a similar provision; and providing for an effective date.

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

Section 1. W.S. 6-2-319(a) and (b) is amended to read:

6-2-319. Names not to be released; restrictions on disclosures or publication of information; violations; penalties.

(a) Prior to the filing of an information or indictment in district court charging a violation of ~~W.S. 6-2-314 through 6-2-318~~ an offense under this article, neither the names of the ~~person accused~~ alleged actor or the victim of the charged offense nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee except as authorized by the judge with jurisdiction over the criminal charges. The actor's name ~~of the person accused~~ may be released to the public to aid or facilitate an arrest.

(b) After the filing of an information or indictment in district court and absent a request to release the identity of a minor victim by the minor or another acting on behalf of a minor victim, the trial court shall, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure of the name of the minor victim, unless the name has been publicly disclosed by the parent or legal guardian of the minor or by law enforcement in an effort to find the victim. The trial court may, to the extent necessary to protect the welfare of the minor victim, restrict disclosure of the information reasonably likely to identify the minor victim.

Section 2. W.S. 6-2-310 is repealed.

Section 3. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 19

LOSS OF FIREARMS RIGHTS-PROTECTIONS

Original Senate File No. 70

AN ACT relating to crimes and criminal procedure; requiring advisement of potential loss of firearms rights prior to conviction upon a plea of guilty or nolo contendere; providing for public defender representation for misdemeanor cases in which firearms rights are subject to loss; and providing for an effective date.

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

Section 1. W.S. 7-11-507 is created to read:

7-11-507. Advisement of loss of firearms rights upon conviction.

(a) No judgment of conviction shall be entered upon a plea of guilty or nolo contendere to any charge which may result in the disqualification of the defendant to possess firearms pursuant to the provisions of 18 U.S.C. §§

922(g)(1), (9) and 924(a)(2) or other federal law unless the defendant was advised in open court by the judge:

(i) Of the collateral consequences that may arise from that conviction pursuant to the provisions of 18 U.S.C. §§ 921(a)(33), 922(g)(1), (9) and 924(a)(2); and

(ii) That if the defendant is a peace officer, member of the armed forces, hunting guide, security guard or engaged in any other profession or occupation requiring the carrying or possession of a firearm, that he may now, or in the future, lose the right to engage in that profession or occupation should he be convicted.

Section 2. W.S. 7-6-102(a)(v) is amended to read:

7-6-102. Definitions.

(a) As used in this act:

(v) "Serious crime" means:

(A) Any felony or misdemeanor under the laws of the state of Wyoming for which incarceration as a punishment is a practical possibility, provided, however, that counsel need not be appointed for a misdemeanor if the judge, at the initial appearance, determines and states on the record that he will not sentence the defendant to any period of imprisonment if the defendant is convicted of the misdemeanor; and

(B) Any misdemeanor offense charged under W.S. 6-2-501, or any other provision, a conviction of which is a "misdemeanor crime of domestic violence" as defined in 18 U.S.C. § 921(a)(33), and which may therefore result in the disqualification of the person to possess firearms pursuant to the provisions of 18 U.S.C. §§ 922(g)(9) and 924(a)(2), regardless of the determination of the judge that he intends not to impose a term of incarceration for the state offense.

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 February 24, 2009.

Chapter 20**DESIGNATED REAL ESTATE AGENTS**

Original Senate File No. 110

AN ACT relating to real estate licensees; clarifying roles and relationships in real estate transactions as specified; specifying duties and obligations of real estate licensees; clarifying and specifying liabilities of parties and licensees in real estate transactions; limiting confidentiality of communications between customers and licensees 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. 33-28-310 and 33-28-311 are created to read:

33-28-310. Licensees working with buyers and sellers as customers; duties; exceptions.

(a) A licensee working with a buyer or seller who is a customer shall owe the following duties and obligations to the buyer or seller:

(i) To exercise reasonable skill and care including:

(A) Presenting all offers and counteroffers in a timely manner regardless of whether the property is subject to a contract for sale;

(B) Advising the parties to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee;

(C) Accounting in a timely manner for all money and property received by the licensee;

(D) Keeping the parties fully informed regarding the transaction;

(E) Assisting the parties in complying with the terms and conditions of any contract which may include closing the transaction;

(F) Disclosing to all prospective buyers any adverse material facts actually known by the licensee, including but not limited to adverse material facts pertaining to the title, the physical condition of the property, any defects in the property and any environmental hazards affecting the property required by law to be disclosed;

(G) Disclosing to any prospective seller all adverse material facts actually known by the licensee, including but not limited to adverse material facts pertaining to the buyer's financial ability to perform the terms of the transaction.

(ii) To comply with all requirements of this article;

(iii) To comply with any applicable federal, state or local laws, rules, regulations or ordinances.

(b) A licensee has no duty to conduct an independent inspection of the property for the benefit of the buyer and has no duty to independently verify the accuracy or completeness of statements made by the seller or independent inspectors.

(c) A licensee has no duty to conduct an independent investigation of the buyer's financial condition or to verify the accuracy of completeness of any statement made by the buyer.

(d) A licensee may do the following without breaching any obligation or responsibility:

(i) Show alternative properties not owned by the seller to a prospective buyer;

(ii) List competing properties for sale or lease;

(iii) Show properties in which the buyer is interested to other prospective buyers; and

(iv) Serve as an agent, subagent or intermediary for the same or for different parties in other real estate transactions.

33-28-311. Licensees working with landlords and tenants.

(a) For the purposes of this article, a licensee shall be deemed to be working with:

(i) The landlord as an agent or intermediary pursuant to a written agreement; and

(ii) The tenant who is a customer unless otherwise provided for in writing between the parties.

Section 2. W.S. 33-28-301(a)(iii), (iv), (vii), (viii) and by creating new paragraphs (ix) through (xiv), 33-28-302(a) through (c), (e) through (g) and by creating new subsections (h) through (q), 33-28-303(a)(intro), (iii)(A), (C), (D), (E), (G), (b)(intro) and (c), 33-28-304(a)(intro), (iii)(A), (C) through (E), (G), (b)(intro) and (c), 33-28-305(a) and (b)(intro), 33-28-306(a)(intro), (i), (iv), by creating new paragraphs (vi) and (vii) and (b) through (d), 33-28-307(a)(intro) and (ii) and 33-28-308(c), (d) and (f) are amended to read:

33-28-301. Definitions.

(a) As used in this article:

(iii) "Buyer's agent" means a ~~broker~~-licensee who is authorized to represent and act for the buyer in a real estate transaction;

(iv) "Intermediary" means a ~~broker~~-licensee who assists one (1) or more parties throughout a contemplated real estate transaction with communication, and ~~contract terms, forms or~~ the closing of the real estate transaction without being an agent or advocate for any party to the transaction;

(vii) "Seller's agent" means a ~~broker~~-licensee who is authorized to represent and act for the seller in a real estate transaction;

(viii) "Subagent" means a ~~broker~~-licensee authorized to represent and act for ~~another~~ a broker in performing brokerage tasks for a principal. The subagent owes the same obligations and responsibilities to the principal as does the principal's broker;-

(ix) "Customer" means a party to a real estate transaction who has established no intermediary or agency relationship with any licensee in that transaction;

(x) "Designated agent" means a licensee who is designated in writing by a responsible broker to serve as an agent or intermediary for a seller or buyer in a real estate transaction;

(xi) "In-house real estate transaction" means a real estate transaction wherein the buyer and seller are both represented by, or working with, licensees working in the same real estate firm;

(xii) "Licensee" means an individual licensed pursuant to W.S. 33-28-102(a)(ix);

(xiii) "Responsible broker" means an individual who has a broker's license and who has been designated as the broker who is responsible for the supervision of the activities of licensees associated with the brokerage firm or a broker who operates a single license office;

(xiv) "Transaction manager" means a licensee designated in writing by the responsible broker to supervise a transaction. The transaction manager shall not be an agent in the transaction and shall have the duties of an intermediary while supervising the transaction.

33-28-302. Relationships between licensees and the public.

(a) A broker shall not be required to offer or engage in ~~any more than~~ one (1) ~~or in all~~ of the brokerage relationships. When engaged in any of

the activities enumerated in this article W.S. 33-28-102(a)(iii), a licensee may act in any real estate transaction as an agent or intermediary or may work with the seller or buyer as a customer. The licensee's duties and obligations arising from that relationship shall be disclosed to the seller or buyer pursuant to this article.

(b) When engaged in any of the activities enumerated in W.S. 33-28-102(a)(iii), a ~~broker licensee~~ may act as an agent only pursuant to a written agreement with the seller or buyer which discloses the duties and responsibilities set forth in W.S. 33-28-303 or 33-28-304.

(c) When engaged in any of the activities enumerated in W.S. 33-28-102(a)(iii), a ~~broker licensee~~ may act as a subagent with the duties and responsibilities set forth in W.S. 33-28-303(g), only pursuant to a written agreement between the seller and the seller's agent authorizing an offer of subagency to other brokers, or as an intermediary with the seller or buyer, which written agreement discloses the duties and responsibilities set forth in W.S. 33-28-305.

(e) A ~~broker licensee~~ may work with a single party in separate transactions pursuant to different relationships, including selling one (1) property as a seller's agent and working with that seller in buying another property as an intermediary; or buyer's agent or subagent, if the broker licensee complies with this article in establishing the relationships a separate relationship in writing for each transaction.

(f) A ~~broker, associate broker or salesman, licensed pursuant to article 1 of this chapter, licensee~~ may complete standard real estate forms and shall explain to the parties the effects thereof; if the ~~broker, associate broker or salesman licensee~~ is performing the activities enumerated or referred to in W.S. 33-28-102(a)(iii) in the transaction in which the forms are to be used.

(g) Every contract, duty or relationship within this article, including intermediary or customer relationships, imposes an obligation of good faith and fair dealing in its performance or enforcement.

(h) If a real estate brokerage firm has more than one (1) licensee, the responsible broker and any licensee associated with or engaged by that responsible broker may be designated to work with the seller or the buyer as a designated agent. For an in-house real estate transaction, the designated agent shall be:

(i) A broker;

(ii) An associate broker; or

(iii) A salesman under the direct supervision of a broker, and the broker is not:

(A) A party to the real estate transaction; or

(B) A transaction manager.

(j) Licensees employed or engaged by the same responsible broker may be designated agents for different buyers or sellers in the same transaction. If the responsible broker is representing a buyer or a seller in an in-house transaction, the responsible broker shall immediately appoint a transaction manager. The simultaneous designations shall not constitute dual agency or require the responsible broker or licensee to act as an intermediary unless otherwise required by this article. A responsible broker or transaction manager shall have access to all necessary information but shall be prohibited from sharing any confidential information of any party to the transaction that the broker or manager may learn in the process of supervising the licensees or the transaction.

(k) A licensee may work as an agent for the seller treating the buyer as a customer or as an agent for the buyer treating the seller as a customer but not as an agent for both the seller and the buyer. A licensee may be designated to work as an intermediary for both the seller and the buyer in the same transaction. The applicable designated relationship shall be disclosed in writing to the seller and buyer at the earliest reasonable opportunity. A designated agent is not precluded from working with a buyer or seller in a real estate transaction solely because the agent was precluded from representing that person in an earlier separate real estate transaction.

(m) No seller or buyer shall be vicariously liable for an agent's acts or omissions that have not been approved, directed or ratified by the seller or buyer.

(n) Nothing in this section shall be construed to limit the responsible broker's responsibility to supervise licensees associated with the broker or firm or to shield the broker from vicarious liability.

(o) A licensee shall not establish dual agency with any seller or buyer.

(p) A customer relationship shall exist between a licensee and any party to a real estate transaction unless a single agency or intermediary relationship is established through a written agreement between the licensee and the party or parties. When a buyer or seller is represented by another licensee, a licensee may work with the other buyer or seller as a customer, having no written agreement, agency or intermediary relationship with either party. A licensee shall not owe any duty of confidentiality to a customer.

(q) Proprietary ownership interest of listings shall be vested in the responsible broker.

33-28-303. Seller's agent engaged by seller.

(a) A ~~broker~~ licensee engaged by a seller to act as a seller's agent has the following duties and obligations:

(iii) To promote the interests of the seller with the utmost good faith,

loyalty and fidelity, including:

(A) To seek a price and terms which are acceptable to the seller, except that the ~~broker-licensee~~ shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract for sale;

(C) To disclose to the seller adverse material facts actually known by the ~~broker-licensee~~;

(D) To counsel the seller as to any material benefits or risks of a transaction which are actually known by the ~~broker-licensee~~;

(E) To advise the seller to obtain expert advice as to material matters about which the ~~broker-licensee~~ knows but the specifics of which are beyond the expertise of the ~~broker-licensee~~;

~~(G) To disclose to inform the seller that because the broker or authorized subagent is acting as an agent for the seller, the seller may be vicariously liable for the acts of the broker and authorized subagent while acting within the scope of the agency relationship-seller's agent or seller's subagent that are approved, directed or ratified by the seller.~~

(b) The following information shall not be disclosed by a ~~broker-licensee~~ acting as a seller's agent without the informed consent of the seller:

(c) A ~~broker-licensee~~ acting as a seller's agent owes no duty or obligation to the buyer, except that a ~~broker-licensee~~ shall disclose to any prospective buyer all adverse material facts actually known by the ~~broker-licensee~~. The adverse material facts may include adverse material facts pertaining to the title and the physical condition of the property, any material defects in the property and any environmental hazards affecting the property which are required by law to be disclosed. The ~~broker-licensee~~ acting as a seller's agent shall not perpetuate a material misrepresentation of the seller which the ~~broker-licensee~~ knows or should know is false.

33-28-304. Agent engaged by buyer.

(a) A ~~broker-licensee~~ engaged by a buyer to act as a buyer's agent shall have the following duties and obligations:

(iii) To promote the interests of the buyer with the utmost good faith, loyalty and fidelity, including:

(A) To seek a price and terms which are acceptable to the buyer, except that the ~~broker-licensee~~ shall not be obligated to seek other properties while the buyer is a party to a contract to purchase property;

(C) To disclose to the buyer adverse material facts actually known by the ~~broker-licensee~~;

(D) To counsel the buyer as to any material benefits or risks of a transaction which are actually known by the ~~broker~~-licensee;

(E) To advise the buyer to obtain expert advice as to material matters about which the ~~broker~~-licensee knows but the specifics of which are beyond the expertise of the ~~broker~~-licensee;

(G) To ~~disclose to~~inform the buyer that ~~because the broker is acting as the agent for the buyer,~~ the buyer may be vicariously liable for the acts of the ~~broker while he is acting within the scope of the agency relationship~~ buyer's agent that are approved, directed or ratified by the buyer.

(b) The following information shall not be disclosed by a ~~broker~~-licensee acting as a buyer's agent without the informed consent of the buyer:

(c) A ~~broker~~-licensee acting as a buyer's agent owes no duty or obligation to the seller, except that a ~~broker~~-licensee acting as a buyer's agent shall not make any material misrepresentation or fraudulent misrepresentation regarding an adverse material fact actually known by the ~~broker~~-licensee.

33-28-305. Intermediary.

(a) A ~~broker~~-licensee engaged as an intermediary shall not act as an advocate or agent for either party and shall be limited to providing those services described in subsection (b)(ii) of this section.

(b) A ~~broker~~-licensee engaged as an intermediary shall owe to each party with whom the intermediary has contracted the following duties and obligations:

33-28-306. Relationship disclosures.

(a) For purposes of this section, open house showings, preliminary conversations and requests for factual information do not constitute discussions or arrangements incidental to a sale, purchase, exchange or lease. Prior to engaging in any discussion or arrangement incidental to a sale, purchase, exchange or lease option, and prior to entering into any written agreement, with a buyer or seller, a ~~broker~~-licensee shall make a written disclosure of applicable brokerage agency, intermediary or customer relationships which ~~must~~shall contain at a minimum the following:

(i) A description of all the different brokerage agency, intermediary and customer relationships allowed by this article and a statement that the commission for different relationships is negotiable;

(iv) A statement that any established relationship cannot be modified without the written consent of the buyer or seller and that the buyer or seller may, but is not required to, negotiate different commission fees as a condition of consenting to a change in relationship; ~~and~~

(vi) A statement that the seller or buyer may be vicariously liable for

acts of the agent, subagent or intermediary if the seller or buyer approves, directs or ratifies the acts; and

(vii) A statement that a customer shall not be afforded any confidentiality in any communication to or with the licensee.

(b) The written disclosure shall contain a signature line for the buyer or seller to acknowledge receipt of the disclosure. The disclosure and acknowledgment, by itself, shall not constitute a contract or agreement with the ~~broker~~ licensee. Until the buyer or seller executes such acknowledgment, no representation agreement shall be executed or valid.

(c) A ~~broker~~ licensee who has established an agency relationship, a subagency relationship or an intermediary relationship with a seller or buyer shall provide notice of that relationship to any other party to the transaction at the earliest reasonable opportunity.

(d) Disclosures made in accordance with this article shall be sufficient to disclose ~~brokerage agency, intermediary and customer~~ relationships to the parties to the transaction and to the public.

33-28-307. Change from agent to intermediary.

(a) ~~A broker~~ For in-house transactions, a licensee acting as an agent to a buyer or seller with respect to a particular real estate transaction may instead act as an intermediary to ~~that party only in instances~~ the parties when:

(ii) Both parties execute a written consent, ~~which contains at the earliest reasonable opportunity after the events creating the potential conflict in agency relationships develops. The written consent shall contain~~ a conspicuous statement of the duties and obligations that would no longer be owed to the parties if the ~~broker~~ licensee becomes an intermediary and not an agent.

33-28-308. Compensation.

(c) A seller may agree that an intermediary, buyer's agent, ~~or subagent or a licensee working with a buyer as a customer~~ may share in the commission or other compensation paid by the seller with another broker.

(d) A buyer may agree that a seller's agent, intermediary, ~~or subagent or a licensee working with a seller as a customer~~ may share in the commission or other compensation paid by the buyer with another broker.

(f) Prior to entering into a written agreement with the seller and buyer, or prior to entering into a contract to buy or sell, the broker shall disclose in writing to the seller and buyer to the transaction, the ~~brokerage relationship~~ agency, intermediary or customer relationships of all parties, persons and entities paying compensation or commissions to the broker.

Section 3. W.S. 33-28-302(d) and 33-28-307(a)(i) are repealed.

Section 4. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 21

BOARD OF EMBALMING MEMBERSHIP

Original Senate File No. 132

AN ACT relating to the board of embalming; amending membership on the board to allow a designee of the director of the department of health to serve on the board in place of the director; and providing for an effective date.

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

Section 1. W.S. 33-16-201(a) is amended to read:

33-16-201. Created; designation; composition; appointment; qualifications of members; officers; removal.

(a) There is created a board to be known as the Wyoming state board of embalming. The board shall consist of five (5) persons to be appointed by the governor. The governor may remove from office any member of the board as provided in W.S. 9-1-202. The director of the department of health or his designee shall be a member of the board of embalming, and the other members shall be licensed embalmers and shall serve for a term of three (3) years. The board shall elect one (1) of its members as president and one (1) of its members to act as secretary and treasurer who shall be executive officer of the board in matters relating to the duties of the board when the board is not in session. The members of the state board of embalming shall be residents of the state of Wyoming, and except for the director of the department of health or his designee, shall each have had at least three (3) years experience in the practice of embalming and disposition of the dead human body and who shall each have had for two (2) years previous to their appointment an unexpired embalming license.

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 22**HEALTH CARE-REHABILITATION FACILITY**

Original Senate File No. 137

AN ACT relating to public health and safety; amending definition of rehabilitation facility; and providing for an effective date.

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

Section 1. W.S. 35-2-901(a)(xix) is amended to read:

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(xix) "Rehabilitation facility" means an outpatient or residential facility which is operated for the primary purpose of assisting the rehabilitation of disabled persons including persons with acquired brain injury by providing comprehensive medical evaluations and services, psychological and social services, or vocational evaluations and training or any combination of these services and in which the major portion of the services is furnished within the facility;

Section 2. This act is effective July 1, 2009.

Approved February 24, 2009.

Chapter 23**SCHOOL DISTRICT FACILITY LEASE FEES-LIMITATIONS**

Original Senate File No. 46

AN ACT relating to school buildings; clarifying application of required maintenance fees imposed by districts for leased facilities; 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)(intro) is 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)~~ 21-15-109(c)(i)(A)(II) and (III) and (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:

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 February 24, 2009.

Chapter 24

GAME AND FISH-PENALTIES

Original House Bill No. 23

AN ACT relating to game and fish; increasing penalties for taking wildlife or procuring a license after license suspension; and providing for an effective date.

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

Section 1. W.S. 23-6-206(b) and (c) is amended to read:

23-6-206. Revocation of license; hunting after suspended license.

(b) No person whose license has been forfeited or privilege to purchase another license suspended shall procure, purchase, or possess another license during the period of forfeiture or suspension. If the person procures, purchases, or possesses another license during such period, the license is invalid and that person is not entitled to receive another license for up to six (6) years next succeeding the original revocation or suspension period. Violation of this subsection constitutes a ~~low~~high misdemeanor punishable as provided in W.S. ~~23-6-202(a)(v)~~ 23-6-202(a)(ii).

(c) No person whose license has been forfeited or privilege to purchase

another license suspended shall take any wildlife prohibited by the court during the period of forfeiture or suspension. If the person takes any wildlife prohibited by the court during such period, that person is not entitled to receive another license for up to six (6) years next succeeding the original revocation or suspension period. Violation of this subsection constitutes a ~~low~~-high misdemeanor punishable as provided in W.S. ~~23-6-202(a)(v)~~ 23-6-202(a)(ii).

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 25

GAME AND FISH-PIONEER LICENSES

Original House Bill No. 88

AN ACT relating to game and fish; exempting holders of pioneer licenses from conservation stamp purchase requirement; and providing for an effective date.

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

Section 1. W.S. 23-2-306(a)(intro) and by creating a new subsection (c) is amended to read:

23-2-306. Conservation stamp; exemptions.

(a) Subject to ~~subsection~~ subsections (b) and (c) of this section and the applicable fee under W.S. 23-1-701, each sportsman licensed under W.S. 23-2-101, 23-2-107 or 23-2-201 shall purchase a single conservation stamp for twelve dollars (\$12.00) which shall be valid for one (1) calendar year and the stamp or an authorization signifying purchase of the stamp shall be in the possession of any person exercising rights under any fishing or hunting license issued pursuant to W.S. 23-2-101, 23-2-107 or 23-2-201. Holders of ~~licenses issued under W.S. 23-1-705(d) and (e)~~, of special limited fishing permits issued under W.S. 23-2-207 and holders of licenses only under W.S. 23-2-101(j)(v) and (vi), 23-2-201(d)(vi) and (vii), 23-2-201(f) and 23-2-201(g) are exempt from the provisions of this section when exercising hunting or fishing privileges provided under those specific licenses. Revenues collected from the sale of each stamp under this subsection shall be deposited as follows:

(c) Holders of licenses issued under W.S. 23-1-705(d) or (e) are exempt from the provisions of this section when exercising any hunting or fishing privileges licensed under this act. Licenses issued under W.S. 23-1-705(d) or (e) shall be in possession of the person exempted under this subsection when exercising any hunting or fishing privilege licensed under this act.

Section 2. This act is effective January 1, 2010.

Approved February 25, 2009.

Chapter 26

COMPLIMENTARY HUNTING LICENSES

Original House Bill No. 93

AN ACT relating to game and fish; modifying provisions for the issuance of hunting licenses to youth with life threatening illnesses; providing for rules; and providing for an effective date.

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

Section 1. W.S. 23-1-705(j) is amended to read:

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) any number, set by rule and regulation, of 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) twenty (20) years of age or younger with life threatening illnesses who are sponsored by a nonprofit charitable organization with a mission to provide opportunities and experiences to persons with life threatening or serious illnesses.~~ As a condition of ~~accepting~~ issuing the license, the sponsoring organization shall ~~agree to provide pay~~ the license appropriate license fee on behalf of the licensee and at no cost to the licensee, ~~and to report the distribution of all licenses received under this subsection to the department.~~

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 27

GAME AND FISH-TRAPPING

Original House Bill No. 6

AN ACT relating to game and fish; providing for the regulation of specifications for trapping and snaring through rule and regulation; providing time periods for the checking of snares and traps; providing for exceptions; and providing for effective dates.

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

Section 1. W.S. 23-2-303(d), by creating a new subsection (e) and by amending and renumbering (e) as (f) and by renumbering (f) as (g) and 23-3-103(a) are amended to read:

23-2-303. Trapping licenses; tagging; traps and snares; penalty; confiscation; inspection; interference with trapping.

(d) The commission, following consultation with other affected entities, may promulgate rules and regulations establishing specifications for snares, breakaway weights, location of breakaway devices, loop size and anchors for trapping and snaring of furbearing and predatory animals. All traps and snares used for furbearing or predatory animals shall be permanently marked or tagged with the name and address of the owner or the identification number assigned to the owner by the department. Any identification number attached to a trap or snare pursuant to this subsection is solely for the use of the department or appropriate law enforcement officers and is not a public record for purposes of W.S. 16-4-201 through 16-4-205. No trap or snare shall be set for furbearing or predatory animals within thirty (30) feet of any exposed bait or carcass over five (5) pounds in weight. As used in this subsection, "exposed bait or carcass" means the meat or viscera of any part of a mammal, bird or fish, excluding dried bones. ~~In addition, All snares used for taking furbearing or predatory animals shall be equipped with a break-away locking device, that is designed to release at two hundred ninety-five (295) pounds of pressure or less and a snare loop not to exceed twelve (12) inches in diameter measured side to side. Unless otherwise specified in this section subsection, all steel-jawed leghold traps; excluding snares set for furbearing animals and predatory animals and quick kill body grip traps as defined by commission rule and regulation; shall be checked by the owner at least once during each seventy-two (72) hour period from the time the traps were set unless extensions are granted by the department. All snares and quick kill body grip traps shall be checked by the owner not less than once each seven (7) day period from the time the traps were set week unless extensions are granted by the department.~~ All wildlife caught in any trap or snare shall upon discovery, be removed immediately by the owner. Violation of this subsection constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

(e) After the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in

Wyoming as provided by W.S. 23-1-108 the commission may enact rules and regulations setting forth the specifications for traps and snares used for the taking of gray wolves and the time period for checking such traps and snares. Except as otherwise provided by commission rule, the provisions in this section regulating the trapping of furbearing and predatory animals shall apply to the trapping of gray wolves.

~~(e)~~(f) Any trap or snare found in the field not bearing the name and address of the owner of the trap or snare or the identification number assigned by the department to the owner of the trap or snare may be confiscated by any employee of the department. Any landowner or his agent may inspect any trap or snare set on his property, ~~and~~ may remove the trap or snare and may release or remove from the trap or snare any wildlife which has not been taken lawfully. The landowner or his agent shall ~~immediately~~ notify the department of any such wildlife, excluding predatory animals, ~~prior to~~ as soon as practicably possible after removing the wildlife from a trap or snare.

~~(f)~~(g) A violation of this subsection constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v). Except as otherwise provided in this section, no person shall intentionally:

(i) Tamper with or remove a trap or snare set and maintained in compliance with this act; or

(ii) Release or remove a furbearer or predator from a trap or snare set and maintained in compliance with this act.

23-3-103. Taking predatory animals, predacious birds and trophy animals; taking furbearing animals and game birds without license prohibited.

(a) Predatory animals and predacious birds may be taken without a license in any manner and at any time except as provided by W.S. 23-2-303(d) ~~and~~ (e), 23-3-112, 23-3-304(b), 23-3-305 and 23-3-307. The department shall report annually to the Wyoming department of agriculture the number of predatory animals and predacious birds taken by the department's animal damage control agents, and include in the report the area where taken and the control method used.

Section 2. The commission shall adopt final rules to implement this act not later than July 1, 2009.

Section 3.

(a) Except as otherwise provided in subsection (b) of this section, this act is effective July 1, 2009.

(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 February 25, 2009.

Chapter 28

TRIBAL PARTICIPATION IN COMMUNITY FACILITIES PROGRAM

Original House Bill No. 29

AN ACT relating to the community facilities program; allowing the Eastern Shoshone Tribe and the Northern Arapaho Tribe to participate in the program; and providing for an effective date.

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

Section 1. W.S. 9-12-805 is created to read:

9-12-805. Tribal participation in community facilities program.

The council may enter into cooperative agreements with the business council of the Eastern Shoshone Indian Tribe, the business council of the Northern Arapaho Indian Tribe or the joint business council of the Eastern Shoshone and Northern Arapaho Indian Tribes to promote the purposes of the community facilities program and to allow those entities to participate in the program.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 29

WIND RIVER RESERVATION EDUCATION PROGRAMS

Original House Bill No. 90

AN ACT relating to education programs on the Wind River Indian Reservation; clarifying state administration of contractual arrangements for education programs on the reservation; and providing for an effective date.

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

Section 1. W.S. 21-4-601(b) is amended to read:

21-4-601. Education programs on the Wind River Indian Reservation.

(b) Subject to amounts appropriated by the legislature, the governor state superintendent of public instruction shall enter into negotiations with the individual or joint business councils of the Eastern Shoshone and Northern Arapaho Indian Tribes to determine the appropriate contractual arrangements for the provision of education programs and services

addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student performance on the statewide assessment. For purposes of this section, the ~~governor~~ state superintendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

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 February 25, 2009.

Chapter 30

WYOMING BUSINESS READY COMMUNITY PROGRAM

Original House Bill No. 110

AN ACT relating to economic development; providing for grants under the Wyoming business ready community program; expanding projects available for funding; and providing for an effective date.

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

Section 1. W.S. 9-12-601 by creating a new subsection (j) and by renumbering (j) as (k) is amended to read:

9-12-601. Wyoming business ready community program; purpose; creation; rulemaking.

(j) Grants may be made by the council for projects, in accordance with rules of the council, which:

(i) Improve the development of businesses that will provide data generation and information technology storage capabilities statewide or in municipalities of the state;

(ii) Encourage and provide for the expansion of existing businesses providing information technology storage enterprises in the state, including those developed through the University of Wyoming business technology

center;

(iii) Provide a reduction of the costs of electrical power or bandwidth, or both, to businesses meeting the provisions of paragraph (j)(i) or (ii) of this section. In exchange for providing these reductions in costs, the political subdivision receiving the grant and providing the reduction in costs shall contract with the business to receive direct benefits and indirect economic development benefits including:

(A) A specific amount of capital investment by the business;

(B) A specific minimum payroll created by the business;

(C) The provision of information technology storage services to the state or the political subdivision at a price discounted from the fair market value of the services; and

(D) An agreement to repay with a reasonable rate of return any funds received to reduce costs if the business relocates from the political subdivision prior to the expiration of five (5) years from the date of first receiving funds.

(j)(k) As used in this article:

(i) "Community development organization" means as defined by W.S. 9-12-301(a)(ii);

(ii) "State development organization" means as defined by W.S. 9-12-301(a)(iv).

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 31

CRIMINAL PROCEDURE-MENTAL EVALUATIONS

Original House Bill No. 19

AN ACT relating to criminal procedure; clarifying procedures for mental evaluations in criminal cases 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. 7-11-301(a)(iii), 7-11-303(c)(intro), 7-11-304(d), (e), by creating new subsections (f) and (g) and by renumbering (f) as (h) are amended to read:

7-11-301. Definitions.

(a) As used in this act:

(iii) "Mental deficiency" means a defect attributable to intellectual disability, brain damage and learning-cognitive disabilities;

7-11-303. Examination of accused to determine fitness to proceed; reports; commitment; defenses and objections.

(c) Written reports of the ~~pretrial~~ examination shall be filed with the clerk of court. The report shall include:

7-11-304. Responsibility for criminal conduct; plea; examination; commitment; use of statements by defendant.

(d) In all cases where a plea of "not guilty by reason of mental illness or deficiency" is made, the ~~judge~~ court shall order the defendant examined as provided in W.S. 7-11-303(b). ~~If an examination provided in W.S. 7-11-303(b) was made, the report may be received in evidence and no new examination shall be required unless, in the discretion of the court, another examination is necessary. Within five (5) days after receiving a copy of the report, both the accused and the state, upon written request, may obtain an order granting them an examination of the accused by a designated examiner of their own choosing. The clerk of court shall deliver copies of the report or reports to the district attorney and to the accused or his counsel. All reports required by this subsection shall conform to the requirements of W.S. 7-11-303(c). These reports are not public records or open to the public an examination of the defendant by a designated examiner. The order may include, but is not limited to, an examination of the defendant at the Wyoming state hospital on an inpatient or outpatient basis, at a local mental health center on an inpatient or outpatient basis, or at his place of detention. In selecting the examination site, the court may consider proximity to the court, availability of an examiner and the necessity for security precautions. If the order provides for commitment of the defendant to a designated facility, the commitment shall continue no longer than a forty-five (45) day period for the observation and evaluation of the mental condition of the defendant, which time may be extended by the approval of the court.~~

(e) ~~If the initial report contains the recommendation that the accused be held in a designated facility pending trial, the court may order that the accused be committed to or held in a designated facility pending trial an examination of a defendant's fitness to proceed has been ordered pursuant to W.S. 7-11-303, an examination following a plea of "not guilty by reason of mental illness or deficiency" shall not occur, or be ordered, until the court has found the defendant is competent to proceed under W.S. 7-11-303.~~

(f) A written report of the examination shall be filed with the clerk of court. The report shall include:

(i) Detailed findings, including, but not limited to, the data and reasoning that link the opinions specified in paragraphs (ii) and (iii) of this subsection;

(ii) An opinion as to whether the defendant has a mental illness or deficiency;

(iii) An opinion as to whether at the time of the alleged criminal conduct the defendant, as a result of mental illness or deficiency, lacked substantial capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

(g) The clerk of court shall deliver copies of the report to the district attorney and to the defendant or his counsel. The report shall not be a public record or open to the public. If an examination provided under subsection (d) of this section was conducted, the report may be received in evidence and no new examination shall be required unless requested under this subsection. Within five (5) days after receiving a copy of the report, the defendant or the state, upon written request, may obtain an order granting an examination of the defendant by a designated examiner chosen by the requester of the examination.

~~(f)~~(h) Except as otherwise provided in this subsection, no statement made by the defendant in the course of any examination or treatment pursuant to this section and no information received by any person in the course thereof is admissible in evidence in any criminal proceeding on any issue other than that of the mental condition of the defendant. If the defendant testifies in his own behalf, any statement made by him in the course of any examination or treatment pursuant to this section may be admitted:

(i) For impeachment purposes; or

(ii) As evidence in a criminal prosecution for perjury.

Section 2. W.S. 7-11-303(c)(iv) is repealed.

Section 3. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 32**CRIMINAL PROCEDURE-ADMINISTRATION OF ANTIPSYCHOTIC DRUGS**

Original House Bill No. 20

AN ACT relating to criminal procedure; providing standards for the involuntary administration of antipsychotic medications to a mentally ill person accused of a serious crime; requiring findings; and providing for an effective date.

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

Section 1. W.S. 7-11-303(e) is amended to read:

7-11-303. Examination of accused to determine fitness to proceed; reports; commitment; defenses and objections.

(e) If the initial report contains the recommendation that the accused should be held in a designated facility pending determination of the issue of mental fitness to proceed, the court may order that the accused be committed to or held in a designated facility pending determination of mental fitness to proceed. The court may order the involuntary administration of antipsychotic medications to a person accused of a serious crime as defined in W.S. 7-6-102(a)(v) to render the accused competent to stand trial, provided the court finds:

(i) There are important governmental interests at stake including, but not limited to:

(A) Bringing the accused to trial;

(B) Timely prosecution;

(C) Assuring the accused has a fair trial.

(ii) The involuntary administration of antipsychotic medications will significantly further the governmental interest and the administration of the medication is:

(A) Substantially likely to render the accused competent to stand trial; and

(B) Substantially unlikely to have side effects that will interfere significantly with the ability of the accused to assist counsel in conducting a trial defense, thereby rendering the trial unfair.

(iii) That any alternative and less intrusive treatments are unlikely to achieve substantially the same results; and

(iv) The administration pursuant to a prescription by a licensed psychiatrist of the antipsychotic medications is medically appropriate and is in the best medical interests of the accused in light of the accused's

medical condition.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 33

COOPERATIVE ELECTRIC UTILITIES-RATE REGULATION

Original Senate File No. 85

AN ACT relating to cooperative electric utilities; providing for exemption from rate regulation of all energy sources of any cooperative electric utility with member owners in the state; requiring equal energy retail rates as specified; and providing for an effective date.

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

Section 1. W.S. 37-17-101(a)(i), (ii) and (iv) and 37-17-104 by creating a new subsection (f) are amended to read:

37-17-101. Definitions.

(a) As used in this article:

(i) "Cooperative electric utility" means any nonprofit, member-owned cooperative ~~organized under the laws of the state of Wyoming and engaged in the business of distributing electric energy, including any energy related commodity currently approved under rules and regulations of the public service commission and any future energy related commodities approved by the public service commission,~~ in the state of Wyoming;

(ii) "Member owner" means any cooperative electric utility owner that uses and pays retail electric rates for electricity energy distributed by the cooperative electric utility;

(iv) "Retail rates" means the monthly facilities charge and the rates charged for ~~individually metered kilowatt or kilowatt hours delivered to every member owner of the cooperative~~ any energy related commodity.

37-17-104. Adjustment of retail rates; complaint; investigation; resolution.

(f) Any cooperative exempted under W.S. 37-17-103 shall apply energy retail rates equally to all member owners in the same rate class. In the event a cooperative does not apply energy retail rates equally, regardless of state boundaries, the cooperative will immediately be subject to rate regulation by the Wyoming public service commission.

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 February 25, 2009.

Chapter 34

ROAD CLOSURE

Original Senate File No. 59

AN ACT relating to highways; increasing the fine for willfully failing to observe a road closure; establishing standards for allowing a person to travel upon a closed road; and providing for an effective date.

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

Section 1. W.S. 24-1-109 is amended to read:

24-1-109. Closing or restricting use; failure to observe signs and markers; exceptions.

(a) Any person who willfully fails to observe any sign, marker, warning, notice, or direction, placed or given under W.S. 24-1-108 is guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than ~~one hundred dollars (\$100.00)~~ seven hundred fifty dollars (\$750.00) or to imprisonment for a period not to exceed thirty (30) days, or to both such fine and imprisonment.

(b) The department or state highway patrol may allow a person to proceed past any sign, marker, warning, notice or other device posted pursuant to W.S. 24-1-108 under the following circumstances:

(i) The person requesting permission to travel upon a closed road is seeking to travel to a destination beyond the closure point, but in an area unaffected by the conditions warranting the closure;

(ii) The department or state highway patrol makes a determination there is no dangerous or hazardous condition which would reasonably preclude the ability of the person to travel on the closed portion of the highway; and

(iii) The person making the request shall agree to any conditions or requirements for traveling on the closed portion of the highway which are imposed by the department or state highway patrol.

(c) Any permission granted under subsection (b) of this section to travel upon a closed road shall be granted by the department or the state highway patrol on a case-by-case basis, unless otherwise determined by the department or the highway patrol.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 35

REAL ID COMPLIANCE

Original Senate File No. 38

AN ACT relating to the federal Real ID Act; amending Wyoming's motor vehicle statutes to allow Wyoming to comply with federal law; establishing an expiration for prior hazardous materials endorsement test results; conforming other statutes; 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)(xvi), 7-19-201(a) by creating a new paragraph (xiii), 8-7-101, 31-7-103, 31-7-106(d)(i), 31-7-111(a), (b)(x), by creating a new paragraph (xi) and by creating a new subsection (g), 31-7-113(f)(i), 31-7-115(a)(iii)(C), (D) and by creating a new subparagraph (J), 31-7-119(a), (b) and (f) by creating a new paragraph (iv), 31-8-101, 31-8-102(a)(vi) through (viii) and by creating a new paragraph (ix), 31-8-103(a), (c)(ii) and by creating a new subsection (d) and 31-8-104 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:

(xvi) The department of transportation for purposes of dealer and wholesaler licensing and permitting under title 31, chapter 16 and for purposes of performing background checks required by W.S. 31-7-103(b);

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:

(xiii) Employees, prospective employees and volunteers of the Wyoming department of transportation, as necessary to perform the background

checks required by W.S. 31-7-103(b).

8-7-101. Tribal identification cards.

An identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming or Northern Arapahoe tribe of Wyoming that includes the requirements of W.S. 31-8-102(a)(i) through (vi) and (ix) shall be considered a valid form of identification for all purposes for which an identification card issued under W.S. 31-8-101 may be used.

31-7-103. Administration and enforcement.

(a) The administration of this act shall be exercised by the department which may prescribe forms and reasonable rules and regulations in conformity with this act. The department shall keep records of all monies received and disbursed. The records shall be open to examination by the director of the state department of audit or his designee and the audit division of the legislative service office. The highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this act.

(b) The department shall perform background checks on all persons engaged in the manufacture or production of driver's licenses or state identification cards including, but not limited to, all persons who have the ability to affect identity information appearing on driver's licenses or identification cards. The background check shall include a verification of any references and a name and fingerprint based criminal history records check. The background check also shall include a check of the federal bureau of investigation's databases and the Wyoming department of criminal investigation's database. The department shall by rule and regulation establish criteria for the qualification of persons permitted to access documents described under this section.

(c) The department shall require fraudulent document recognition training for all employees handling those documents listed in W.S. 31-7-111(a) or engaged in the issuance of driver's licenses or identification cards.

31-7-106. License required; limited to one license.

(d) The division shall:

(i) Notify the issuing jurisdiction that the licensee is now licensed in Wyoming and, if requested by the issuing jurisdiction, return any surrendered license to the issuing jurisdiction together with information if the licensee is now licensed in Wyoming; or

31-7-111. Application for license or permit generally.

(a) Every application for instruction permit, driver's license, commercial driver's license or commercial driver instruction permit shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee, proof of residence and, ~~if the applicant has not previously been licensed in this state or another jurisdiction,~~ proof of identity. Proof of identity shall be established by a certified copy of the applicant's birth certificate, valid unexpired United States passport, consular report of birth abroad, certificate of citizenship, certificate of naturalization, permanent resident card, employment authorization document, foreign passport (with United States visa affixed and accompanied by an approved document documenting the applicant's most recent admittance to the United States), state issued driver's license or identification card which complies with federal law and applicable regulations, or other document required by the division to establish identity where reasons beyond the applicant's control prevent the applicant from presenting the documents required by this subsection.

(b) The application shall include:

(x) Any other information or documentation required by the department: to validate information or identity;

(xi) A signed declaration indicating that the information provided is true and correct under the penalty of perjury.

(g) The department may modify the requirements of subsection (b) of this section by properly adopted rule or regulation for driver's license or identification card applications received from federal, state or local criminal justice agencies, or other similarly situated persons, where applicable law or regulation requires that limited information be provided.

31-7-113. Fees.

(f) Notwithstanding W.S. 31-7-115(b), any licensee on active duty in the armed forces of the United States who is stationed outside the state of Wyoming, or his spouse or dependent child who has a valid driver's license issued under this chapter, may obtain a license with an updated photograph and the same expiration date of the current license without payment of any fee, unless renewing under W.S. 31-7-119, if:

(i) While outside the state, the person surrenders the current license; ~~and submits an updated color photograph certified by military officials to be a photograph of the person;~~ or

31-7-115. Issuance, description and contents.

(a) Upon the satisfactory completion of any required examination, the division shall issue to every qualifying applicant a driver's license, and:

(iii) The driver's license shall include, but not be limited to, the following information:

(C) The full legal name, any identifying numbers or letters deemed appropriate, date of birth, ~~mailing~~ principal residence address, height, weight and sex of the licensee. Unless otherwise required by federal law, the social security number of the person shall not be required on a driver's license; ~~The division shall provide on the application form required by W.S. 31-7-111(a) an option for the applicant to include his social security number on his driver's license;~~

(D) A full facial digital color photograph of the licensee;

(J) Any other information required by the department to comply with applicable federal law.

31-7-119. Expiration and renewal; required tests; extension.

(a) Every driver's license shall expire on the licensee's birthday in the fourth year following the issuance of the license. ~~Every driver's license is renewable within one hundred twenty (120) days before its expiration upon application, payment of the required fee and satisfactory completion of the examination required or authorized by subsection (b) of this section. The division may renew a driver's license more than one hundred twenty (120) days before its expiration if the applicant states in writing that he will not be in the state during the one hundred twenty (120) days before the license expires.~~

(b) The division shall require every person applying for renewal of a driver's license to take and successfully pass a test of his eyesight. The division may require any applicant to take and successfully pass any additional tests or provide affidavits required or authorized under the original application as the division finds reasonably necessary to determine his qualification according to the type or class of license. The written test for a hazardous materials endorsement shall be taken and passed if the person wants to retain an "H" endorsement unless the applicant's written test results are less than two (2) years old.

(f) Once in any eight (8) year period, a driver's license may be extended for a four (4) year period without the examination required by subsection (b) of this section for a licensee:

(iv) Who does not have a material change in any personally identifiable information that requires the applicant to present one (1) of the documents listed in W.S. 31-7-111(a).

31-8-101. Issuance to residents by department; restrictions.

(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the registrant's full legal name, correct age-social security number, date of birth and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor as provided by W.S. 35-5-112.

(b) The department shall not issue an identification card until documentary evidence of the applicant's age and identity has been received-verified using documents as provided by W.S. 31-7-111.

31-8-102. Contents.

(a) The identification card shall resemble a Wyoming driver's license. It shall have:

(vi) The registrant's picture-full facial digital color photograph;

(vii) The following: "State of Wyoming" - "Identification Card No." - "This card is provided solely for the purpose of identification of the person described on the card";~~and~~

(viii) As provided for in W.S. 31-7-139; ~~and~~

(ix) The registrant's usual signature unless the registrant is unable to make a signature.

31-8-103. Expiration; records; new cards.

(a) Identification cards shall ~~not~~ expire on the registrant's birthday in the eighth year following issuance of the identification card. The department shall keep records of data contained in identification cards.

(c) If any information contained in the identification card becomes inaccurate, or if it is desired to withdraw or insert notice of anatomical organ donation, the person to whom it was issued may obtain a new card upon:

(ii) Furnishing the same-all documentary evidence as for an-necessary to verify any material change to information listed on the original identification card; and

(d) The division shall send an application for an identification card to the last known address of every eligible registrant within one hundred twenty (120) days prior to expiration of the registrant's identification card. Every identification card is renewable upon application and payment of the

required fee.

31-8-104. Fees.

Every applicant for an identification card shall pay ten dollars (\$10.00) to the department. The state treasurer shall credit identification card fees to the highway fund. Identification cards issued as a result of the cancellation of a license under W.S. 31-7-122(a)(i) shall be issued without payment of any fee.

Section 2. W.S. 31-7-119(h) is repealed.

Section 3. This act is effective January 1, 2010.

Approved February 25, 2009.

Chapter 36

ELECTION JUDGES

Original House Bill No. 35

AN ACT relating to elections; providing that election judges may work shifts on election day; repealing conflicting statute; and providing for an effective date.

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

Section 1. W.S. 22-13-118 is created to read:

22-13-118. Judges work schedule.

At the discretion of the county clerk, election judges may be allowed to work at the polling premise on election day for a period of time less than the total amount of time the polls are open provided the polling station has a sufficient number of election judges on duty at all times to comply with the requirements of this title. An election judge shall not leave his polling station during his work shift.

Section 2. W.S. 22-13-116 is repealed.

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

Approved February 25, 2009.

Chapter 37**QUALIFICATION FOR VETERANS TAX EXEMPTION**

Original House Bill No. 22

AN ACT relating to the veterans property tax exemption; abolishing the requirement that veterans annually prove their qualification for the exemption; allowing veterans to confirm their eligibility by telephone or other method; and providing for an effective date.

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

Section 1. W.S. 39-13-105(c)(intro), (iii) and by creating new subsection (k) is amended to read:

39-13-105. Exemptions.

(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 a 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:

(iii) The total tax benefit which the claimant ~~has received~~ expects to receive under this section to the best of the claimant's knowledge;

(k) After filing a sworn claim pursuant to subsection (c) of this section, in subsequent years the claimant may qualify for the tax exemption provided by this section and W.S. 39-11-105(a)(xxiv) by contacting the assessor's office by telephone or other communication method on or before the fourth Monday in May and verifying that the veteran continues to meet the requirements set forth in this section.

Section 2. This act is effective January 1, 2009.

Approved February 25, 2009.

Chapter 38**OMNIBUS WATER BILL-CONSTRUCTION**

Original Senate File No. 68

AN ACT relating to water development projects; authorizing a transfer of water as specified; 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. 41-2-1301 and 99-3-1401 through 99-3-1404 are created to read:

ARTICLE 13
TRANSFER OF WATER

41-2-1301. Transfer of water authorized; conditions.

(a) Pursuant to W.S. 41-3-115, the United States Bureau of Reclamation and the Wyoming water development office are hereby authorized to transfer a maximum of thirty-three thousand four hundred ninety-three (33,493) acre feet of storage water per year from the environmental account in the Pathfinder Modification Project within Pathfinder reservoir to the Wyoming-Nebraska state line for the purpose of providing regulatory certainty under the Endangered Species Act for the use of Wyoming water in the Platte River basin.

(b) Pursuant to W.S. 41-3-115, and the Wyoming water development office is hereby authorized to transfer a maximum of nine thousand six hundred (9,600) acre feet of storage water per year from the Wyoming account in the Pathfinder Modification Project within Pathfinder reservoir to the Wyoming-Nebraska state line through annual temporary water use agreements with the Platte River Recovery Implementation Program in any year the storage water in the Wyoming account is not needed by the state of Wyoming as a municipal water supply or a replacement water supply to meet the state of Wyoming's obligations in the *Nebraska v. Wyoming* settlement agreement and the Platte River Recovery Implementation Program.

(c) The authorizations granted under subsections (a) and (b) of this section shall terminate if the state of Wyoming withdraws from the Platte River Recovery Implementation Program or any successor programs approved by the governor.

(d) If the director of the Wyoming water development office determines that Wyoming water users are not receiving the regulatory certainty under the endangered species act as provided for in the Platte River recovery implementation program, he shall submit a report to the select water

committee outlining the inadequacy of the regulatory certainty.

(e) If the state engineer determines that the transfers authorized under subsections (a) and (b) of this section cause injury to Wyoming water users beyond those identified in the final opinion and recommendations provided to the legislature pursuant to W.S. 41-3-115(q), then the state engineer shall report the injury to the select water committee.

(f) Any revenue generated through the annual temporary water use agreements for storage water from the Wyoming account shall be deposited in the account created by W.S. 41-2-1001(a)(iv).

ARTICLE 14 2009 CONSTRUCTION PROJECTS

99-3-1401. Definitions.

The definitions in W.S. 99-3-101 apply to this article.

99-3-1402. General authorization.

The provisions of W.S. 99-3-102 apply to this article.

99-3-1403. 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 – Basin Storage Tank:

(i) Project sponsor: Town of Basin;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a storage tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million six hundred thirty-four thousand dollars (\$1,634,000.00);

(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 ninety-four thousand seven hundred eighty dollars (\$1,094,780.00) 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 five hundred thirty-nine thousand two hundred twenty dollars (\$539,220.00) 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 six hundred thirty-four thousand dollars (\$1,634,000.00) 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, 2014.

(c) Project – Casper Paradise Valley Pipeline:

(i) Project sponsor: City of Casper;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a transmission pipeline and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million seven hundred thousand dollars (\$1,700,000.00);

(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 one hundred thirty-nine thousand dollars (\$1,139,000.00) 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 one hundred thirty-nine thousand dollars (\$1,139,000.00) 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, 2014;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(d) Project – Dubois Water Supply:

(i) Project sponsor: Town of Dubois;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a storage tank, well modifications, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million one hundred thirty thousand dollars (\$2,130,000.00);

(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 four hundred twenty-seven thousand one hundred dollars (\$1,427,100.00) 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 seven hundred two thousand nine hundred dollars (\$702,900.00) 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 two million one hundred thirty thousand dollars (\$2,130,000.00) 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 I on July 1, 2014.

(e) Project – Hudson Water Supply:

(i) Project sponsor: Town of Hudson;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a storage tank, well field, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million five hundred twenty thousand dollars (\$1,520,000.00);

(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 one million eighteen thousand four hundred dollars (\$1,018,400.00) 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 five hundred one thousand six hundred dollars (\$501,600.00) 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 one million five hundred twenty thousand dollars (\$1,520,000.00) 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, 2014.

(f) Project – Laramie County Archer Water Supply:

(i) Project sponsor: Laramie County;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a groundwater well and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred thousand dollars (\$300,000.00);

(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 one thousand dollars (\$201,000.00) 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 two hundred one thousand dollars (\$201,000.00) 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;

(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 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 shall purchase the wells with a lump sum payment.

(g) Project – Mile-Hi Water Supply:

(i) Project sponsor: Mile-Hi Improvement and service district;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million two hundred sixteen thousand dollars (\$1,216,000.00);

(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 eight hundred fourteen thousand seven hundred twenty dollars (\$814,720.00) 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 hundred thousand six hundred forty dollars (\$200,640.00) or sixteen and one-half percent (16.5%) 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 fifteen thousand three hundred sixty dollars (\$1,015,360.00) 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, 2014;

(viii) Special condition: The sponsor is responsible for acquiring sixteen and one-half percent (16.5%) of the total project budget from other sources.

(h) Project – Pine Bluffs Deep Well 2009:

(i) Project sponsor: Town of Pine Bluffs;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a groundwater well, pipeline and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Eight hundred seventy-one thousand dollars (\$871,000.00);

(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 five hundred eighty-three thousand five hundred seventy dollars (\$583,570.00) 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 five hundred eighty-three thousand five hundred seventy dollars (\$583,570.00) 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, 2014;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(j) Project – Pinedale Pipelines-Phase I:

(i) Project sponsor: Town of Pinedale;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design, permit procurement, project land procurement for two (2) transmission pipelines and construction engineering and construction of one (1) transmission pipeline and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Eleven million six hundred seventy thousand dollars (\$11,670,000.00);

(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 for two (2) transmission pipelines and construction engineering and construction of one (1) transmission pipeline an amount not to exceed five million two hundred ninety-three

thousand dollars (\$5,293,000.00) 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, project land procurement for two (2) transmission pipelines and construction engineering and construction of one (1) transmission pipeline an amount not to exceed two million six hundred seven thousand dollars (\$2,607,000.00) or thirty-three percent (33%) of the 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 seven million nine hundred thousand dollars (\$7,900,000.00) 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, 2014.

(k) Project – Rawlins Reservoir and Pipeline-Phase I:

(i) Project sponsor: City of Rawlins;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a reservoir and transmission pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Sixteen million four hundred fifteen thousand dollars (\$16,415,000.00);

(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 for the project an amount not to exceed nine hundred four thousand five hundred dollars (\$904,500.00) 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 for the project an amount not to exceed four hundred forty-five thousand five hundred dollars (\$445,500.00) or thirty-three percent (33%) of the 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 one million three hundred fifty thousand

dollars (\$1,350,000.00) 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, 2014.

(m) Project – Riverton Water Supply:

(i) Project sponsor: City of Riverton;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a storage tank, transmission pipelines, well connection and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Six million four hundred forty thousand dollars (\$6,440,000.00);

(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 for the project an amount not to exceed four million three hundred fourteen thousand eight hundred dollars (\$4,314,800.00) 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 and project land procurement for the project an amount not to exceed six hundred forty-four thousand dollars (\$644,000.00) or ten percent (10%) 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 four million nine hundred fifty-eight thousand eight hundred dollars (\$4,958,800.00) 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, 2014;

(viii) Special conditions:

(A) The sponsor is responsible for acquiring twenty-three percent (23%) of the total project budget from other sources;

(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 thirty (30) years

from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

(n) Project – Shoshone Municipal Pipeline-2009:

(i) Project sponsor: Shoshone Municipal Water Supply Joint Powers Board;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a transmission pipeline relocation and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seven million three hundred sixty thousand dollars (\$7,360,000.00);

(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 million four hundred twenty-eight thousand eight hundred dollars (\$2,428,800.00) or thirty-three percent (33%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two million four hundred twenty-eight thousand eight hundred dollars (\$2,428,800.00) 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, 2014;

(vii) Special condition: The sponsor is responsible for acquiring sixty-seven percent (67%) of the total project budget from other sources.

(o) Project – Star Valley Ranch Water Supply:

(i) Project sponsor: Town of Star Valley Ranch;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a storage tank, well connection, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million six hundred twenty thousand dollars (\$2,620,000.00);

(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 seven hundred fifty-five thousand four hundred dollars (\$1,755,400.00) 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 eight hundred sixty-four thousand six hundred dollars (\$864,600.00) 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 two million six hundred twenty thousand dollars (\$2,620,000.00) 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, 2014;

(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%).

(p) Project – Teton Village Water Supply:

(i) Project sponsor: Teton Village Water and Sewer District;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of a storage tank, well, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four million eight hundred ninety-five thousand dollars (\$4,895,000.00);

(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 twenty-three thousand seven hundred fifty dollars (\$1,223,750.00) or twenty-five percent (25%) 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 million two hundred twenty-three thousand seven hundred fifty dollars (\$1,223,750.00) or twenty-five percent (25%) 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 two million four hundred forty-seven thousand five hundred dollars (\$2,447,500.00) 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, 2014;

(viii) Special condition: The sponsor is responsible for acquiring fifty percent (50%) of the total project budget from other sources.

(q) Project – Upton Well:

(i) Project sponsor: Town of Upton;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Design and construction of a well connection, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred ninety-five thousand dollars (\$395,000.00);

(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 sixty-four thousand six hundred fifty dollars (\$264,650.00) 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 thirty thousand three hundred fifty dollars (\$130,350.00) 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 three hundred ninety-five thousand dollars (\$395,000.00) 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, 2014.

(r) Project – Wamsutter Well:

(i) Project sponsor: Town of Wamsutter;

(ii) Project purpose: Municipal, rural domestic water supply;

(iii) Project description: Purchase of an existing well, design and construction of a well connection, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Eight hundred ten thousand dollars (\$810,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the purchase of a well, design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred forty-two thousand seven hundred dollars (\$542,700.00) 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 five hundred forty-two thousand seven hundred dollars (\$542,700.00) 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, 2014;

(vii) Special condition: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

[REHABILITATION CONSTRUCTION PROJECTS]

99-3-1404. 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 Rehabilitation 2009:

(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 headgate and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred forty-five thousand dollars (\$945,000.00);

(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 thirty-three thousand one hundred fifty dollars (\$633,150.00) 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 three hundred eleven thousand eight hundred fifty dollars (\$311,850.00) 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 nine hundred forty-five thousand dollars (\$945,000.00) 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, 2014.

(c) Project – Casper Alcova Rehabilitation 2009:

(i) Project sponsor: Casper Alcova Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two hundred seventy-six thousand dollars (\$276,000.00);

(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 one hundred eighty-four thousand nine hundred twenty dollars (\$184,920.00) 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 one hundred eighty-four thousand nine hundred twenty dollars (\$184,920.00) 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, 2014;

(vii) Special conditions: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(d) Project – Deaver Rehabilitation 2009:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million two hundred eighteen thousand dollars (\$1,218,000.00);

(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 six hundred seventy-three thousand dollars (\$673,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission six hundred seventy-three thousand dollars (\$673,000.00) 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, 2014;

(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.

(e) Project – Eden Valley Rehabilitation 2009:

(i) Project sponsor: Eden Valley Irrigation and Drainage District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Thirteen million one hundred sixty thousand dollars (\$13,160,000.00);

(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 million five hundred eighty thousand dollars (\$6,580,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission six million five hundred eighty thousand dollars (\$6,580,000.00) 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, 2014;

(vii) Special condition: The sponsor is responsible for acquiring fifty percent (50%) of the total project budget from other sources.

(f) Project – Goshen Rehabilitation 2009:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three million two hundred sixteen thousand dollars (\$3,216,000.00);

(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 two hundred thousand dollars (\$1,200,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million two hundred thousand dollars (\$1,200,000.00) 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 II on July 1, 2014;

(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 – GVID Upper Sunshine Diversion-Phase I:

(i) Project sponsor: Greybull Valley Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of improvements to an existing diversion structure and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three million three hundred fifty-four thousand dollars (\$3,354,000.00);

(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 and project land procurement an amount not to exceed two hundred one thousand dollars (\$201,000.00) 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 II through the commission for the design, permit procurement and project land procurement an amount not to exceed ninety-nine thousand dollars (\$99,000.00) 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 II to the commission three hundred thousand dollars (\$300,000.00) 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, 2014.

(h) Project – Lovell Rehabilitation 2009:

(i) Project sponsor: Lovell Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Six hundred thirty-four thousand dollars (\$634,000.00);

(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 four hundred thirty-two thousand dollars (\$432,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred thirty-two thousand dollars (\$432,000.00) 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, 2014;

(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.

(j) Project – Riverton Valley Rehabilitation 2009:

(i) Project sponsor: Riverton Valley Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One hundred twenty thousand dollars (\$120,000.00);

(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 seventy-nine thousand dollars (\$79,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission seventy-nine thousand dollars (\$79,000.00) 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, 2014;

(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.

(k) Project – Shoshone Rehabilitation 2009:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seven hundred fifty-nine thousand dollars (\$759,000.00);

(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 three hundred thirty-nine thousand dollars (\$339,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred thirty-nine thousand dollars (\$339,000.00) 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, 2014;

(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.

(m) Project – Willwood Rehabilitation 2009:

(i) Project sponsor: Willwood Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of rehabilitation measures for the irrigation system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred eighty thousand dollars (\$480,000.00);

(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 two hundred eighty-four thousand dollars (\$284,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred eighty-four thousand dollars (\$284,000.00) 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, 2014;

(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.

(n) Project – Riverton Valley Pipeline Relocation:

(i) Project sponsor: Riverton Valley Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of a pipeline relocation;

(iv) Total project budget: One million three hundred thousand dollars (\$1,300,000.00);

(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 five hundred twenty-five thousand dollars (\$525,000.00) or eighty-seven and one-half percent (87.5%) of the approved materials 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 purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed seventy-five thousand dollars (\$75,000.00) or twelve and one-half percent (12.5%) of the approved material 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 six hundred thousand dollars (\$600,000.00) 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, 2014;

(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.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-303(k)(vi), 99-3-504(n)(vi), 99-3-804(m)(vi), 99-3-1004(c)(viii) through (x), (d)(iv) through (vii), (e)(iii) through (vii) and by creating a new paragraph (viii), 99-3-1104(n)(iv) through (vi), 99-3-1105(b)(iii), (vi)(A)(I) and (II), 99-3-1203(n)(iv) through (vii) and (p)(iv) through (viii), 99-3-1204(f)(iii) through (v), (vii) and by creating a new paragraph (viii), 99-3-1303(d)(iii) through (vii) and (f)(iii) through (vii), 99-3-1304(g)(iv), (v), (vii) and by creating a new paragraph (viii) are amended to read:

99-3-303. Level III construction projects – new development.

(k) Project - Washakie Rural Water Supply Project:

(vi) Appropriation: There is appropriated from water development account I to the commission eleven million two hundred sixty-three thousand dollars (\$11,263,000.00) 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~~ 2009;

99-3-504. Level III construction projects – rehabilitation.

(n) Project – Riverton Raw Water Supply Rehabilitation Project:

(vi) Appropriation: There is appropriated from water development account II to the commission one million eighty-six thousand five hundred dollars (\$1,086,500.00) 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, ~~2010~~ 2009;

99-3-804. Level III construction projects rehabilitation.

(m) Project – LeClair Laterals Rehabilitation Project:

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred sixty-five thousand dollars (\$565,000.00) 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, ~~2008-2012~~; and

99-3-1004. Level III construction projects – rehabilitation.

(c) Project – Gillette Madison Pipeline Joint Bonding:

(viii) Supplemental project budget: ~~Two million five hundred thousand dollars (\$2,500,000.00)~~ Five million seven hundred fifty thousand dollars (\$5,750,000.00);

(ix) Supplemental project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission an amount not to exceed ~~one million six hundred seventy-five thousand dollars (\$1,675,000.00)~~ three million eight hundred fifty-two thousand five hundred dollars (\$3,852,500.00) 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;

(x) Supplemental appropriation: There is appropriated from water development account II to the commission an additional ~~one million six hundred seventy-five thousand dollars (\$1,675,000.00)~~ three million eight hundred fifty-two thousand five hundred dollars (\$3,852,500.00), which when combined with the original appropriation, as described in paragraphs (iv) through (vi) of this subsection, total ~~two million nine hundred thousand dollars (\$2,900,000.00)~~ five million seventy-seven thousand five hundred dollars (\$5,077,500.00) 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, ~~2010~~ 2014; and

(d) Project – Green River Supply Canal Rehabilitation:

(iv) Total project budget: ~~Two hundred thousand dollars (\$200,000.00)~~ Three hundred fifty thousand dollars (\$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 design, permit procurement, construction engineering, project land procurement and construction of the project an amount not to exceed ~~one hundred thousand dollars (\$100,000.00)~~ two hundred thirty-four thousand five hundred dollars (\$234,500.00) or fifty percent (50%) ~~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, construction engineering, project land procurement and construction of the project an amount not to exceed ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifteen thousand five hundred dollars (\$115,500.00) or fifty percent (50%) ~~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 ~~six percent (6%)~~ four percent (4%); and

(vii) Appropriation: There is appropriated from water development account II to the commission ~~two hundred thousand dollars (\$200,000.00)~~ three hundred fifty thousand dollars (\$350,000.00) 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, ~~2009-2013~~.

Source notes for subsection (d): (Laws 2005, Ch. 147, § 1.)

(e) Project – Lake DeSmet Rehabilitation:

(iii) Project description: To repair and replace outlet gates at the north dam, fabricate and install a top grate on the tunnel outlet shaft, install piezometers in the north dam, install riprap and inclusion of appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~One hundred sixty-five thousand dollars (\$165,000.00)~~ One million four hundred thirty thousand dollars (\$1,430,000.00);

(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 ~~eighty-two thousand five hundred dollars (\$82,500.00)~~ nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) or ~~fifty percent (50%)~~ 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, construction engineering, project land procurement and construction of the project an amount not to exceed ~~eighty-two thousand five hundred dollars (\$82,500.00)~~ four hundred seventy-one thousand nine hundred dollars (\$471,900.00) or ~~fifty percent (50%)~~ 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 ~~six percent (6%)~~ four percent (4%); and

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one hundred sixty-five thousand dollars (\$165,000.00)~~ one million four hundred thirty thousand dollars (\$1,430,000.00) 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, ~~2009-2013~~;

(viii) Special conditions:

(A) If the sponsor enters into any agreement for the lease, sale, assignment or transfer of ownership of water from Lake DeSmet Dam and Reservoir for uses other than municipal, environmental, recreation or fish and wildlife uses, or any agreement for the lease, sale, assignment or transfer of ownership for all or part of Lake DeSmet Dam and Reservoir, the revenues from any such lease, sale, assignment or transfer of ownership shall be used for the following purposes in order of the following priorities:

(I) Operation, maintenance and replacement costs as needed by the sponsor for Lake DeSmet Dam and Reservoir as approved by the commission;

(II) A reserve account totaling one hundred thousand dollars (\$100,000.00) to be earmarked for extraordinary operation, maintenance and replacement costs as needed by the sponsor for Lake DeSmet Dam and Reservoir;

(III) Retirement of any outstanding principal on the project loan;

(IV) Reimbursement to the commission for the project grant; and

(V) After the project loan has been retired and the project grant has been reimbursed, any remaining revenues shall be the property of the sponsor.

(B) Revenues received by the state from any such lease, sale, assignment or transfer of ownership shall be deposited into water development account II.

Source notes for subsection (e): (Laws 2005, Ch. 147, § 1.)

99-3-1104. Level III construction projects –rehabilitation.

(n) Project – Worland Eastside Transmission Line:

(iv) Total project budget: ~~Three million six hundred fifteen thousand dollars (\$3,615,000.00)~~ Five million three hundred thousand dollars (\$5,300,000.00);

(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 ~~one million eight hundred seven thousand five hundred dollars (\$1,807,500.00)~~ two million six hundred fifty thousand dollars (\$2,650,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development

account II to the commission ~~one million eight hundred seven thousand five hundred dollars (\$1,807,500.00)~~ two million six hundred fifty thousand dollars (\$2,650,000.00) 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, ~~2014~~ 2014; and

99-3-1105. Level III construction projects – dams and reservoirs.

(b) Project – Pathfinder Modification Project:

(iii) Project description: ~~Modification and raising of the spillway~~ of Pathfinder Dam to recover approximately fifty-three thousand four hundred ninety-three (53,493) acre-feet of space that has been lost to sediment accumulation and appurtenances necessary to make the project function in the manner intended;

(vi) Special conditions:

(A) The Wyoming water development office is hereby authorized to contract with the United States Bureau of Reclamation for the construction, operation and maintenance of the project. Items to be included in the contract are, but are not limited to:

(I) ~~The requirement for the United States Bureau of Reclamation to obtain a partial change of use of obtained by the United States Bureau of Reclamation on its water right for the Pathfinder Reservoir for the fifty-three thousand four hundred ninety-three (53,493) acre-feet of space allocated to the project purposes; and~~

(II) ~~The requirement to obtain legislative authority to deliver water to the Wyoming/Nebraska state line for the purpose of enhancing the regulatory certainty under the Endangered Species Act for the use of Wyoming water in the Platte River basin provided in W.S. 41-2-1301.~~

99-3-1203. Level III construction projects – new development.

(n) Project – Sundance Well Project:

(iv) Total project budget: ~~Five hundred ninety-five thousand dollars (\$595,000.00)~~ Six hundred eighty-five thousand dollars (\$685,000.00);

(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 ninety-eight thousand six hundred fifty dollars (\$398,650.00)~~ four hundred fifty-eight thousand nine hundred fifty dollars (\$458,950.00) 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 ninety-six thousand three hundred fifty dollars (\$196,350.00)~~ two hundred twenty-six thousand fifty dollars (\$226,050.00) 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 I to the commission ~~five hundred ninety-five thousand dollars (\$595,000.00)~~ six hundred eighty-five thousand dollars (\$685,000.00) 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~~ 2014.

Source notes for subsection (n): (Laws 2007, Ch. 121, § 1.)

(p) Project – Glendo Well:

(iv) Total project budget: ~~Five hundred ninety thousand dollars (\$590,000.00)~~ Nine hundred eighty thousand dollars (\$980,000.00);

(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 ~~three hundred ninety-five thousand three hundred dollars (\$395,300.00)~~ six hundred fifty-six thousand six hundred dollars (\$656,600.00) 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 ninety-four thousand seven hundred dollars (\$194,700.00)~~ one hundred twenty-three thousand four hundred dollars (\$123,400.00) or ~~thirty-three percent (33%)~~ twelve and six-tenths percent (12.6%) 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 I to the commission ~~five hundred ninety thousand dollars (\$590,000.00)~~ seven hundred eighty thousand dollars (\$780,000.00) 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~~ 2013; and

(viii) ~~Special condition~~ conditions:

(A) The sponsor is responsible for acquiring twenty and four-tenths percent (20.4%) of the total project budget from other sources;

(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 thirty (30) 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 (p): (Laws 2007, Ch. 121, § 1.)

99-3-1204. Level III construction projects rehabilitation.

(f) Project – Midvale Canal Rehabilitation:

(iii) Project description: Professional engineering design services to Design and construction of rehabilitation measures for canals and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred two thousand dollars (\$402,000.00) Four hundred thousand dollars (\$400,000.00);

(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 purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed two hundred sixty-nine thousand three hundred forty dollars (\$269,340.00) two hundred thirty thousand dollars (\$230,000.00) or sixty-seven percent (67%) of the actual engineering design and permit procurement one hundred percent (100%) of the approved materials costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account II to the commission four hundred two thousand dollars (\$402,000.00) two hundred thirty thousand dollars (\$230,000.00) 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, 2012-2013;

(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 (f): (Laws 2007, Ch. 121, § 1.)

99-3-1303. Level III construction projects – new development.

(d) Project – Glenrock Well:

(iii) Project description: Design and construction of pump, motor, controls, piping, control building and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Five hundred twenty thousand dollars (\$520,000.00)~~ Seven hundred thousand dollars (\$700,000.00);

(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)~~ four hundred sixty-nine thousand dollars (\$469,000.00) 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 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)~~ two hundred thirty-one thousand dollars (\$231,000.00) 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)~~ seven hundred thousand dollars (\$700,000.00) 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:

(iii) Project description: Design and construction 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)~~ Seven million seven hundred thirty thousand dollars (\$7,730,000.00);

(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~~ an amount not to exceed ~~five hundred eighty-nine thousand six hundred dollars (\$589,600.00)~~ five million one hundred seventy-nine thousand one hundred dollars (\$5,179,100.00) 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, construction engineering and construction~~ an amount not to exceed ~~two hundred ninety thousand four hundred dollars (\$290,400.00)~~ two million five hundred fifty thousand nine hundred dollars (\$2,550,900.00) 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)~~ seven million seven hundred thirty thousand dollars (\$7,730,000.00) 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, ~~2013-2014~~.

Source notes for subsection (f): (Laws 2008, Ch. 75, § 1.)

99-3-1304. Level III construction projects – rehabilitation.

(g) Project – Sidon Rehabilitation:

(iv) Total project budget: ~~Four hundred five thousand dollars (\$405,000.00)~~ Five hundred fifty thousand dollars (\$550,000.00);

(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 purchase of project materials as supported by vendor invoices and approved by the commission~~ an amount not to exceed ~~two hundred seventy-one thousand three hundred fifty dollars (\$271,350.00)~~ two hundred ninety-five thousand dollars (\$295,000.00) or sixty-seven percent (67%) of the actual development ~~one hundred percent (100%) of the approved materials~~ costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account II to the commission ~~four hundred five thousand dollars (\$405,000.00)~~ two hundred ninety-five thousand dollars (\$295,000.00) 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, ~~2012-2013;~~

(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 (g): (Laws 2008, Ch. 75, § 1.)

Section 3. W.S. 99-3-1204(f)(vi), 99-3-1304(g)(vi) and 2002 Wyoming Session Laws, Chapter 7, Section 5, Footnote 1 are repealed.

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 February 25, 2009.

Chapter 39

CIRCUIT COURT MAGISTRATE JURISDICTION

Original House Bill No. 26

AN ACT relating to circuit court magistrates; expanding the sentencing authority of full-time magistrates who are not authorized to practice law in the state as specified; and providing for an effective date.

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

Section 1. W.S. 5-9-208(c)(xviii), (xix), (xx) and by creating a new paragraph (xxi) is amended to read:

5-9-208. Full-time magistrates; powers of magistrates who are authorized to practice law; powers of magistrates who are not authorized to practice law.

(c) At the direction of the circuit court judges of a circuit court, a full-time magistrate of the circuit court who is not authorized to practice law in Wyoming may within the county from which appointed:

(xviii) Arraign, try, and sentence defendants in criminal cases amounting to misdemeanors for which the punishment prescribed by law does not exceed imprisonment for more than ~~six (6) months or a~~ one (1)

~~year, regardless of the amount of the fine of not more than seven hundred fifty dollars (\$750.00), or both, and criminal cases in which the defendant is placed on probation for a period exceeding the maximum six (6) months imprisonment sentence under W.S. 31-5-233(e) that may be imposed. In relation to such misdemeanors, this includes the power to accept plea agreements, order the examination of a defendant who enters a plea of not guilty by reason of mental illness or deficiency or not triable by reason of mental illness or deficiency, order presentence investigations, order substance abuse evaluations, order and conduct pretrial conferences, enter orders for sentencing, impose sentence, impose terms of probation, issue orders to show cause, conduct show cause hearings and enter such other orders as a circuit judge may enter in chambers when the circuit judge is unavailable, when the judge has recused himself from the case or when the judge has been peremptorily disqualified from hearing a case. In criminal cases amounting to misdemeanors for which the punishment prescribed exceeds imprisonment for more than six (6) months or a fine of more than seven hundred fifty dollars (\$750.00) or both, such magistrate shall have the power to arraign defendants where a full-time magistrate may sentence a defendant to imprisonment for not more than one (1) year and the law authorizes imposition of a term of probation that exceeds the maximum term of incarceration established for the offense, the magistrate may sentence the defendant to probation as authorized by such law;~~

(xix) Correct an illegal sentence imposed in a criminal case or reduce a sentence at any time; and

(xx) Preserve and enforce order in his immediate presence and in the proceedings before him; and

(xxi) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming statutes, title 7, chapter 3 and title 35, chapter 21.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 40**MARRIAGE LICENSES**

Original House Bill No. 49

AN ACT relating to marriage licenses; providing an expiration date for a marriage license if the marriage is not solemnized within a specified date of issuance; and providing for an effective date.

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

Section 1. W.S. 20-1-103 by creating a new subsection (d) is amended to read:

20-1-103. License; required.

(d) A marriage license obtained from a Wyoming county clerk shall expire one (1) year from the date the license was issued if the parties have not solemnized the marriage. The expiration date shall be shown on the marriage license. Upon expiration of a marriage license, the parties shall apply for and obtain a new marriage license before solemnization of their marriage in this state.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 41**CHILD ABUSE PENALTIES**

Original Senate File No. 130

AN ACT relating to child abuse; eliminating exceptions; providing for an additional penalty; and providing for an effective date.

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

Section 1. W.S. 6-2-503(a)(intro), (b)(intro) and by creating a new subsection (c) is amended to read:

6-2-503. Child abuse; penalty.

~~(a) Except under circumstances constituting a violation of W.S. 6-2-502,~~
A person who is not responsible for a child's welfare as defined by W.S. 14-3-202(a)(i), is guilty of child abuse, a felony punishable by imprisonment for not more than five (5) years, if:

(b) ~~Except under circumstances constituting a violation of W.S. 6-2-502, A person is guilty of child abuse, a felony punishable by imprisonment for not more than five (5) years, if a person responsible for a child's welfare as defined in W.S. 14-3-202(a)(i) intentionally or recklessly inflicts upon a child under the age of eighteen (18) years:~~

(c) Aggravated child abuse is a felony punishable by imprisonment for not more than twenty-five (25) years if in the course of committing the crime of child abuse, as defined in subsection (a) or (b) of this section, the person intentionally or recklessly inflicts serious bodily injury upon the victim.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 42

LIQUOR LICENSES-GOLF CLUBS

Original House Bill No. 59

AN ACT relating to liquor licenses; providing for issuance of club limited liquor licenses to political subdivisions for use at golf courses owned, maintained or operated by the political subdivision; providing for issuance of club limited liquor licenses for use at golf courses owned by political subdivisions in addition to other licenses held by the political subdivision; allowing subcontracting of golf club operation without transfer of license; providing a definition; and providing for an effective date.

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

Section 1. W.S. 12-1-101(a)(iii) by creating a new subparagraph (G), 12-4-103(b), 12-4-301 by creating a new subsection (e) and 12-5-201(g) are amended to read:

12-1-101. Definitions.

(a) As used in this title:

(iii) "Club" means any of the following organizations:

(G) A political subdivision of this state owning, maintaining or operating a bona fide golf course together with a clubhouse.

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(b) Except as provided in W.S. 12-4-301(e), no licensing authority shall

issue more than one (1) license or permit to any one (1) person.

12-4-301. Sales by clubs; license fees; petition; license restrictions.

(e) Notwithstanding W.S. 12-4-103(b), a political subdivision of the state may hold no more than two (2) club limited retail liquor licenses for golf courses owned, maintained or operated by that political subdivision in addition to any other license held by that political subdivision.

12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.

(g) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 43**TOBACCO EXCISE TAX**

Original House Bill No. 67

AN ACT relating to taxation of tobacco; providing that moist snuff tobacco will be taxed based upon net weight; conforming related provisions; requiring reports; and providing for an effective date.

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

Section 1. W.S. 39-18-101(a) by creating a new paragraph (viii), 39-18-103(a)(iii), (iv), (c)(iii) and (iv), 39-18-104(c), (d) and by creating new subsections (e) and (f) and 39-18-107(c)(i)(D) are amended to read:

39-18-101. Definitions.

(a) As used in this article:

(viii) "Moist snuff" means any moist finely cut ground or powdered tobacco intended to be placed in the oral cavity, other than dry snuff.

39-18-103. Imposition.

(a) Taxable event. The following event shall constitute a taxable event under this article:

(iii) In addition to the other taxes imposed by this subsection, there is levied and assessed upon cigars, snuff and other tobacco products purchased or imported into this state by wholesalers for resale, except cigarettes taxed under this subsection, an excise tax at the rate imposed by W.S. 39-18-104(c) ~~of the wholesale purchase price at which the tobacco products are purchased by wholesalers from manufacturers or~~ (e), as applicable;

(iv) The tax imposed by paragraph (iii) of this subsection shall also be imposed upon the use or storage by consumers of cigars, snuff and other tobacco products in this state, and upon those consumers, at the rate imposed by W.S. 39-18-104(d) ~~of the retail price of the cigar, snuff or other tobacco product or~~ (f), as applicable. This tax shall not apply if the tax imposed by paragraph (iii) of this subsection has been paid.

(c) Taxpayer. The following taxpayers are liable for the tax imposed by this article:

(iii) In addition to the other taxes imposed by this subsection, there is levied and assessed upon cigars, snuff and other tobacco products purchased or imported into this state by wholesalers for resale, except cigarettes taxed under this subsection, an excise tax at the rate imposed by W.S. 39-18-104(c) ~~of the wholesale purchase price at which the tobacco products are purchased by wholesalers from manufacturers or~~ (e), as applicable;

(iv) The tax imposed by paragraph (iii) of this subsection shall also be imposed upon the use or storage by consumers of cigars, snuff and other tobacco products in this state, and upon those consumers, at the rate imposed by W.S. 39-18-104(d) ~~of the retail price of the cigar, snuff or other tobacco product or (f), as applicable.~~ This tax shall not apply if the tax imposed by paragraph (iii) of this subsection has been paid.

39-18-104. Taxation rate.

(c) In addition to the other taxes imposed by this section, there is levied and assessed upon cigars, snuff and other tobacco products purchased or imported into this state by wholesalers for resale, except cigarettes and moist snuff taxed under this section, an excise tax at the rate of twenty percent (20%) of the wholesale purchase price at which the tobacco products are purchased by wholesalers from manufacturers.

(d) The tax imposed by subsection (c) of this section shall also be imposed upon the use or storage by consumers of cigars, snuff and other tobacco products other than cigarettes and moist snuff in this state, and upon those consumers, at the rate of ten percent (10%) of the retail price of the cigar, snuff or other tobacco product other than cigarettes and moist snuff. This tax shall not apply if the tax imposed by subsection (c) of this section has been paid.

(e) In addition to the other taxes imposed by this section, there is levied and assessed upon moist snuff purchased or imported into this state by wholesalers for resale, an excise tax at the rate of sixty cents (\$0.60) for any amount of moist snuff up to one (1) ounce plus a proportionate tax at the like rate on any fractional parts of more than one (1) ounce. The tax on moist snuff shall be imposed based on the net weight as listed by the manufacturer.

(f) The tax imposed by subsection (e) of this section shall also be imposed upon the use or storage by consumers of moist snuff in this state, and upon those consumers, at the rate of sixty cents (\$0.60) for any amount of moist snuff up to one (1) ounce plus a proportionate tax at the like rate on any fractional parts of more than one (1) ounce. This tax shall not apply if the tax imposed by subsection (e) of this section has been paid. The tax on moist snuff shall be imposed based on the net weight as listed by the manufacturer.

39-18-107. Compliance; collection procedures.

(c) Timelines. The following shall apply:

(i) No later than the twentieth day of the month following the sale of cigarettes, or the month following the end of the calendar quarter for cigars, snuff or other tobacco products each wholesaler shall return to the department the following information on forms furnished by the

department:

(D) The amount paid by the wholesaler to the manufacturer for cigars, snuff or other tobacco products other than moist snuff. For sales of moist snuff, the return shall include the net weight as listed by the manufacturer. The department shall compile the information provided under this subparagraph with respect to moist snuff tobacco sales on an annual basis and shall report the information to the legislature every five (5) years beginning on July 1, 2014.

Section 2. This act is effective July 1, 2009.

Approved February 25, 2009.

Chapter 44

STATE BUTTERFLY

Original Senate File No. 16

AN ACT relating to state symbols; declaring the Sheridan's green hairstreak butterfly the state butterfly; and providing for an effective date.

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

Section 1. W.S. 8-3-122 is created to read:

8-3-122. State insect.

Callophrys sheridanii, commonly known as Sheridan's green hairstreak butterfly, is the state butterfly of Wyoming.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 45**HANDICAPPED MOTORCYCLE PLATES**

Original House Bill No. 51

AN ACT relating to motor vehicles; authorizing the issuance of handicapped license plates for motorcycles; and providing for an effective date.

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

Section 1. W.S. 31-2-213(d)(iii)(B) and (h)(iv) is amended to read:

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(d) As used in this section:

(iii) "Special license plate" means a license plate that displays the international symbol of access:

(B) The plate shall consist of the arabic numerals designating the county in which issued at the left, followed by the bucking horse and rider emblem and a distinctive combination of up to three (3) numbers and letters as determined by the department, followed by the international symbol of access. A special license plate issued for a motorcycle shall not be less than three (3) inches wide and six (6) inches long and shall contain the international symbol of access and appropriate identification which may be in lieu of the bucking horse and rider emblem.

(h) Effective January 1, 1993, any person eligible for a special placard under subsection (c) of this section may apply to the county treasurer for special license plates for a motor vehicle owned by that person. Special license plates shall not be issued to any person who is eligible only for a temporary removable windshield placard under subsection (g) of this section. Special plates issued under this subsection are subject to the following:

(iv) One (1) set of plates and one (1) special license plate for a motorcycle shall be issued by the county treasurer to each qualified applicant under this subsection upon payment of required fees;

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 46**STREET RODS & CUSTOM VEHICLES**

Original House Bill No. 2

AN ACT relating to motor vehicles; specifying requirements for registration of street rods and custom vehicles; providing definitions; authorizing vehicle equipment as specified; establishing and increasing fees as specified; and providing for an effective date.

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

Section 1. W.S. 31-2-221 and 31-2-222 are created to read:

31-2-221. Street rods.

- (a) Street rods shall be registered and licensed pursuant to this section.
- (b) For any vehicle meeting the definition of a street rod that requires a state assigned vehicle identification number as provided in W.S. 31-11-105, the model year that is listed on the certificate of title shall be the model year that the body of the vehicle resembles.
- (c) To register a street rod, the owner shall submit an application to the department indicating:
 - (i) The owner has resided in Wyoming for at least one (1) year;
 - (ii) The vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours and related activities and will not be used for general daily transportation; and
 - (iii) The vehicle is titled in Wyoming.
- (d) Upon receipt of an approved application and payment of the street rod special license fee the vehicle shall be registered and special license plates issued therefor. The department shall issue a special street rod vehicle license plate of a size and design as prescribed by the department. The registration expires upon transfer of ownership of the vehicle or upon the department's issuance of a new plate design. The department may promulgate rules and regulations to implement the provisions of this section.
- (e) Unless the presence of the equipment was specifically required by the laws of this state as a condition of sale for the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

31-2-222. Custom vehicles.

(a) Custom vehicles shall be registered and licensed pursuant to this section.

(b) For any vehicle meeting the definition of a custom vehicle that requires a state assigned vehicle identification number as provided in W.S. 31-11-105, the model year that is listed on the certificate of title shall be the model year that the body of the vehicle resembles.

(c) To register a custom vehicle, the owner shall submit an application to the department indicating:

(i) The owner has resided in Wyoming for at least one (1) year;

(ii) The vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours and related activities and will not be used for general daily transportation; and

(iii) That the vehicle is titled in Wyoming.

(d) Upon receipt of an approved application and payment of the custom vehicle special license fee the vehicle shall be registered and special license plates issued therefor. The department shall issue a special custom vehicle license plate of a size and design as prescribed by the department. The registration expires upon transfer of ownership of the vehicle or upon the department's issuance of a new plate design. The department may promulgate rules and regulations to implement the provisions of this section. Notwithstanding W.S. 31-2-205(a)(i)(A), for a custom vehicle that was manufactured prior to 1968 or was originally manufactured to have one (1) license plate, a license plate shall only be required to be displayed on the rear of the vehicle.

(e) Unless the presence of the equipment was specifically required by the laws of this state as a condition of sale for the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

Section 2. W.S. 31-1-101(a)(xv) by creating new subparagraphs (N) and (O), 31-2-205(a)(i)(A), 31-3-102(a) by creating new paragraphs (xx) and (xxi), 31-5-913 by creating a new subsection (c) and 31-11-105(a) are amended to read:

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power or motorized skateboards. The term includes the following vehicles as hereafter defined:

(N) "Street rod" means a motor vehicle that:

(I) Is a 1948 or older vehicle, or the vehicle was manufactured after 1948 to resemble a vehicle manufactured before 1949; and

(II) Has been altered from the manufacturer's original design, or has a body constructed from nonoriginal materials.

(O) "Custom vehicle" means any motor vehicle that:

(I) Is at least twenty-five (25) years old and of a model year after 1948, or was manufactured to resemble a vehicle at least twenty-five (25) years old and of a model year after 1948; and

(II) Has been altered from the manufacturer's original design, or has a body constructed from nonoriginal materials.

31-2-205. Display of license plates.

(a) License plates for vehicles shall be:

(i) Conspicuously displayed and securely fastened to be plainly visible:

(A) One (1) on the front of the vehicle, excluding motorcycles, multipurpose vehicles, trailers (including house trailers), and vehicles operated with demo, full use or manufacturer license plates issued pursuant to W.S. 31-16-125, street rods registered pursuant to W.S. 31-2-221 and custom vehicles registered pursuant to W.S. 31-2-222, provided that such custom vehicles were manufactured prior to 1968 or were originally manufactured to have one (1) license plate;

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(xx) Street rod.....	\$100.00
(xxi) Custom vehicle.....	\$100.00

31-5-913. Tail lamps.

(c) A street rod as defined in W.S. 31-1-101(a)(xv)(N) or a custom vehicle as defined in W.S. 31-1-101(a)(xv)(O) may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps and rear reflectors. For purposes of this subsection, "blue dot tail light" means a red lamp

installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one (1) inch in diameter.

31-11-105. Special vehicle identification number.

(a) An owner of a vehicle that does not have a vehicle identification number present or an owner of a vehicle for which a Wyoming certificate of title has been issued or is required who replaces any part of the vehicle on which the vehicle identification number appears or who incorporates a part containing the vehicle identification number into another vehicle, shall apply to the department forthwith for a special vehicle identification number. The department shall determine that the applicant for the special vehicle identification number is the lawful owner of the vehicle. An application blank shall be furnished by the department for the registration of the special vehicle identification number containing a complete description of the vehicle, the name and address of the owner, from whom purchased and other information as required by the department. The owner shall pay a registration fee of ~~one dollar (\$1.00)~~ twenty dollars (\$20.00) for the special vehicle identification number.

Section 3. This act is effective July 1, 2010.

Approved February 26, 2009.

Chapter 47

RECREATIONAL SAFETY ACT-AMENDMENTS

Original House Bill No. 135

AN ACT relating to the liability of owners of land; providing that the use of private land for parking and access related to recreational activities is covered by the Recreation Safety Act; limiting land owners liability as specified; and providing for an effective date.

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

Section 1. W.S. 1-1-122(a)(iii) and 34-19-104 are amended to read:

1-1-122. Definitions.

(a) As used in this act:

(iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, dude ranching, nordic or alpine skiing, mountain climbing, river floating, hunting, fishing, backcountry trips, horseback riding and any other equine activity, snowmobiling and similar recreational opportunities and includes the use of private lands for vehicle parking and

land access related to the sport or recreational opportunity;

34-19-104. Application to land leased to state or political subdivision thereof.

(a) Unless otherwise agreed in writing W.S. 34-19-102 and 34-19-103 shall be deemed applicable to the duties and liability of:

(i) An owner of land leased to the state or any subdivision of this state for recreational purposes;

(ii) An owner of land on which the state or any subdivision of the state has an easement for vehicle parking and land access for recreational purposes.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 48

PROPERTY TAX-APPEALS 2

Original House Bill No. 221

AN ACT relating to property taxation; specifying that evidence may be presented to rebut the presumption of correctness upon appeal of an assessment to a county board of equalization or the state board of equalization as specified; and providing for an effective date.

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

Section 1. W.S. 39-11-109(b) by creating a new paragraph (iv) and 39-13-109(b) by creating a new paragraph (vi) are amended to read:

39-11-109. Taxpayer remedies.

(b) Appeals. The following shall apply:

(iv) In any appeal to the board authorized by this section, the taxpayer may present any credible evidence, including expert opinion testimony, to rebut the presumption in favor of a valuation asserted by the department.

39-13-109. Taxpayer remedies.

(b) Appeals. The following shall apply:

(vi) In any appeal to a county board of equalization authorized by this section, the taxpayer may present any credible evidence, including expert opinion testimony, to rebut the presumption in favor of a valuation asserted

by the county assessor.

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 February 26, 2009.

Chapter 49

OWNERSHIP OF PORE SPACE-DOMINANCE OF MINERAL ESTATE

Original House Bill No. 57

AN ACT relating to property; declaring the mineral estate dominant over pore space; and providing for an effective date.

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

Section 1. W.S. 34-1-152(e) is amended to read:

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

(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. For the purpose of determining the priority of subsurface uses between a severed mineral estate and pore space as defined in subsection (d) of this section, the severed mineral estate is dominant regardless of whether ownership of the pore space is vested in the several owners of the surface or is owned separately from the surface.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 50**RESPONSIBILITIES OF INJECTORS AND PORE SPACE OWNERS**

Original House Bill No. 58

AN ACT relating to carbon sequestration; providing for the responsibilities of injectors; providing for presumption of ownership; providing for nonliability of persons with interests in pore space and related surface and subsurface rights; and providing for an effective date.

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

Section 1. W.S. 34-1-153 is created to read:

34-1-153. Ownership of material injected into geologic sequestration sites; liability for holding interests related to a sequestration site or giving consent to allow geologic sequestration activities.

(a) All carbon dioxide, and other substances injected incidental to the injection of carbon dioxide, injected into any geologic sequestration site for the purpose of geologic sequestration shall be presumed to be owned by the injector of such material and all rights, benefits, burdens and liabilities of such ownership shall belong to the injector. This presumption may be rebutted by a person claiming contrary ownership by a preponderance of the evidence in an action to establish ownership.

(b) No owner of pore space, other person holding any right to control pore space or other surface or subsurface interest holder, shall be liable for the effects of injecting carbon dioxide for geologic sequestration purposes, or for the effects of injecting other substances for the purpose of geologic sequestration which substances are injected incidental to the injection of carbon dioxide, solely by virtue of their interest or by their having given consent to the injection.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 51**LIQUOR LICENSEES-INDUSTRY REPRESENTATIVES**

Original House Bill No. 34

AN ACT relating to alcoholic beverages; providing an exception to prohibition on industry representatives providing money or other things of value to licensees; specifying conditions; and providing for an effective date.

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

Section 1. W.S. 12-5-402(a) is amended to read:

12-5-402. Furnishing of money and products; payment in full for malt beverages; credit for alcoholic liquor; credit deficiencies.

(a) Except as otherwise authorized in this section or W.S. 12-5-403, industry representatives shall not furnish, give or lend money or other things of value, directly or indirectly, to any person engaged in selling products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming. The prohibition shall extend to the giving to any person for the use, benefit or relief of the person engaged in selling the industry's products and to prohibit guaranty by the industry of a loan or other financial obligation of persons engaged at retail in selling these products. With prior approval of the applicable licensing authority, malt beverage industry representatives may furnish, give or lend money or other things of value to a licensee to support annual community events open to the public if the licensee:

(i) Is a nonprofit corporation organized under the laws of this state;

(ii) Is qualified as a tax exempt organization under the Internal Revenue Code; and

(iii) Has been in continuous operation for a period of not less than two (2) years.

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 February 26, 2009.

Chapter 52**HIGHER EDUCATION MATCHING FUNDS**

Original House Bill No. 155

AN ACT relating to higher education matching funds programs; modifying time limitations for eligible donations; eliminating stated donation period for matching funds eligibility; repealing provisions for reversion of funds; repealing executed provisions; and providing for an effective date.

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

Section 1. W.S. 21-16-902(a)(iii)(C)(I) and (II), 21-16-903(b), 21-16-904(a)(vii) and (b), 21-16-1001(a)(ii), 21-16-1002(b), 21-16-1003(a)(i), (ii) and (v), 21-16-1102(a)(ii)(A) and (B), 21-16-1103(b), 21-16-1104(j), 21-16-1401(a)(ii), 21-16-1402(b) and 21-16-1403(a)(v) are amended to read:

21-16-902. Definitions.

(a) As used in this article:

(iii) "Substantial endowment gift" means an irrevocable gift or transfer to the University of Wyoming foundation of money or other property by a donor where:

(C) The following apply:

(I) The gift was received or the transfer occurred ~~during the donation period on or after March 1, 2001, through December 31, 2009.~~ Payments ~~made during the donation period~~ are not eligible to be matched if they are part of a gift for which some payment was received prior to ~~the donation period March 1, 2001;~~

(II) If a commitment to make the gift or transfer ~~was~~ is made in writing to the university foundation, ~~during the donation period on or after March 1, 2001, through December 31, 2009,~~ to qualify for the match, the gift shall actually be received or the transfer shall actually occur not later than ~~the end of the five (5) year collection period ending December 31, 2014 of the fifth calendar year following the calendar year in which the written commitment was made to the university foundation;~~

21-16-903. University endowment challenge account.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law, and all investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this

article.

21-16-904. Endowment challenge fund matching fund program; matching payments; agreements with university foundation; annual reports; reversions of appropriations.

(a) The state treasurer shall administer the matching fund program established under this section. The following shall apply to the program:

(vii) ~~Through the end of the collection period, The University of Wyoming shall on or before October 1 of each year submit a report to the state treasurer from the foundation regarding the endowment matching program established 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 state treasurer shall distribute the report to the governor and the legislature;~~

(b) Any funds appropriated to a university endowment fund by the legislature shall be credited to the university fund endowment challenge account under W.S. 21-16-903. ~~Notwithstanding 2001 Wyoming Session Laws, Chapter 139, Section 067, Footnote 2 or any other provision of law, any unexpended funds from this account shall revert to the general fund on December 31, 2014.~~

21-16-1001. Definitions.

(a) As used in this article:

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than twenty-five thousand dollars (\$25,000.00); ~~except as provided in W.S. 21-16-1003(a)(vii); to the University of Wyoming foundation to be expended exclusively for university intercollegiate athletic facilities consistent with the 2003 intercollegiate athletics plan approved by the university board of trustees, and also includes contributions meeting the requirements of W.S. 21-16-1003(a)(vii).~~ The commitment for a qualifying contribution or the contribution itself shall be made ~~during the period of time beginning on or after September 13, 2003, and ending December 31, 2009.~~ The contribution shall be actually received by the University of Wyoming foundation on or before December 31, ~~2011~~ of the fifth calendar year following the calendar year in which the written commitment was made to the university foundation. Members of a single family may aggregate their individual gifts to meet the minimum dollar threshold required for matching funds. Gifts from nonfamily members in memory of a deceased individual may also be aggregated to meet the minimum dollar threshold required for matching funds.;

21-16-1002. University athletics challenge account.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this

article.

21-16-1003. Athletics challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.

(a) The state treasurer shall administer the university athletics challenge account established under this article. The following shall apply:

(i) To the extent that funds are available in the challenge account, the state treasurer shall match each qualifying contribution actually received by the University of Wyoming foundation by transferring from the challenge account to the university an amount equal to the amount of the qualifying contribution. Qualifying contributions made directly to the university shall be considered qualifying contributions to the foundation for purposes of this article. ~~Except as provided in paragraph (vii) of this subsection,~~ The university shall expend both the qualifying contributions and the matching funds solely for the cost of establishing new or renovating existing university intercollegiate athletics facilities consistent with the 2003 intercollegiate athletics plan approved by the university board of trustees. Authorized expenditures for intercollegiate athletic facilities include but are not limited to all expenditures necessary for planning, designing, procuring contractors, construction management and actual construction;

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the qualifying contribution is received. ~~Except as provided in subparagraph (vii)(B) of this subsection,~~ If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the contribution totals at least twenty-five thousand dollars (\$25,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that qualifying contribution are received by the foundation;

(v) ~~Through calendar year 2011,~~ The University of Wyoming shall on or before October 1 of each calendar year submit a report to the state treasurer from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from program expenditures. The state treasurer shall distribute the report to the governor and the joint education interim committee.;

21-16-1102. Definitions.

(a) As used in this article:

(ii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming community college 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 or

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 on or after July 1, 2004, through June 30, 2009;~~ or

(B) A commitment to make the gift or transfer was made in writing to the respective community college foundation, which commitment was received ~~during the period on or after July 1, 2004, through June 30, 2009;~~ and the gift was received or the transfer occurred not later than December 31, ~~2010~~ of the fifth calendar year following the calendar year in which the written commitment was made.

21-16-1103. Wyoming community college endowment challenge fund.

(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. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the fund shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

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 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.~~

21-16-1401. Definitions.

(a) As used in this article:

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than twenty-five thousand dollars (\$25,000.00) to the University of Wyoming foundation to be expended exclusively for university academic facilities as approved by the university president and board of trustees. The commitment for a qualifying contribution or the contribution itself shall be made ~~during the period of time beginning in writing on or after October 1, 2005, and ending December 31, 2009.~~ The contribution shall be actually received by the University of Wyoming foundation on or before December 31, 2011 of the fifth calendar year following the calendar year in which the written commitment was made. Members of a single family may aggregate their individual gifts to meet

the minimum dollar threshold required for matching funds. Gifts from nonfamily members in memory of a deceased individual may also be aggregated to meet the minimum dollar threshold required for matching funds.

21-16-1402. University academic facilities challenge account.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, other funds within the account shall not lapse or revert until directed by the legislature and shall remain available for distribution as provided in this article.

21-16-1403. Academic facilities challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.

(a) The state treasurer shall administer the university academic facilities challenge account established under this article. The following shall apply:

(v) ~~Through calendar year 2012,~~ The University of Wyoming shall on or before October 1 of each calendar year submit a report to the state treasurer from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from program expenditures. The state treasurer shall distribute the report to the governor and the joint education interim committee.;

Section 2. 2004 Wyoming Session Laws, Chapter 117, Section 2(a) is amended to read:

Section 2.

(a) Thirty-one million five hundred thousand dollars (\$31,500,000.00) is appropriated from the general fund to the community college endowment challenge fund as created under section 1 of this act. To the extent 2004 House Bill 0001, as enacted into law, appropriates any funds to the community college endowment challenge fund as created under section 1 of this act, the appropriation in this section shall be reduced by the amount of the appropriation in 2004 House Bill 0001. ~~Notwithstanding any other provision of law, any unexpended funds from the amount appropriated under this subsection shall revert to the budget reserve account on July 1, 2011.~~

Section 3. W.S. 21-16-904(a)(viii), 21-16-1001(a)(iii), 21-16-1003(a)(vi) and (vii) and 21-16-1403(a)(vi) are repealed.

Section 4. This act is effective July 1, 2009.

Approved February 26, 2009

Chapter 53

RURAL HEALTH CARE DISTRICTS-MILL LEVY

Original House Bill No. 145

AN ACT relating to rural health care districts; increasing authorized mill levies upon election requested by the board of trustees; providing for an election to levy additional taxes as specified; and providing for an effective date.

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

Section 1. W.S. 35-2-708(c) and by creating new subsections (d) and (e) and 39-13-104(e)(xi) are amended to read:

35-2-708. Administration of finances; assessment and levy of taxes.

(c) The board of county commissioners, at the time of making the levy for county purposes shall levy a tax for that year upon the taxable property in the district in its county for its proportionate share based on assessed valuation of the estimated amount of funds needed by each rural health care district, but, except as provided in this subsection, in no case shall the tax for the district exceed in any one (1) year the amount of two (2) mills on each dollar of assessed valuation of the property. Up to an additional two (2) mills may be imposed on each dollar of assessed valuation of the property if approved by the board of trustees and if approved by the electors as provided in subsection (d) of this section.

(d) If the board of trustees votes to increase the mill levy beyond two (2) mills as authorized by subsection (c) of this section, the board of county commissioners shall call an election within the district upon the question of whether the mill levy should be increased beyond two (2) mills. The election shall be called, conducted and canvassed as provided for bond elections by the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112, on the first date authorized under W.S. 22-21-103 which is not less than sixty (60) days after the trustees vote to increase the mill levy beyond two (2) mills. In no event shall the tax in a district exceed in any one (1) year the amount of four (4) mills on each dollar of assessed valuation of property. The increase in mill levy is effective only if the question is approved by a majority of those voting thereon within

the rural health care district. The cost of any special election under this subsection shall be borne by the board of trustees.

(e) If the proposition to authorize an additional mill levy is approved, the same proposition or a proposition to impose a mill levy in a different amount, not to exceed two (2) mills, shall be submitted to the voters, until defeated, at the general election held every four (4) years thereafter. If the proposition to impose or continue the tax is defeated, the proposition shall not again be submitted to the electors for at least twenty-three (23) months.

39-13-104. Taxation rate.

(e) There shall be annually levied and assessed upon the taxable value of property within the limits of the following special districts the following special district taxes when applicable:

(xi) Not to exceed ~~two (2)~~ four (4) mills by a rural health care district as provided by W.S. 35-2-708(c);

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 54

GAME BIRD FARMS RAISING SAGE GROUSE

Original House Bill No. 48

AN ACT relating to game and fish; requiring a report regarding licensing private game bird farms to raise native sage grouse for release; imposing a moratorium on raising and releasing sage grouse as specified; and providing for an effective date.

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

Section 1. The game and fish commission and department shall report to the joint travel, recreation, wildlife and cultural resources interim committee not later than August 31, 2009 regarding the development of commission rules, regulations and procedures pursuant to 2008 Wyoming Session Laws, chapter 48, section 2, section 40, footnote 3, to allow private game bird farms in this state to raise native sage grouse for release. The committee may sponsor legislation in the 2010 budget session as it determines appropriate to address the issue of private game bird farms raising native sage grouse for release. Neither the raising nor release of native sage grouse shall be permitted under any game bird farm license issued under W.S. 23-5-102 unless specifically authorized by legislation enacted after April 1, 2009.

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 February 26, 2009.

Chapter 55

LOW PROFIT LIMITED LIABILITY COMPANIES

Original House Bill No. 182

AN ACT relating to limited liability companies; providing for creation of low profit limited liability companies; providing a definition; providing for use of abbreviations; providing for administrative dissolution; and providing for an effective date.

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

Section 1. W.S. 17-15-102(a) by creating a new paragraph (ix), 17-15-105(a)(intro) and (b) and 17-15-112 by creating a new subsection (e) are amended to read:

17-15-102. Definitions.

(a) As used in this act:

(ix) “Low profit limited liability company” means a limited liability company that has set forth in its articles of organization a business purpose that satisfies, and which limited liability company is at all times operated to satisfy, each of the following requirements:

(A) The entity significantly furthers the accomplishment of one (1) or more charitable or educational purposes within the meaning of section 170(c)(2)(B) of the Internal Revenue Code and would not have been formed but for the entity’s relationship to the accomplishment of charitable or educational purposes;

(B) No significant purpose of the entity is the production of income or the appreciation of property provided, however, that the fact that an entity produces significant income or capital appreciation shall not, in the absence of other factors, be conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and

(C) No purpose of the entity is to accomplish one (1) or more political or legislative purposes within the meaning of section 170(c)(2)(D) of the Internal Revenue Code.

17-15-105. Name.

(a) The words “limited liability company,” or its abbreviations “LLC” or “L.L.C.,” “limited company,” or its abbreviations “LC” or “L.C.,” “Ltd. liability company,” “Ltd. liability co.” or “limited liability co.” shall be included in the name of every limited liability company formed under the provisions of this act and, except the name of a low profit limited liability company, as defined in W.S. 17-15-102(a)(ix) shall contain the abbreviations “L3C,” “l3c,” “low profit ltd. liability company,” “low profit ltd. liability co.” or “low profit limited liability co.”. In addition, the limited liability company name may not:

(b) Omission of the words “limited liability company,” or its abbreviations “LLC” or “L.L.C.,” “limited company,” or its abbreviations “LC” or “L.C.,” “Ltd. liability company,” “Ltd. liability co.” or “limited liability co.,” or in the case of a low profit limited liability company, as defined in W.S. 17-15-102(a)(ix), omission of the words “low profit limited liability company” or its abbreviations “L3C,” “l3c,” “low profit ltd. liability company,” “low profit ltd. liability co.” or “low profit limited liability co.” in the use of the name of the limited liability company shall render any person who participates in the omission, or knowingly acquiesces in it, liable for indebtedness, damage or liability occasioned by the omission.

17-15-112. Administrative forfeiture of authority and certificate of organization.

(e) In addition to the other provisions of this section, if any low profit limited liability company has ceased to meet the definition of a low profit limited liability company as provided in W.S. 17-15-102(a)(ix) and has failed for thirty (30) days after ceasing to meet the definition to file an amendment to its articles of organization with the secretary of state amending its name to conform with the requirements of W.S. 17-15-105(a), it shall be deemed to be transacting business in 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 same manner as provided in subsection (a) of this section. The reinstatement provisions and fees provided in subsection (a) of this section shall apply.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 56

WATER AND SEWER DISTRICTS-MAPS

Original House Bill No. 74

AN ACT relating to water and sewer districts; providing that maps showing overlapping authority with areas annexed by a city or town are compliant with mapping requirements; and providing for an effective date.

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

Section 1. W.S. 41-10-153 is amended to read:

41-10-153. Obligations and authority remain with district.

Upon the annexation of such territory the securities of the district, including but not limited to short-term notes, general obligation bonds and other like securities, revenue bonds and other like securities, special assessment bonds and other like securities shall remain the obligations of the districts and the districts shall remain in possession, ownership and operation of its equipment, plant and facilities. The subscribers of the services of such district shall continue to be served by the districts. The taxing power and authority of the districts shall continue and shall be in addition to any taxing authority of the annexing city or town. A properly filed map showing the overlapping authorities shall be deemed compliant with the provisions of W.S. 39-13-102(p).

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 57

CLEAN COAL TASK FORCE

Original House Bill No. 111

AN ACT relating to the clean coal task force; extending the existence of the clean coal task force as specified; requiring annual reports; reappropriating funds to be used for clean coal research; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 21-17-121 is created to read:

21-17-121. Clean coal research task force; members; compensation; proposals; report.

(a) The clean coal research task force created pursuant to 2007 Wyoming

Session Laws, Chapter 186, Section 2 shall exist until June 30, 2013. The task force shall consist of the voting members of the Wyoming energy resources council created pursuant to W.S. 21-17-117(e), or their designees.

(b) The task force shall meet at the call of the chairman. The task force shall issue requests for proposals for research projects into clean coal technologies. The task force shall review and evaluate proposals for research into clean coal technologies, subject to the following:

(i) Proposals may be received from academic institutions and private industry proponents;

(ii) Proposals shall be evaluated competitively on their probable benefits to the state of Wyoming and coal programs within this state;

(iii) Proposals shall enhance and improve clean coal technologies with an emphasis on methods of combusting sub-bituminous coal at high altitudes.

(c) The task force shall issue a report to the governor and the joint minerals, business and economic development interim committee annually, no later than September 30, including, but not limited to, recommendations regarding funding specific proposals for research into clean coal technologies in Wyoming.

(d) The task force shall be staffed by the governor's office with support from the University of Wyoming school of energy resources. The task force may contract for administrative and research services to aid in preparation of the task force report.

(e) 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) The clean coal task force may award funds in the clean coal technology account to proposals for clean coal after submitting the task force's recommendations to the joint minerals, business and economic development interim committee.

Section 2. W.S. 39-14-802(b) is amended to read:

39-14-802. Clean coal research account created; funds deposited; use of funds.

(b) Deposits into the account created by subsection (a) of this section

shall only be expended upon appropriation by the legislature pursuant to W.S. 21-17-121(f). Funds deposited in the account shall not be expended until a dollar for dollar match has been provided from nonstate of Wyoming public funds. Notwithstanding W.S. 9-2-1008 or 9-4-207, unexpended funds shall not revert.

Section 3. 2008 Wyoming Session Laws, Chapter 48, Section 320(a)(vii) is amended to read:

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:

(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~~ W.S. 21-17-121(f) for the purpose of clean coal technology research.

Section 4. 2007 Wyoming Session Laws, Chapter 186, Sections 2 and 3 and 2008 Wyoming Session Laws, Chapter 48, Section 325(b), Section 3(b) are repealed.

Section 5.

(a) Any funds remaining from the appropriation provided in 2007 Wyoming Session Laws, Chapter 186, Section 3(b), as amended by 2008 Wyoming Session Laws, Chapter 48, Section 325(b) are hereby reappropriated to the account created under W.S. 39-14-802 for the purpose of clean coal technology research.

(b) Any funds remaining under the appropriation provided in 2007 Wyoming Session Laws, Chapter 186, Section 3(a) are hereby reappropriated to the governor's office for expenses incurred by the clean coal task force.

(c) There is appropriated seven thousand five hundred dollars (\$7,500.00) from the general fund to the legislative service office for compensation of legislative members serving on the clean coal task force.

(d) Funds appropriated under subsections (b) and (c) of this section are appropriated for the period beginning with the effective date of this act and ending June 30, 2010. These appropriations shall only be expended for the purpose of staffing the clean coal task force and for expenses incurred by the clean coal task force. Notwithstanding any other provision of law, the appropriation under subsection (a) of this section shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall not revert as provided by law on June 30, 2010. The appropriations under subsections (b) and (c) of this section shall be included in the governor's and the legislative service office's 2011-2012 standard biennial budget requests.

Section 6. 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 February 26, 2009.

Chapter 58

SUBDIVISIONS-CLUSTER DEVELOPMENTS

Original House Bill No. 9

AN ACT relating to subdivisions; modifying exemptions from county subdivision regulation; authorizing a county conservation design process; providing for cluster development in unincorporated areas; providing for incentives for land use design; providing an exception to qualify parcels as agricultural land for taxation purposes; and providing for effective dates.

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

Section 1. W.S. 18-5-318 and 18-5-401 through 18-5-405 are created to read:

18-5-318. Large parcels used for agricultural purposes.

If any lot, unit, tract or parcel thirty-five (35) acres or more in size is used for agricultural purposes within a platted subdivision and otherwise qualifies as agricultural land for purposes of W.S. 39-13-103(b)(x), the parcel shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

ARTICLE 4 CONSERVATION DESIGN PROCESS

18-5-401. Authority.

The board of county commissioners in each county, by resolution, may establish, regulate and control a conservation design process for the unincorporated area in the county as provided in this article.

18-5-402. Definitions.

(a) As used in this article:

(i) "Conservation design process" means a planning process adopted by a county to offer a land use option for residential purposes that differs from traditional thirty-five (35) acre divisions of land described in W.S. 18-5-303(b) using cluster development and density bonuses to preserve open space through:

(A) Protection of wildlife habitat and critical areas; or

(B) Enhancement and maintenance of the rural character of lands with contiguity to agricultural lands suitable for long range farming and ranching operations.

(ii) "Cluster development" means any division of land that creates parcels containing less than thirty-five (35) acres each, for residential purposes, provided:

(A) One (1) or more parcels are being divided pursuant to a county conservation design process;

(B) An area within the county equal to not less than two-thirds (2/3) of the total area of the parcel, as defined in W.S. 18-5-302(a)(x), being divided is reserved at the time of the development for the preservation of open space in furtherance of one (1) or more of the objectives described in paragraph (i) of this subsection;

(C) Unless otherwise provided through a density bonus, the gross overall density shall not exceed one (1) residential unit for each seventeen and one-half (17 1/2) acres; and

(D) Land set aside to preserve open space or to protect wildlife habitat or critical areas shall not be developed in any way that changes its open space designation for at least sixty-five (65) years from the date the cluster development is approved and shall be governed by the provisions of W.S. 18-5-403(b)(ii).

(iii) "Density bonus" means a land use design incentive that encourages optimized preservation of open space by allowing a gross overall density of two (2) or more residential units for each thirty-five (35) acres;

(iv) "Open space" means an area of land or water that is substantially free of structures, impervious surfaces, roads and other land-altering activities and does not include lands used for private recreation such as golf courses and residential yards, areas devoted to parking, vehicular traffic, nonagricultural private use or any other use which does not significantly lend itself to the furtherance of one (1) or more of the objectives described in paragraph (i) of this subsection. "Open space" includes lands used for agricultural activities;

(v) "Private recreation" shall not include nature trails or hiking trails;

(vi) "Residential unit" means a structure or part of a structure containing dwelling units, including single family or two-family houses, multiple dwellings or apartments. Residential units do not include transient accommodations such as transient hotels, motels, tourist cabins, boarding or rooming houses or dormitories.

18-5-403. Cluster development permits.

(a) No person shall sell land subject to subdivision regulation under this article, record a plat or commence the construction of any cluster development under this article without first obtaining a permit from the board of county commissioners in which the land is located.

(b) No permit shall be approved until:

(i) A plat of the cluster development has been prepared by or under the supervision of a Wyoming professional land surveyor, approved by the board and recorded with the county clerk in the county in which the land is located which includes a statement on the plat designating the open space area and clearly noting the duration of the open space reservation;

(ii) A provision is approved by the board providing for the designation of the open space, which may be evidenced by conservation easements, restrictive covenants, dedication of open space to the public where the dedication will be accepted by the governing body or any other evidence approved by the board. The provision shall provide for a process by which the owners of the lots in the development may retain the designation of land as open space after the expiration of the initial sixty-five (65) year period;

(iii) The board finds that the development has met the conservation design process requirements adopted by the board.

(c) Each application for a cluster development permit shall be accompanied by a reasonable fee not to exceed the cost of processing the application as determined by the board of county commissioners.

(d) If the open space areas created pursuant to a permit issued under this article are used for agricultural purposes and otherwise qualify as agricultural land for purposes of W.S. 39-13-103(b)(x), the area designated as open space shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

18-5-404. Enforcement; rules and regulations.

If a board of county commissioners adopts the process described in this article, it shall enforce this article and, in accordance with the Wyoming Administrative Procedure Act, shall adopt rules and regulations to implement the provisions of and to insure compliance with the intent and purposes of this article.

18-5-405. Cluster development; notice to state engineer.

Within thirty (30) days after a cluster development has been approved pursuant to the conservation design process, the board of county commissioners shall notify the state engineer of the approval and shall provide the state engineer a copy of the approved cluster development plan.

Section 2. W.S. 18-5-303(a) by creating a new paragraph (xii) and 39-13-103(b)(x)(B)(II) are amended to read:

18-5-303. Exemptions from provisions.

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(xii) A division which creates a cluster development pursuant to and in accordance with article 4 of this chapter.

39-13-103. Imposition.

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

(x) The following shall apply to agricultural land:

(B) Contiguous or noncontiguous parcels of land under one (1) operation owned or leased shall qualify for classification as agricultural land if the land meets each of the following qualifications:

(II) The land is not part of a platted subdivision, except for a parcel

of thirty-five (35) acres or more which otherwise qualifies as agricultural land;

Section 3. W.S. 18-5-318 as created by section 1 of this act and W.S. 39-13-103(b)(x)(B)(II) as amended by section 2 of this act shall apply to any property tax assessed on or after January 1, 2009.

Section 4.

(a) Sections 1 and 3 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.

(b) The remainder of this act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 59

SUBDIVISIONS-REQUIREMENTS

Original House Bill No. 10

AN ACT relating to subdivisions; providing for subdivision of land prior to construction or sale; defining water supply systems; providing for requirement of homeowners' or related associations in subdivisions plans as specified; providing for mediation for disputes between members of homeowner or related associations; requiring notice of dominance of mineral estates in subdivisions as specified; providing for fees; providing an exception to qualify certain parcels as agricultural land for taxation purposes; and providing for effective dates.

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

Section 1. W.S. 18-5-318 is created to read:

18-5-318. Large parcels used for agricultural purposes.

If any lot, unit, tract or parcel not less than thirty-five (35) acres in size is used for agricultural purposes within a platted subdivision and otherwise qualifies as agricultural land for purposes of W.S. 39-13-103(b)(x), the parcel shall be deemed not to be part of a platted subdivision for purposes of W.S. 39-13-103(b)(x)(B)(II).

Section 2. W.S. 18-5-302(a)(v) and (ix), 18-5-304, 18-5-306(a)(intro), by creating a new paragraph (xii) and by creating new subsection (d), 18-5-309, 18-5-314, 18-5-316(b) by creating a new paragraph (x) and 39-13-103(b)(x)(B)(II) are amended to read:

18-5-302. Definitions.

(a) As used in this article:

(v) "Sell" or "sale" includes sale as evidenced by the delivery of a deed, contract to sell for deed, lease, assignment, auction; or award by lottery; or any offer or solicitation of any offer to do any of the foregoing; concerning a subdivision or any part of a subdivision. "Sell" or "sale" does not include a contract to sell which is expressly contingent upon the recording of the final plat by the county clerk, if all funds paid by the buyer under the contract are escrowed with a financial institution located in this state or a title company licensed to do business in this state until the final plat is recorded and the seller tenders the deed or the contract to sell is cancelled or the buyer and seller agree otherwise in writing;

(ix) "Water supply system" includes development of the source and all structures for conveyance of raw water to the treatment plant or delivery systems; all water treatment plants including disinfection facilities; water supply systems used for irrigation and stock water; and all finished water delivery systems including pipelines, pumping stations and finished water storage facilities; ~~Separate water supply systems used solely for irrigation or stock water are not included;~~

18-5-304. Subdivision permit required.

No person shall ~~subdivide~~ sell land subject to subdivision regulation under this article, record a plat or commence 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.

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section and may exempt from paragraph (xii) of this subsection the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xii) Evidence that all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners associations and mutual benefit corporations. The board shall not mandate the creation of an entity with the ability to interfere with any owner's ability to use his private property, except to collect any assessment. The entity shall have the ability to address the following topics:

(A) Maintenance and responsibility for common areas, roads and water supply systems and assessments against all parcels of land in the subdivision to defray the costs thereof;

(B) Continued management of the entity.

(d) 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".

18-5-309. Permit fee.

Each application for a subdivision permit shall be accompanied by a reasonable fee ~~to be not to exceed the cost of processing the application as determined by the board. The fee shall be the greater of one hundred dollars (\$100.00) or ten dollars (\$10.00) per lot up to a maximum fee of one thousand dollars (\$1,000.00).~~ All fees collected shall be credited to the county general fund.

18-5-314. Penalties.

Any person who willfully violates any provision of this article or any rule or order issued under this article, ~~and any person who as an agent for a subdivider, developer or owner of subdivided lands offers for sale any subdivided lands or subdivisions without first complying with the provisions of this article~~ shall upon conviction be fined not more than five hundred dollars (\$500.00) or imprisoned in a county jail for not more than thirty (30) days or both. Each day of violation constitutes a new offense.

18-5-316. Requirements for large acreage subdivision permits.

(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:

(x) Evidence that all parcels of land created by the subdivision will be subject to written and recorded covenants or other instruments creating an entity, binding on subsequent owners of the land within the subdivision. The entities that may be used include, but are not limited to, special improvement districts, homeowners associations and mutual benefit corporations. The board shall not mandate the creation of an entity with the ability to interfere with any owner's ability to use his private property, except to collect any assessment. The entity shall have the ability to address the following topics:

(A) Maintenance and responsibility for common areas, roads and water supply systems and assessments against all parcels of land in the

subdivision to defray the costs thereof;

(B) Continued management of the entity.

39-13-103. Imposition.

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

(x) The following shall apply to agricultural land:

(B) Contiguous or noncontiguous parcels of land under one (1) operation owned or leased shall qualify for classification as agricultural land if the land meets each of the following qualifications:

(II) The land is not part of a platted subdivision, except for a parcel of thirty-five (35) acres or more which otherwise qualifies as agricultural land;

Section 3. W.S. 18-5-318 as created by section 1 of this act and W.S. 39-13-103(b)(x)(B)(II) as amended by section 2 of this act shall apply to any property tax assessed on or after January 1, 2009.

Section 4.

(a) Sections 1 and 3 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.

(b) The remainder of this act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 60

SUBDIVISIONS-WATER SUPPLY STUDY

Original House Bill No. 75

AN ACT relating to subdivisions; providing for modified requirements for groundwater studies for subdivisions; and providing for an effective date.

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

Section 1. W.S. 18-5-316(a)(iii) and (b)(vi) is amended 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:

(iii)(A) ~~If a centralized water supply system is proposed on the parcel or parcels for the subdivision, 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 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 on the parcel or parcels within the subdivision indicating soil types, depth, quantity and quality of water produced in the test well;~~

(B) Where individual on-lot wells are proposed;

(I) ~~The study under subparagraph (A) of this paragraph 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 subdivision; and~~

(II) The board may require a study 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.

(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:

(vi)(A) 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;:

(B) Where individual on-lot wells are proposed;:

(I) 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; and

(II) The board may require a study 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.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 61

IMPROVEMENT AND SERVICE DISTRICTS

Original House Bill No. 78

AN ACT relating to improvement and service districts; providing for maintenance and reconstruction of improvements; and providing for an effective date.

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

Section 1. W.S. 18-12-112(a)(xvii) and (xviii) is amended to read:

18-12-112. Powers of district.

(a) Each district may:

(xvii) Provide for the opening, widening, extending, straightening and surfacing in whole or part of any street and maintenance, reconstruction, snow removal or ~~and~~ clearance for the same or other roads or streets;

(xviii) Provide for the construction, maintenance, reconstruction and improvement of bridges, culverts, curbs, gutters, drains and works incidental to any street improvement;

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 62

MORTGAGES-REDEMPTION PERIOD

Original House Bill No. 79

AN ACT relating to real estate mortgages; clarifying the redemption period for agricultural property; 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 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 twelve (12) month right of redemption provided in subsection (b) of this section.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 63**REAL ESTATE ACT-AMENDMENTS**

Original House Bill No. 195

AN ACT relating to the Real Estate License Act of 1971; providing for fingerprinting of license applicants as specified; clarifying certain exemption provisions; providing for compensation of members of the Wyoming real estate commission as specified; clarifying commission authority; reducing the amount of time that certain records shall be retained; requiring licensees to obtain and maintain insurance coverage 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. 7-19-201(a) by creating a new paragraph (xiii), 33-28-103(a)(i) and (ii), 33-28-105(e), 33-28-106(a) and (b), 33-28-111(a)(ii), 33-28-123 and 33-28-401(a), (b), (e) and by creating a new subsection (f) are amended to read:

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:

(xiii) Persons applying for a new license under W.S. 33-28-106.

33-28-103. Exemptions.

(a) The provisions of this act shall not apply to:

(i) An owner of real estate or to a member of his immediate family or to his regular employees with respect to property owned by him unless the owner, his immediate family or regular employee is a licensee;

(ii) An attorney in fact under a duly executed and recorded power of attorney to convey real estate from the owner or lessor, or the services rendered by an attorney-at-law in the performance of his duties as an attorney unless the attorney is a licensee;

33-28-105. Creation of commission; membership; terms; removal; chairman; powers and duties; director and duties thereof; other employees; compensation; disposition of fees.

(e) Each member of the commission shall receive as compensation from the real estate board account for each day actually spent on his official duties, ~~twenty dollars (\$20.00)~~ and per diem and mileage allowance as allowed to state employees and salary in the amount provided by W.S. 28-5-101(d) for the performance of official duties.

33-28-106. Application for license; qualifications; sworn statement;

commission approval of course of study; statement of broker; denial of license; license and pocket card.

(a) Any person desiring to act as a real estate broker, associate broker or real estate salesman shall file an application for a license with the commission. The application shall be in the form and detail as the commission shall prescribe and the applicant shall provide to the commission fingerprints and other information necessary for a criminal history record background check as provided in W.S. 7-19-201(a).

(b) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a broker, associate broker or salesman in a manner which will safeguard the interests of the public, and only after satisfactory proof of the applicant's qualifications has been presented to the commission including a criminal history record background check as provided in W.S. 7-19-201(a).

33-28-111. Censure of licensee and suspension or revocation of license; grounds.

(a) The commission shall upon a written sworn complaint or may upon its own motion investigate the actions of any broker, associate broker or salesman, impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense and may censure the licensee, place the licensee on probation and set the terms of probation, suspend or revoke any license issued under this act and impose an administrative fine for any of the following:

- (ii) Violation of this act or any rule of the commission;

33-28-123. Retention of records.

Every broker licensed in this state shall keep and maintain a full set of records of every real estate transaction in which he participates on behalf of any party to the transaction. The records shall be maintained not less than ~~ten (10)~~ seven (7) years from the latest date on which the broker participated in the transaction.

33-28-401. Errors and omissions insurance; rulemaking authority; commission duties; certificate of coverage; administrative fee.

(a) Beginning January 1, 2008, an applicant for a real estate license pursuant to W.S. 33-28-106, a licensee renewing a license or an inactive licensee activating a license pursuant to W.S. 33-28-118, shall submit proof of insurance coverage through the group ~~plan program~~ provided pursuant to this section or through certification of ~~optional individual~~ coverage. All licensees shall obtain and maintain errors and omissions insurance coverage under the group program or individual coverage.

(b) The commission shall make errors and omissions insurance available

to all licensees by contracting with an insurer for a group ~~policy program~~ after competitive bidding. Any group ~~policy program~~ obtained by the commission shall be available to all licensees and shall prevent the insurer from canceling any licensee. Licensees may obtain errors and omissions insurance independently if the coverage complies with the minimum requirements established by the commission.

(e) The commission shall charge and collect an administrative fee in addition to the premium paid from each licensee who obtains errors and omissions insurance through the ~~commission group program~~. This administrative fee shall be of an amount sufficient to cover the administration of this section and shall not exceed ten percent (10%) of the premium. The maximum premium specified in subsection (d) of this section applies only to premium cost and not to any administrative fee charged.

(f) As used in this section:

(i) “Group program” means an insurance policy from an insurance provider selected by the commission through the competitive bid process as specified in this section;

(ii) “Individual coverage” means insurance coverage, other than the group program, from any provider which meets the minimum requirements of the commission.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 64

PEACE OFFICER DEFINITION

Original House Bill No. 150

AN ACT relating to peace officers; expanding the definition of “detention officers” as specified; and providing for an effective date.

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

Section 1. W.S. 6-1-104(a)(vi)(J) is amended to read:

6-1-104. Definitions.

(a) As used in W.S. 6-1-101 through 6-10-203 unless otherwise defined:

(vi) “Peace officer” includes the following officers assigned to duty in the state of Wyoming:

(J) Any duly authorized detention officer who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when engaged in the performance of his duties; ~~while supervising a detainee who has been convicted as a felon;~~

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 65

ADULT ADOPTION

Original House Bill No. 165

AN ACT relating to civil procedure; amending procedures and requirements relating to adoption of adults as specified; and providing for an effective date.

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

Section 1. W.S. 1-22-102 is amended to read:

1-22-102. Persons subject to adoption.

(a) Any ~~person-child~~ may be adopted who is within this state when the petition for adoption is filed.

(b) Any adult may be adopted, regardless of his residence within or outside of this state at the time the petition is filed, provided:

(i) The adopting parent was a stepparent, grandparent or other blood relative, foster parent or legal guardian who participated in the raising of the adult when the adult was a child; and

(ii) The adult files a consent to the adoption with the court.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 66

OMNIBUS WATER BILL-PLANNING

Original House Bill No. 100

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; and providing for an effective date.

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

Section 1. 2008 Wyoming Session Laws, Chapter 33, Sections 1 through 5 and by creating a new Section 6 is amended to read:

[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~~-2010 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	300,000 600,000
<u>Burns Water Supply</u>	<u>Laramie County</u>	<u>85,000</u>
<u>Douglas Master Plan</u>	<u>Converse County</u>	<u>200,000</u>
<u>Glenrock Master Plan</u>	<u>Converse County</u>	<u>150,000</u>
<u>Green River DSS Feasibility Study</u>	<u>Sublette, Lincoln, Sweetwater Counties</u>	<u>250,000</u>
<u>Kirby Creek Watershed Study</u>	<u>Hot Springs County</u>	<u>150,000</u>
<u>Lance Creek Water Supply</u>	<u>Niobrara County</u>	<u>100,000</u>
<u>Platte River Basin Plan</u>	<u>Southeast Wyoming</u>	<u>250,000</u>
<u>Powell Airport Water Supply</u>	<u>Park County</u>	<u>50,000</u>
<u>Sweetwater Water Supply</u>	<u>Weston County</u>	<u>100,000</u>
<u>Wheatland Master Plan</u>	<u>Platte County</u>	<u>150,000</u>
Total appropriation for Section 1		\$2,105,000 \$3,890,000

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~~-2010 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	800,000
<u>Arapaho Water Supply</u>	<u>Fremont County</u>	<u>500,000</u>
<u>Big Horn Regional Groundwater</u>	<u>Big Horn, Washakie, Hot Springs Counties</u>	<u>850,000</u>

<u>Cheyenne Belvoir Ranch</u>		
<u>Groundwater</u>	<u>Laramie County</u>	<u>2,000,000</u>
<u>GR-RS-SC JPB Water Supply</u>	<u>Sweetwater County</u>	<u>350,000</u>
<u>Laramie Water Management Study</u>	<u>Albany County</u>	<u>100,000</u>
<u>Poison Spider Pipelines</u>	<u>Natrona County</u>	<u>100,000</u>
<u>Yoder Groundwater</u>	<u>Goshen County</u>	<u>400,000</u>
Total appropriation for Section 2		\$2,395,000
		<u>\$6,695,000</u>

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~~2010 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	300,000
<u>Big Sandy Enlargement</u>	<u>Sweetwater County</u>	<u>100,000</u>
<u>Clear Creek Watershed</u>	<u>Johnson, Sheridan</u>	
	<u>Counties</u>	<u>300,000</u>
Total appropriation for Section 3		\$600,000
		<u>\$1,000,000</u>

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~~2010 legislative session.

[LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cottonwood/Grass Creek CRM Little Snake Supplemental Storage	Hot Springs County	\$250,000
<u>Middle Piney Reservoir</u>	<u>Carbon County</u>	<u>250,000</u>
<u>Sheridan Supplement Storage</u>	<u>Sublette County</u>	<u>500,000</u>
<u>Sublette Creek Reservoir</u>	<u>Sheridan County</u>	<u>350,000</u>
<u>Viva Naughton Enlargement</u>	<u>Lincoln County</u>	<u>375,000</u>
<u>Total appropriation for Section 4</u>		<u>150,000</u>
		<u>\$500,000</u>
		<u>\$1,875,000</u>

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~~ 2010 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	150,000
<u>Pioneer Rehabilitation</u>	<u>Natrona County</u>	<u>75,000</u>
Total appropriation for Section 5		\$500,000
		\$575,000

Section 6. LEVEL I RECONNAISSANCE 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 2010 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
<u>Austin and Wall</u>		
<u>Rehabilitation</u>	<u>Uinta County</u>	<u>\$110,000</u>
<u>Red Lane Master Plan</u>	<u>Hot Springs County</u>	<u>65,000</u>
<u>Wheatland ID Master Plan</u>	<u>Platte County</u>	<u>300,000</u>
<u>Total appropriation for Section 5</u>		<u>\$475,000</u>

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 February 26, 2009.

Chapter 67

FIREARM OWNERSHIP-DOMESTIC VIOLENCE OFFENSES

Original House Bill No. 106

AN ACT relating to criminal procedure; amending the purposes for which an expungement under W.S. 7-13-1501 may be used; and providing for an effective date.

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

Section 1. W.S. 7-13-1501(a)(intro), (i), (ii) and (k) is amended to read:

7-13-1501. Petition for expungement of records of conviction of misdemeanors; filing fee; notice; objections; hearing; definitions.

(a) A person who has pleaded guilty or nolo contendere to or been convicted of a misdemeanor under W.S. 6-2-501(a), (b) or (e), 6-2-504(a) or 6-6-102, or those same misdemeanors arising out of the same occurrence or related course of events, may petition the convicting court for an expungement of the records of conviction, ~~for the purposes of restoring any firearm rights lost,~~ subject to the following limitations:

(i) At least ~~one (1) year has five (5) years have~~ passed since the expiration of the terms of sentence imposed by the court, including any periods of probation or the completion of any program ordered by the court;

(ii) Other than convictions ~~arising out of the same occurrence or related course of events for which an expungement is sought under this section,~~ the petitioner has not previously pleaded guilty or nolo contendere to or been convicted of a misdemeanor ~~for which firearm rights have been~~

~~lost under W.S. 6-2-501(a), (b) or (e), 6-2-504(a) or 6-6-102;~~

~~(k) An expungement granted pursuant to this section shall only be used for the purposes of restoring firearm rights that have been lost to persons convicted of misdemeanors. Nothing in this section shall be construed to affect the enhancement of penalties for second or subsequent convictions of misdemeanors under the laws of this state. Nothing in this section shall be construed to allow a person who has previously received an expungement of records of conviction under this section to seek a second or subsequent expungement of records of conviction under this section.~~

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 February 26, 2009.

Chapter 68

VIDEOTAPE DEPOSITIONS-MINORS

Original House Bill No. 137

AN ACT relating to criminal procedure; adding to the list of sexual assault offenses for which a child under 12 years of age may be allowed to testify by videotape deposition; and providing for an effective date.

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

Section 1. W.S. 7-11-408(a) is amended to read:

7-11-408. Videotape depositions.

(a) In any case in which the defendant is charged with incest as defined in W.S. 6-4-402(a) or sexual assault as defined in W.S. 6-2-302 through ~~6-2-305~~ 6-2-304 and 6-2-314 through 6-2-317 and a child less than twelve (12) years of age is the victim, the judge may order the taking of a videotape deposition of the child. The videotaping shall be done under the supervision of the court.

Section 2. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 69**CARELESS DRIVING**

Original House Bill No. 113

AN ACT relating to the regulation of traffic; making careless driving a crime; defining careless driving; specifying applicability of the crime; and providing for an effective date.

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

Section 1. W.S. 31-5-236 is created to read:

31-5-236. Careless driving.

Any person who drives any vehicle in a manner inconsistent with the exercise of due and diligent care normally exercised by a reasonably prudent person under similar circumstances and where such operation of a motor vehicle creates an unreasonable risk of harm to other persons or property is guilty of careless driving.

Section 2. W.S. 31-5-105(b) is amended to read:

31-5-105. Applicability of provisions to drivers of public vehicles.

(b) Unless specifically made applicable, the provisions of this act except those contained in W.S. 31-5-225, 31-5-229, ~~and 31-5-233~~ and 31-5-236 do not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway but shall apply to the persons and vehicles when traveling to or from work.

Section 3. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 70**CHILD PROTECTION-CASE PLANNING**

Original House Bill No. 235

AN ACT relating to child protection; specifying new duties of a multidisciplinary team in child protection cases; requiring case planning focused on returning the child to the home or closing a child abuse or neglect case; 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. 14-3-427(e) and (f), 14-3-429(d)(iii), 14-6-227(e) and (f) and 14-6-427(e) and (f) are amended to read:

14-3-427. Predisposition studies and reports.

(e) Before the first multidisciplinary team meeting, the department of family services shall provide each member of the multidisciplinary team with a brief summary of the case detailing the allegations in the petition that have been adjudicated, if any. The multidisciplinary team shall review the child's personal and family history, school records, mental health records and department of family services records and any other pertinent information, for the purpose of making case planning recommendations. To the extent appropriate, the team shall involve the child in the development of the recommendations.

(f) At the first multidisciplinary team meeting, the team shall formulate reasonable and attainable recommendations for the court outlining the goals or objectives the parents should be required to meet for the child to be returned to the home or for the case to be closed, or until ordered by the court in termination proceedings. At each subsequent meeting, the multidisciplinary team shall review the progress of the parents and the child, and shall reevaluate the plan ordered by the court. For cause, which shall be set forth with specificity, the multidisciplinary team may adjust its recommendations to the court with respect to the goals or objectives in the plan to effect the return of the child to the home or to close the case. In formulating recommendations, the multidisciplinary team shall give consideration to the best interest of the child, the best interest of the family, the most appropriate and least restrictive case planning options available as well as costs of care. After each multidisciplinary team meeting, the coordinator shall prepare for submission to each member of the team and to the court a summary of the multidisciplinary team meeting specifically describing the recommendations for the court and the goals and objectives which should be met to return the child to the home or to close the case. If the recommendations for the case plan have been changed, the summary shall include a detailed explanation of the change in the recommendations and the reasons for the change.

14-3-429. Decree where child adjudged neglected; dispositions;

terms and conditions; legal custody.

(d) As a part of any order of disposition and the terms and conditions thereof, the court may:

(iii) Require the child's parents or guardian to attend a parenting class or other appropriate education or treatment designed to address problems which contributed to the adjudication and to pay all or part of the cost of the class, education or treatment in accordance with the court's determination of their ability to pay.

14-6-227. Predisposition studies and reports.

(e) Before the first multidisciplinary team meeting, the department of family services shall provide each member of the multidisciplinary team with a brief summary of the case detailing the allegations in the petition that have been adjudicated, if any. The multidisciplinary team shall, as quickly as reasonably possible, review the child's personal and family history, school, mental health and department of family services records and any other pertinent information, for the purpose of making sanction recommendations. The team shall involve the child in the development of recommendations to the extent appropriate.

(f) At the first multidisciplinary team meeting, the team shall formulate reasonable and attainable recommendations for the court outlining the goals or objectives the parents should be required to meet for the child to be returned to the home or for the case to be closed, or until ordered by the court in termination proceedings. At each subsequent meeting, the multidisciplinary team shall review the progress of the parents and the child, and shall reevaluate the plan ordered by the court. For cause, which shall be set forth with specificity, the multidisciplinary team may adjust its recommendations to the court with respect to the goals or objectives in the plan to effect the return of the child to the home or to close the case, or until ordered by the court in termination proceedings. The multidisciplinary team shall formulate written recommendations consistent with the purposes of this act. After each multidisciplinary team meeting, the coordinator shall prepare for submission to each member of the team and to the court a summary of the multidisciplinary team meeting specifically describing the recommendations for the court and the goals and objectives which should be met to return the child to the home or to close the case, or until ordered by the court in termination proceedings. If the recommendations for the case plan have been changed, the summary shall include a detailed explanation of the change in the recommendations and the reasons for the change.

14-6-427. Predisposition studies and reports.

(e) Before the first multidisciplinary team meeting, the department of family services shall provide each member of the multidisciplinary team with a brief summary of the case detailing the allegations in the petition

that have been adjudicated, if any. The multidisciplinary team shall, as quickly as reasonably possible, review the child's personal and family history, school, mental health and department of family services records and any other pertinent information, for the purpose of making case planning recommendations. The team shall involve the child in the development of recommendations to the extent appropriate.

(f) At the first multidisciplinary team meeting, the team shall formulate reasonable and attainable recommendations for the court outlining the goals or objectives the parents should be required to meet for the child to be returned to the home or for the case to be closed. At each subsequent meeting, the multidisciplinary team shall review the progress of the parents and the child, and shall reevaluate the plan ordered by the court. For cause, which shall be set forth with specificity, the multidisciplinary team may adjust its recommendations to the court with respect to the goals or objectives in the plan to effect the return of the child to the home or to close the case, or until ordered by the court in termination proceedings. In formulating recommendations, the multidisciplinary team shall give consideration to the best interest of the child, the best interest of the family, the most appropriate and least restrictive case planning options available as well as costs of care. After each multidisciplinary team meeting, the coordinator shall prepare for submission to each member of the team and to the court a summary of the multidisciplinary team meeting specifically describing the recommendations for the court and the goals and objectives which should be met to return the child to the home or to close the case, or until ordered by the court in termination proceedings. If the recommendations for the case plan have been changed, the summary shall include a detailed explanation of the change in the recommendations and the reasons for the change.

Section 2. The provisions of W.S. 14-3-427(e) and (f), 14-3-429(d), 14-6-227(e) and (f) and 14-6-427(e) and (f) as amended by section 1 of this act, shall apply to child protection cases in which a petition was filed under W.S. 14-3-412, 14-6-212 or 14-6-412 on or after July 1, 2009.

Section 3. This act is effective July 1, 2009.

Approved February 26, 2009.

Chapter 71**TRUSTS-RETIREMENT FUNDS ACCOUNTING**

Original House Bill No. 251

AN ACT relating to trusts; providing procedures for valuing the income from retirement funds in trust; and providing for an effective date.

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

Section 1. W.S. 2-3-819 and 2-3-907(a)(i), (ii) and by creating a new paragraph (iii) are amended to read:

2-3-819. Deferred compensation, annuities and similar payments.

(a) As used in this section;

(i) "Payment" means a payment that a trustee may receive over a fixed number of years or during the life of one (1) or more individuals because of services rendered or property transferred to the payer in exchange for future payments. The term includes a payment made in money or property from the payer's general assets or from a separate fund created by the payer, including For the purposes of subsections (d) through (g) of this section, the term also includes any payment from any separate fund, regardless of the reason for the payment;

(ii) "Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock-bonus or stock-ownership plan.

(b) To the extent that a payment is characterized by the separate fund as interest, ~~or~~ a dividend or a payment made in lieu of interest or a dividend, a trustee shall allocate it to income. The trustee shall allocate to principal the balance of the payment and any other payment received in the same accounting period that is not characterized as interest, a dividend or an equivalent payment.

(c) If no part of a payment is characterized by the separate fund as interest, a dividend or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income ten percent (10%) of the part that is required to be made during the accounting period and the balance to principal. If no part of a payment is required to be made or the payment received is the entire amount to which the trustee is entitled, the trustee shall allocate the entire payment to principal. For purposes of this subsection, a payment is not "required to be made" to the extent that it is made because the trustee exercises a right of withdrawal.

~~(d) If, to obtain an estate tax~~ Except as otherwise provided in subsection (e) of this section, subsections (f) and (g) of this section shall apply, and

subsection (b) and (c) of this section shall not apply in determining the allocation of a payment made from a separate fund to:

(i) A trust to which an election to qualify for a marital deduction for a trust, a trustee must allocate more of a payment to income than provided for by this section, the trustee shall allocate to income the additional amount necessary to obtain under section 2056(b)(7) of the Internal Revenue Code has been made;

(ii) A trust that qualifies for the marital deduction: under section 2056(b)(5) of the Internal Revenue Code; or

(iii) A trust which requires payment of all trust income to the trust beneficiaries during the accounting period.

(e) Paragraph (d)(i) and subsections (f) and (g) of this section shall not apply if, and to the extent that, the series of payments would, without the application of paragraph (d)(i) of this section, qualify for the marital deduction under section 2056(b)(7)(C) of the Internal Revenue Code.

(f) A trustee shall determine the internal income of each separate fund for the accounting period as if the separate fund were a separate trust fund subject to this act. Upon request of the surviving spouse or other trust beneficiaries with the right to all the trust income, the trustee shall demand that the person administering the separate fund distribute the internal income to the trust. The trustee shall allocate a payment from the separate fund to income to the extent of the internal income of the separate fund and distribute that amount to or for the benefit of the surviving spouse or other trust beneficiaries with the right to all the trust income. The trustee shall allocate the balance of the payment to the principal. Upon request of the surviving spouse or other trust beneficiaries with the right to all the trust income, the trustee shall allocate principal to income to the extent the internal income of the separate fund exceeds payments made from the separate fund to the trust during the accounting period.

(g) If a trustee cannot determine the internal income of a separate fund but can determine the value of the separate fund, the internal income of the separate fund is deemed to equal three percent (3%) of the fund's value, according to the most recent statement of value preceding the beginning of the accounting period. If the trustee can determine neither the internal income of the separate fund nor the fund's value, the internal income of the fund is deemed to equal the product of the interest rate and the present value of the expected future payments, as determined under section 7520 of the Internal Revenue Code for the month preceding the accounting period for which the computation is made.

(e)(h) This section does not apply to payments to which W.S. 2-3-820 applies.

2-3-907. Valuations.

(a) The fair market value of a trust subject to this act shall be determined,

at least annually, using a valuation date or dates or averages of valuation dates as are deemed appropriate except that:

(i) The trustee shall not include in the fair market value the value of any residential property or any tangible personal property that the income beneficiary has the right to occupy or use; ~~and~~

(ii) The trustee shall not limit or restrict any right of the beneficiary to use the excluded property in accordance with the governing instrument; ~~and~~

(iii) Where the terms of the trust do not provide contrary direction, the trustee shall include in the fair market value the value of:

(A) The portion of any private or commercial annuity from which the trustee is receiving distributions as a designated beneficiary of the annuity; and

(B) The portion of any individual retirement account and pension, profit-sharing, stock bonus or stock ownership plan retirement account from which the trustee is receiving distributions as a designated beneficiary of the account.

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 February 26, 2009.

Chapter 72

CRIMINAL BACKGROUND CHECKS-RETIREMENT SYSTEM

Original House Bill No. 241

AN ACT relating to the Wyoming retirement system; authorizing the Wyoming retirement system 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 (xx), 7-19-201(a) by creating a new paragraph (xiii) and 9-3-406(a) 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:

(xx) The Wyoming retirement system.

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:

(xiii) Wyoming retirement system employees or applicants for employment who have access to confidential financial information or records.

9-3-406. Retirement board; employment and compensation of director, consulting actuary and assistants; director designated secretary; compensation of members; quorum; seal.

(a) The board shall employ a director and a consulting actuary and other professional and clerical assistants necessary for the administration of the retirement system and the Wyoming deferred compensation program established under W.S. 9-3-501 through 9-3-508. The compensation of employees shall be fixed by the board, subject to confirmation and approval by the personnel division and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming. The director shall also serve, without additional compensation, as secretary of the board. The board shall have the authority to obtain the financial and criminal background history of an employee or employment applicant of the Wyoming retirement system in accordance with W.S. 7-19-106 and 7-19-201.

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 February 26, 2009.

Chapter 73**PROPERTY TAX REFUND PROGRAM**

Original House Bill No. 138

AN ACT relating to taxation and revenue; providing amendments to the property tax refund program; repealing the provision requiring a reduction of the refund by amounts received from certain programs; providing applicability; 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)(iv)(A), (B)(intro), (IV) and by creating a new subdivision (VI) 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 with any applicable interest and penalties on or before the first Monday in June 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)~~ three-fourths (3/4) 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)~~ one hundred thousand dollars (\$100,000.00) 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:

(IV) Assets held ~~under a~~ in an individual retirement account (IRA) or other bona fide pension plan; ~~or individual retirement account (IRA);~~

(VI) Assets held in a medical savings account.

Section 2. W.S. 39-13-109(c)(iv)(F) is repealed.

Section 3. This act shall apply to property taxes assessed on or after January 1, 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 February 27, 2009.

Chapter 74

FILM INDUSTRY FINANCIAL INCENTIVES

Original House Bill No. 71

AN ACT relating to film industry incentives; lowering threshold for reimbursement; and providing for an effective date.

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

Section 1. W.S. 9-12-404(a) is amended to read:

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

(a) The 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)~~ two hundred thousand dollars (\$200,000.00) in total qualified expenditures are made.

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 February 27, 2009.

Chapter 75

COUNTY JAILS-RELEASE OF INFORMATION

Original House Bill No. 72

AN ACT relating to county jails; authorizing county jails to release information about individuals in custody as specified; providing an exception; and providing for an effective date.

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

Section 1. W.S. 7-19-106(m)(intro), (iii), (iv) and (vii) is amended to read:

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

(m) Notwithstanding any other provision of this act, the Wyoming department of corrections and county jails may release the following information regarding any individual, except juveniles charged with a status offense as defined by W.S. 14-6-201(a)(xxiii), who is or has been committed to the supervision or custody of the department or county jails, unless release of the information could compromise the physical safety of the individual:

(iii) Any conviction for which the individual was committed to the supervision or custody of the department or county jail;

(iv) Sentencing information regarding any conviction for which the individual was committed to the supervision or custody of the department or county jail;

(vii) Date of release from the department's or county jail's supervision or custody.

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 February 27, 2009.

Chapter 76**SEQUESTRATION SITE UNITIZATION**

Original House Bill No. 80

AN ACT relating to the unitization of carbon sequestration sites; providing purposes and definitions; specifying requirements for agreements, applications and hearings; requiring orders; providing for modification of orders; providing for liens; specifying limitations of the act; and providing for an effective date.

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

Section 1. W.S. 35-11-314 through 35-11-317 are created to read:

35-11-314. Unitization of geologic sequestration sites; purposes; definitions.

(a) The purpose of W.S. 35-11-314 through 35-11-317 is declared by the Wyoming legislature to be the protection of corresponding rights, compliance with environmental requirements and to facilitate the use and production of Wyoming energy resources.

(b) Except when context otherwise requires or when otherwise defined in this subsection, the terms used or defined in W.S. 35-11-103, shall have the same meaning when used in W.S. 35-11-314 through 35-11-317. When used in W.S. 35-11-314 through 35-11-317:

(i) "Corresponding rights" means the right of all pore space owners in a unit area who will be affected by unit operations, either now or in the future, to concurrently share in the economic benefits generated by using the pore space in the unit area.

35-11-315. Unitization of geologic sequestration sites; agreements; application for permit; contents.

(a) Any interested person may file an application with the Wyoming oil and gas conservation commission requesting an order providing for the operation and organization of a unit of one (1) or more parts as a geologic sequestration site and for the pooling of interests in pore space in the proposed unit area for the purpose of conducting the unit operation. The application shall contain:

(i) A copy of any permit or draft permit issued by the department allowing geologic sequestration or any application for such permit;

(ii) A description of the pore space and surface lands proposed to be so operated, termed the "unit area";

(iii) The names, as disclosed by the conveyance records of the county or counties in which the proposed unit area is situated, and the status records of the district office of the bureau of land management of:

(A) All persons owning or having an interest in the surface estate and pore space in the unit area including mortgages and the owners of other liens or encumbrances; and

(B) All owners of the surface estate and pore space not included within but which immediately adjoins the proposed unit area or a corner thereof.

(iv) The addresses of all persons and owners identified in subparagraphs (iii)(A) and (B) of this subsection, if known. If the name or address of any person or owner is unknown, the application shall so indicate;

(v) A statement of the type of operations contemplated in order to effectuate the purposes specified in W.S. 35-11-314 to comply with environmental requirements and to facilitate the use and production of Wyoming energy resources;

(vi) A proposed plan of unitization applicable to the proposed unit area which the applicant considers fair, reasonable and equitable and which shall include provisions for determining the pore space to be used within the area, the appointment of a unit operator and the time when the plan is to become effective;

(vii) A proposed plan for determining the quantity of pore space storage capacity to be assigned to each separately owned tract within the unit and the formula or method by which pore space will be allocated the economic benefits generated by use of pore space in the unit area;

(viii) A proposed plan for generating economic benefits for the use of pore space within the unit area;

(ix) A proposed operating plan providing the manner in which the unit area will be supervised and managed and, if applicable, costs allocated and paid, unless all owners within the proposed unit area have joined in executing an operating agreement or plan providing for such supervision, management and allocation and, if applicable, payment of costs. All operating plans shall comply with all applicable environmental requirements.

35-11-316. Unitization of geologic sequestration sites; hearings on application, order; modifications.

(a) Upon receipt of an application under W.S. 35-11-315, the Wyoming oil and gas conservation commission shall promptly set the matter for hearing, and in addition to any notice otherwise required by law or the commission's

rules, shall cause the applicant to give notice of the hearing, specifying the time and place of hearing, and describing briefly its purpose and the land and pore space affected, to be mailed by certified mail at least thirty (30) days prior to the hearing to all persons whose names and addresses are required to be listed in the application.

(b) After considering the application and hearing the evidence offered in connection therewith, the Wyoming oil and gas conservation commission shall enter an order setting forth the following findings and approving the proposed plan of unitization and proposed operating plan, if any, if the commission finds that:

(i) The material allegations of the application are substantially true;

(ii) The purposes specified in W.S. 35-11-314 will be served by granting the application;

(iii) The application outlines operations that will comply with environmental requirements;

(iv) Granting the application will facilitate the use and production of Wyoming energy resources;

(v) The quantity of pore space storage capacity, and method used to determine the quantity of pore space storage capacity allocated to each separately owned tract within the unit area represents, so far as can be practically determined, each tract's actual share of the pore space to be used in the sequestration activity;

(vi) The method by which the allocation of economic benefits generated from use of pore space within the unit area between pore space owners; and between pore space owners and the unit operator or others is fair and reasonable, taking into consideration the costs required to capture, transport and sequester the carbon dioxide;

(vii) The method of generating economic benefits from the use of pore space in the unit area is fair and equitable and is reasonably designed to maximize the value of such use;

(viii) Other requirements specified by rules or regulations adopted by the oil and gas conservation commission have been met.

(c) No order of the Wyoming oil and gas conservation commission authorizing the commencement of unit operations shall become effective until the plan of unitization has been signed or in writing ratified or approved by those persons who own at least eighty percent (80%) of the pore space storage capacity within the unit area. If such consent has not been obtained at the time the commissioner's order is made, the commission

shall, upon application, hold supplemental hearings and make findings as may be required to determine when and if the consent will be obtained. The commission shall require the applicant to give notice of a supplemental hearing by regular mail at least thirty (30) days prior to the hearing to each person owning interests in the pore space in the proposed unit area whose name and address was required by W.S. 35-11-315(a) to be listed in the application for the unit operations. If the required percentages of consent have not been obtained within a period of six (6) months from and after the date on which the order of approval is made, the order shall be ineffective and revoked by the commission, unless, for good cause shown, the commission extends that time. Any interested person may file an application with the Wyoming oil and gas conservation commission requesting an order applicable only to the proposed unit area described in the application which shall provide for the percentage of approval or ratification to be reduced from eighty percent (80%) to seventy-five percent (75%). The application shall contain the information required by W.S. 35-11-315(a) and any order of the commission entered pursuant to the application shall comply with subsection (b) of this section. Notice of the hearing on the application shall be given in the same manner and to the same persons as required by subsection (a) of this section. If the commission finds that negotiations were being conducted since July 1, 2009, or have been conducted for a period of at least nine (9) months prior to the filing of the application, that the applicant has participated in the negotiations diligently and in good faith, and that the percentage of approval or ratification required by this subsection cannot be obtained, the commission may reduce any percentage of approval or ratification required by this section from eighty percent (80%) to seventy-five percent (75%). The order shall affect only the unit area described in the application and shall operate only to approve the proposed plan of unitization and proposed operating plan and to reduce the required percentage of approval or ratification thereof and shall not change any other requirement contained in this section.

(d) From and after the effective date of an order of the Wyoming oil and gas conservation commission entered under the provisions of this section, the operation of the unit area defined in the order by persons other than the unit operator or persons acting under the unit operator's authority, or except in the manner and to the extent provided in the plan of unitization approved by the order, shall be unlawful and is hereby prohibited.

(e) Unless otherwise provided in this section, an order entered by the Wyoming oil and gas conservation commission under this section may be amended in the same manner and subject to the same conditions as an original order or previous agreement: provided, no amendatory order shall change the assignments of pore space storage capacity between existing pore space owners in the unit area as established by the original order or previous agreement, except with the written consent of those persons who own at least eighty percent (80%) of the pore space storage capacity in the unit area, nor change any allocation of costs as established by the

original order or previous agreement, except with the written consent of those persons who own at least eighty percent (80%) of the unit pore space storage capacity. If consent has not been obtained at the time the commission order is made, the commission shall, upon application, hold supplemental hearings and make findings as may be required to determine when and if such consent will be obtained. The commission shall require the applicant to give notice of a supplemental hearing by regular mail at least thirty (30) days prior to the hearing to each person owning interests in the unit area whose name and address was required by the provisions of W.S. 35-11-315(a)(iii) to be listed in the application for the unit operations. If the required percentages of consent have not been obtained within a period of six (6) months from and after the date on which the order of approval is made, the order shall be ineffective and revoked by the commission, unless, for good cause shown, the commission extends that time. Any interested person may file an application with the Wyoming oil and gas conservation commission requesting an order applicable only to the unit area described in the application which shall provide for the percentage of approval or ratification to be reduced from eighty percent (80%) to seventy-five percent (75%). The application shall contain the information required by W.S. 35-11-315(a) and any order of the commission entered pursuant to the application shall comply with subsection (b) of this section. Notice of the hearing on the application shall be given in the same manner and to the same persons as required by subsection (a) of this section. If the commission finds that negotiations were being conducted since July 1, 2009 or have been conducted for a period of at least nine (9) months prior to the filing of the application, that the applicant has participated in the negotiations diligently and in good faith, and that the percentage of approval or ratification required by this subsection cannot be obtained, the commission may reduce any percentage of approval or ratification required by this section from eighty percent (80%) to seventy-five percent (75%). The order shall affect only the unit area described in the application and operate only to reduce the required percentage of approval or ratification necessary for amending the assignment of pore space and shall not change any other requirement contained in this section.

(f) The Wyoming oil and gas conservation commission, upon its own motion or upon application, and with notice and hearing, may modify its order regarding the operation, size or other characteristic of the unit area in order to prevent or assist in preventing a substantial inequity resulting from operation of the unit, provided that no such modification may amend any permit issued under W.S. 35-11-313.

(g) Any owner of pore space within a geologic sequestration site who has not been included within a unitization application or order authorizing a unit under this section, may petition for inclusion in the unit area. The petition shall be filed with the Wyoming oil and gas conservation commission and shall describe the petitioner's legal entitlement to the pore space, the location of the pore space, whether the pore space is

included within any permitting area applicable to the unit area and the bases for inclusion in the unit area. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion proceedings. The commission shall require the petitioner to publish a notice of filing of the petition which notice shall state the filing of the petition, the name of the petitioner, the location of the pore space and the prayer of the petitioner. The notice shall notify all interested persons to appear at a specified time and place and to show cause, in writing, if any they have, why the petition should not be granted. The commission at the time and place mentioned in the notice shall proceed to hear the petition and all objections thereto and shall thereafter grant or deny the petition. The filing of the petition shall be deemed and taken as an assent by each and all petitioners to the inclusion in the unit of the pore space mentioned in the petition or any part thereof. If the petition is granted, the petitioner shall be considered to have been a member of the unit since its inception and, upon the payment of any costs paid by unit members, shall be entitled to all economic benefits received by unit members since the inception of the unit provided that no unit modification affects any permit issued under W.S. 35-11-313. The oil and gas conservation commission shall adopt rules providing for the fair and equitable determination of pore space storage capacity for each successful petitioner and the means by which successful petitioners shall be paid the economic benefits to which they are entitled under this subsection, including, if necessary, a reallocation of economic benefits among unit members.

(h) A certified copy of any order of the Wyoming oil and gas conservation commission entered under the provisions of this section shall be entitled to be recorded in the land records of the county clerk for the counties where all or any portion of the unit area is located, and the recordation shall constitute notice thereof to all persons.

(j) No provision of W.S. 35-11-314 through 35-11-317 shall be construed to confer on any person the right of eminent domain and no order for unitization issued under this section shall act so as to grant to any person the right of eminent domain.

(k) No order for unitization issued under this section shall act so as to grant any person a right of use or access to a surface estate if that person would not otherwise have such a right.

35-11-317. Unitization of geologic sequestration sites; economic benefits; liens.

(a) No order of the Wyoming oil and gas conservation commission or other contract relating to a separately owned tract within the unit area shall be terminated by the order providing for unit operations, but shall remain in force and apply to that tract, its benefits, burdens and obligations, until terminated in accordance with the provisions thereof.

(b) Except to the extent that the parties affected agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title to pore space or other rights in any tract in the unit area and no agreement or order shall operate to violate the terms and requirements of any permit applicable to pore space within the unit area.

Section 2. W.S. 30-5-104(d) by creating new paragraph (viii) and 35-11-313(f)(intro) and (ii)(F) are amended to read:

30-5-104. Oil and gas conservation commission; powers and duties; investigations; rules and regulations.

(d) The commission has authority:

(viii) To issue orders allowing the unitization of pore space associated with geologic sequestration sites pursuant to W.S. 35-11-314 through 35-11-317 and adopt such rules and regulations as necessary to effectuate the purposes of W.S. 35-11-314.

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

(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, the Wyoming oil and gas conservation commission and the advisory board created under this act, shall recommend to the director rules, regulations and standards for:

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

(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. The department may issue a draft permit contingent on obtaining a unitization order pursuant to W.S. 35-11-314 through 35-11-317;

Section 3. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 77**COTTAGE FOOD INDUSTRY**

Original House Bill No. 16

AN ACT relating to food safety; providing new definitions; amending license requirements; and providing for an effective date.

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

Section 1. W.S. 35-7-110(a) by creating new paragraphs (xxviii) through (xxx) and by renumbering paragraph (xxviii) as (xxx) and 35-7-124(a), (b) and (e) are amended to read:

35-7-110. Definitions.

(a) As used in this act:

(xxviii) "Farmers market" means a common facility or area where several vendors may gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables, locally grown farm products and other items directly to consumers;

(xxix) "Function" means any official ceremony or organized social occasion;

(xxx) "Not potentially hazardous food" means any food which does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation. The natural pH or the final pH of acidified food must be 4.6 or less;

~~(xxviii)~~(xxx) "This act" means W.S. 35-7-109 through 35-7-127.

35-7-124. License required; exemptions; electronic transmittals.

(a) Any person processing, distributing, storing or preparing any food for ~~wholesale or retail use~~ sale shall obtain a license from the department of agriculture or a local health department. The license is not transferable, shall be renewed on an annual basis and shall be prominently displayed in the establishment. No food establishment shall serve, hold for sale or sell food to the public without a valid license. An agricultural producer shall be exempt from the licensure requirement in this section for processing, distributing, storing or sale of any raw agricultural commodity he produces.

(b) Written application for a new license shall be made on a form approved by the department of agriculture and provided by the department of agriculture or the local health department and shall be signed by the applicant. ~~An initial license fee of one hundred dollars (\$100.00) shall accompany each application. The license fee for a temporary food~~

~~event shall be twenty-five dollars (\$25.00) which event shall not exceed fourteen (14) days. License requirements and fees for temporary food events operated by nonprofit organizations shall be waived. Licenses shall expire one (1) year after the date of issuance unless suspended or revoked. Licenses may be renewed each year upon application to the department or local health department, accompanied by a fee of fifty dollars (\$50.00). Any establishment which has a license on the effective date of this section shall pay a fee of fifty dollars (\$50.00) for the following year and shall not be liable to pay the initial license fee of one hundred dollars (\$100.00). The director shall establish license categories and fees by rule and no fee shall exceed one hundred dollars (\$100.00).~~

(e) The provisions of subsection (a) of this section shall not apply to food operators or kitchens in private homes that prepare food that is not potentially hazardous and prepared for sale or use at functions, including farmers' markets, roadside stands, private homes and at functions including, but not limited to those operated by not for profit charitable or religious organizations. ~~For purposes of this section, "food that is not potentially hazardous" means foods prepared in a way that results in mixtures that do not support the growth of microorganisms, including cakes, cookies, dinner rolls and breads.~~

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 78

PRESCRIPTION DRUG FRAUD-FELONY

Original House Bill No. 164

AN ACT relating to controlled substances; amending the Wyoming Controlled Substances Act of 1971 to provide a penalty for the alteration or forgery of a prescription or written order; 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)(intro), (B), (b)(intro) and by creating a new subsection (d) and 35-7-1037 are 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, 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:

(B) Alteration or forgery of a prescription or written order for a controlled substance; and

(b) Except for a violation of subparagraph (a)(iii)(B) of this section and except as otherwise provided:

(d) A person convicted upon a plea of guilty or no contest or found guilty of violating subparagraph (a)(iii)(B) 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.

35-7-1037. Probation and discharge of first offenders.

Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial or probation, may be followed, in the discretion of the trial court.

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 79**INTERNET HUNTING**

Original House Bill No. 207

AN ACT relating to game and fish; prohibiting use of software to remotely hunt wildlife or animals; providing penalties; and providing for an effective date.

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

Section 1. W.S. 23-3-407 is created to read:

23-3-407. Remote hunting prohibited.

(a) No person shall operate, provide, sell or use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present, to remotely control a firearm or weapon to hunt any live wildlife or animal.

(b) A violation of subsection (a) of this section constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 80**SPECIAL LICENSE PLATE RETENTION BY SPOUSE**

Original House Bill No. 25

AN ACT relating to special license plates; allowing surviving spouses to retain Wyoming national guard license plates as specified and purple heart license plates; and providing for an effective date.

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

Section 1. W.S. 31-2-217(e)(i) and (iii) is amended to read:

31-2-217. Special plates; Pearl Harbor survivors; national guard members; purple heart recipients.

(e) Any person who is a Wyoming resident at the time of application may apply under this section for:

(i) A national guard license plate if he presents documentation that

he;

(A) Is currently serving in an active or retired status of the Wyoming national guard; or

(B) Is the surviving spouse of a deceased Wyoming national guard member who was issued a license plate under this paragraph prior to death and the spouse is drawing a military survivor annuity.

(iii) A purple heart recipient license plate if he is an official recipient of the United States military purple heart award with document proof thereof. The surviving spouse of a deceased purple heart award recipient who was issued a license plate under this paragraph prior to death shall be permitted to retain the license plate until the license plate is required to be replaced with a new license plate.

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 February 27, 2009.

Chapter 81

GENETIC AND METABOLIC DISEASE PROGRAMS

Original House Bill No. 119

AN ACT relating to genetic and metabolic diseases; providing for testing of newborn children for diseases as specified; and providing for an effective date.

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

Section 1. W.S. 35-4-801(a), (c) and (d) and 35-4-802(a)(ii) are amended to read:

35-4-801. Screening required for detection of genetic and metabolic diseases and hearing defects in newborn children; conduct of screening; exceptions; fees.

(a) Every child born in the state of Wyoming, within three (3) to five (5) days for full term children and five (5) to eight (8) days for premature children following birth unless a different time period is medically indicated, shall be given medical examinations for detection of remedial inborn errors of metabolism, ~~and for detection of major hearing defects and any other metabolic or genetic diseases pursuant to subsection (b) of this section.~~ The screening shall be conducted in accordance with accepted medical practices and in the manner prescribed by the state department of health.

(c) Informed consent of parents shall be obtained and if any parent or guardian of a child objects to a mandatory examination the child is exempt from subsection (a) of this section. The department of health shall provide educational information to healthcare providers for distribution to the parent containing information on the testing procedures, the diseases being screened and the consequences of screening or nonscreening.

(d) Following consultation with the committee described in subsection (b) of this section, the department of health may provide by rule and regulation for the assessment of a fee, payable to the department, to cover the reasonable cost of the ~~metabolic and hearing~~ screenings required by this section. Fees collected pursuant to this subsection shall be deposited into a separate account and are continuously appropriated to the department of health for purposes of the newborn screening program required by this section.

35-4-802. Rules and regulations.

(a) The state department of health shall make all rules and regulations necessary for:

(ii) Implementation of W.S. 35-4-801, as amended, ~~not later than July 1, 1999.~~

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 82

CREMATION EXPENSES

Original House Bill No. 41

AN ACT relating to public assistance programs; providing for state assistance for the cremation of decedents receiving specified state aid at the time of death; and providing for an effective date.

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

Section 1. W.S. 42-2-103(c) is amended to read:

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

(c) Notwithstanding any other provision of this article, the department shall pay the burial or cremation expenses of any recipient of aid under

the personal opportunities with employment responsibilities (POWER) program, supplemental security income or Medicaid at the time of his death and without sufficient means in his own estate or other resources to provide burial or cremation. The amount paid under this subsection shall not exceed one thousand dollars (\$1,000.00) after consideration of funds available to the recipient from all other sources. In determining eligibility under this subsection, the department shall not consider as available funds, an amount up to or equal to one thousand five hundred dollars (\$1,500.00) of the corpus of a Medicaid qualifying trust meeting the requirements of W.S. 42-4-113. No board of county commissioners shall be responsible for any burial or cremation expenses in excess of the amount paid under this subsection. Burial or cremation expenses under this subsection shall not include those expenses relating to cemetery costs.

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 83

BIGHORN SHEEP EWE AND LAMB LICENSES

Original House Bill No. 225

AN ACT relating to game and fish; providing for issuance of ewe and lamb bighorn sheep licenses without preference points; providing for issuance of ewe and lamb bighorn sheep licenses through reduced price licenses; clarifying issuance of specified delayed licenses is limited to same sex of species; and providing for an effective date.

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

Section 1. W.S. 23-1-703(b), (e) and (f) and 23-2-101(g), (k) and (m) are amended to read:

23-1-703. Limitation of number of big or trophy game animal licenses; reservation of certain licenses; reservation of certain unused licenses.

(b) Except as specifically provided under this subsection, subsection (f) of this section or W.S. 23-1-705(a), no person may apply for and receive more than one (1) moose or one (1) ram bighorn sheep license in any consecutive five (5) year period. Effective for the 1995 hunting season and each hunting season thereafter, licenses issued under this subsection shall be based upon the number of points assigned to each applicant for a particular species. Effective January 1, 2000, licenses issued under this subsection shall be issued partially through a preference point drawing and partially through a random drawing of all remaining unsuccessful applicants for that year. The department shall assign points to each license applicant for a specific species by multiplying the number of years the applicant has unsuccessfully applied for a license times one (1). The calculation used to assign points to

an applicant for a particular species under this subsection shall include any year the applicant does not apply for a big or trophy game animal hunting license for that species, provided in the case of a resident the applicant pays the fee specified in W.S. 23-2-101(k) and in the case of a nonresident the applicant pays the appropriate fee established by the commission under W.S. 23-2-101(m). License applicants within each hunt area for a species shall be grouped according to the number of assigned points for that species. Not less than seventy-five percent (75%) of available licenses within any hunt area shall be randomly selected through a preference point drawing from among the group of applicants with the largest number of assigned points and shall continue until all applicants within that group have been exhausted or until all available licenses have been issued, whichever first occurs. If any applicant grouping has been exhausted and licenses remain available within that hunt area, selection shall continue from among the group of applicants with the next largest number of assigned points. After the selections through the preference point drawing have been completed within a hunt area, the remaining licenses available from that drawing and the licenses available for the random drawing for that hunt area will be issued through a random selection from among all applicants in the hunt area who were not selected for issuance of a license for the species through the preference point drawing in that hunt area. For purposes of assigning points under this subsection, any unsuccessful license applicant failing to apply for a license, or pay the applicable fee in lieu of applying, during the second calendar year shall be considered to be a first year applicant for any subsequent calendar year in which the applicant submits license application for that particular species.

(e) The commission shall reserve eighty percent (80%) of the moose and seventy-five percent (75%) of the ram and ewe and lamb bighorn sheep, mountain goat and grizzly bear licenses to be issued in any one (1) year for resident hunters.

(f) Notwithstanding W.S. 23-1-704 and 23-2-101(j), any person who is issued and purchases a big or trophy game animal license for any species and sex of animal specified under subsections (b) and (c) of this section and is unable to use for good cause as provided by regulations that license for the year in which issued, may reserve a license for the particular species and sex of animal designated on the unused license for use during the immediately succeeding calendar year by applying to the commission before the opening date of the season for the designated species and sex of animal during the year for which the initial license is issued. The initial big or trophy game animal license shall accompany the application. Upon receipt, the commission shall cancel the initial license and prior to the season opening date for the designated species and sex of animal during the immediately succeeding calendar year, issue at no cost to the applicant a license for the designated big or trophy game animal valid for that year.

23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.

(g) In promulgating rules and regulations for the taking of bighorn sheep and moose, the commission shall not discriminate between residents and nonresidents regarding the maturity, horn size or sex of the animals which may be taken. Nothing in this subsection shall be construed as prohibiting the commission from issuing a different number of licenses for residents and nonresidents, ~~or from requiring a preference point fee from nonresidents only pursuant to subsection (m) of this section~~ or from issuing reduced price ewe and lamb bighorn sheep licenses as provided in subsection (d) of this section.

(k) Any resident qualified to purchase a moose or ram big horn sheep hunting license under subsection (b) of this section may pay a fee of seven dollars (\$7.00) in lieu of applying for a moose or ram big horn sheep hunting license. Payment of the fee for a particular species under this subsection shall authorize the person to accumulate points under W.S. 23-1-703(b) for that year in the same manner as if he had unsuccessfully applied for a hunting license for that species. Payment of the fee shall be made in compliance with application dates.

(m) Subject to the provisions of this subsection, as part of any preference point program for nonresident antelope, nonresident ram bighorn sheep, nonresident moose, nonresident deer or nonresident elk, the commission may establish a nonrefundable fee to be either withheld from the license fee remitted or submitted separately when application for a license or preference point is made through electronic licensing, and may also establish a fee to be paid in lieu of applying for licenses that are limited in quota. Retention of the established fee or payment of the fee in lieu of applying shall authorize the person to accumulate a preference point for future drawings for licenses that are limited in quota for the applicable species in accordance with rules of the commission. The rules may provide for the loss of all accumulated points for persons failing to apply or to pay the in lieu fee in two (2) consecutive calendar years. The fee for any program under this subsection for antelope, deer or elk shall be established by rule and shall not exceed fifty dollars (\$50.00) per species. Payment of the fee shall be made in compliance with application dates. Nothing in this subsection authorizes the commission to establish or retain a fee for resident moose or resident ram bighorn sheep license preference points in addition to the fee established by subsection (k) of this section or to establish rules for ram bighorn sheep or moose preference point drawings in conflict with the provisions of W.S. 23-1-703(b). For nonresident ram bighorn sheep and nonresident moose licenses, the commission may establish by rule a nonrefundable preference point fee to be withheld from either the license fee remitted or submitted separately when application for a license or preference point is made through electronic licensing and may establish a fee in lieu of making application in an amount greater than that established under subsection (k) of this section, but neither fee shall exceed one hundred dollars (\$100.00). Fees established under this subsection may be set at lower amounts for youth license applicants.

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 84**WHEAT MARKETING COMMISSION ASSESSMENTS**

Original House Bill No. 198

AN ACT relating to the wheat marketing commission; providing for an increase in assessments; providing for quarterly collection of assessments; and providing for an effective date.

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

Section 1. W.S. 11-38-108(a) and (b) is amended to read:

11-38-108. Assessments generally; refund of contributions; penalty for failure to pay or remit monies due or collected.

(a) The rate of assessment may be adjusted from time to time by the wheat marketing commission in order to cover any later findings by the wheat marketing commission of the estimated expenses or actual expenses that may be incurred in connection with any research, marketing, utilization and promotion program. The assessment shall not exceed ~~one cent (\$.01)~~ two and one-half cents (\$.025) per bushel.

(b) All assessments made and levied pursuant to the provisions of this act shall be paid by the respective grower who is primarily liable therefor. An assessment shall be collected from the grower by the first handler thereof, warehouse, or elevator operator, and the handler shall remit to the director all assessments so collected not later than the fifteenth day of the month next succeeding the ~~month-quarter~~ in which the wheat is sold or contracted in commercial channels. Any handler within or without the state of Wyoming who fails or neglects to collect an assessment from any grower and to remit the collection to the director is guilty of a violation of this act.

Section 2. This act is effective July 1, 2009.

Approved February 27, 2009.

Chapter 85**PUBLIC BUILDING FIRE AND ELECTRICAL PLAN REVIEW**

Original House Bill No. 91

AN ACT relating to fire and electrical safety; authorizing the department of fire prevention and electrical safety to charge fees for plan reviews for public buildings as specified; repealing prior authority granted in appropriations act; and providing for an effective date.

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

Section 1. W.S. 35-9-108(e) is amended to read:

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

(e) ~~There shall be no plan review fee~~ For publicly owned buildings other than school buildings, the department may 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.

Section 2. 2008 Wyoming Session Laws, Chapter 48, Section 306 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 February 27, 2009.

Chapter 86**IMPROVEMENT AND SERVICE DISTRICT DIRECTORS**

Original Senate File No. 45

AN ACT relating to improvement and service districts; providing for three or five directors; providing for staggered initial terms; providing for expansion and contraction of number of directors; providing for four year subsequent terms; and providing for an effective date.

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

Section 1. W.S. 18-12-113(a) and by creating a new subsection (d) is amended to read:

18-12-113. District board of directors.

(a) The district shall be managed and controlled by a board of directors consisting of three (3) or five (5) members. The initial board shall consist

of three (3) or five (5) members elected at the organizational election. ~~One (1) A simple majority of members shall serve for three (3) an initial term of two (2) years, one (1) for and the remaining members shall serve an initial term of four (4) years and one (1) for five (5) years~~ after formation of the district and until their successors are elected and qualified at the regular scheduled subsequent director election as provided in W.S. 22-29-112. Each year, commencing with the third anniversary of the first director election an election shall be held to elect a director to fill the vacancy resulting from expiration of the term of the director whose term expires at that time. ~~Thereafter,~~ members shall be elected for terms of four (4) years. A vacancy occurring on the board during the term of an original director or his successor shall be filled as provided in the Special District Elections Act of 1994.

(d) Notwithstanding subsection (a) of this section, any district may increase or decrease the membership of its board from three (3) to five (5) members if a proposition for the modification is submitted to a vote of the qualified electors of the district and a majority of those casting their ballots vote in favor of the increase or decrease. Additional offices created under this subsection shall be filled as provided in W.S. 22-29-112(a). At the election, not more than one (1) member shall be elected for a term of two (2) years, and the election ballots shall so state. Each term shall otherwise be four (4) years. A vote to decrease membership shall be in the election preceding the election of three (3) members.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 87

SEX OFFENSES BY CORRECTIONS PERSONNEL

Original House Bill No. 60

AN ACT relating to crimes and offenses; establishing a crime for sex offenses committed by corrections staff against persons under supervision by the corrections facility as specified; providing that marriage or consent by the victim is not a defense to specified offenses; and providing for an effective date.

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

Section 1. W.S. 6-2-304(a)(iii) and 6-2-307 are amended to read:

6-2-304. Sexual assault in the third degree.

(a) An actor commits sexual assault in the third degree if, under circumstances not constituting sexual assault in the first or second degree:

(iii) The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through ~~(vi)~~ (vii) without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim.

6-2-307. Evidence of marriage as defense.

(a) The fact that the actor and the victim are married to each other is not by itself a defense to a violation of W.S. 6-2-302(a)(i), (ii) or (iii) or 6-2-303(a)(i), (ii), (iii), ~~or (vi)~~ or (vii).

(b) Consent of the victim is not a defense to a violation of W.S. 6-2-303(a)(vii) or 6-2-304(a)(iii).

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 88

FERAL LIVESTOCK

Original Senate File No. 8

AN ACT relating to feral livestock; providing definitions; providing for the identification and destruction of feral livestock; providing for reimbursement of costs of destruction and removal; and providing for an effective date.

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

Section 1. W.S. 11-48-101 and 11-48-102 are created to read:

CHAPTER 48 FERAL LIVESTOCK

11-48-101. Definitions.

(a) As used in this chapter:

(i) "Board" means the Wyoming livestock board;

(ii) "Director" means the director of the Wyoming livestock board;

(iii) "Feral" means a domestic animal that is not under the control of nor cared for by a person and which has returned to a wild or semi-wild state;

(iv) "Livestock" means as defined in W.S. 11-6-302(a)(vi).

11-48-102. Destruction of feral livestock.

(a) Before any livestock can be declared feral, a reasonable attempt shall be made by the director or the state veterinarian to locate and identify the owner of the livestock and to notify the owner to take possession of the livestock.

(b) If the state veterinarian or the director are unable to identify and notify the owner of the livestock or the owner refused to take possession for the livestock within five (5) days after receiving notice, the livestock may be declared to be feral livestock.

(c) If the director or the state veterinarian determines that any feral livestock are damaging private or public property, including grass, cultivated crops or stored crops, or determines the feral livestock is on private or public property where the feral livestock are not authorized to be and that capturing the feral livestock is not feasible or is cost prohibitive, the director or the state veterinarian may order the destruction of the feral livestock.

(d) If the state veterinarian determines or suspects any feral livestock are likely to be infected with or able to spread any infectious or contagious disease, the state veterinarian may order the destruction of the feral livestock.

(e) There shall be no right for any future indemnity or payment to the owner for the destruction of any feral livestock destroyed in accordance with this section. Should the owner of any feral livestock destroyed in accordance with this section be subsequently identified, the board may seek reimbursement from the owner for all costs associated with the destruction and removal of the feral livestock.

(f) The Wyoming livestock board shall promulgate rules necessary for the administration of this section.

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 2, 2009.

Chapter 89**STATE ENGINEER PERMIT APPLICATION**

Original Senate File No. 9

AN ACT relating to the state engineer; allowing electronic permitting; granting rulemaking authority; ratifying existing rules; and providing for an effective date.

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

Section 1. W.S. 41-4-501 is amended to read:

41-4-501. Permit required prior to construction of ditches, canals or other distributing works; contents of application; unlawful diversion or use of water prohibited; rulemaking authority.

(a) Any person, association or corporation hereafter intending to acquire the right to the beneficial use of the public water of the state of Wyoming shall, before commencing the construction, enlargement or extension of any ditch, canal or other distributing works, or performing any work in connection with said construction, or proposed appropriation, make an application to the state engineer for a permit to make such appropriation. Such application must set forth the name and post-office address of the applicant, the source of the water supply, the nature of the proposed use, the location and description of the proposed ditch, canal or other work, the time within which it is proposed to begin construction, the time required for completion of construction and the time required for the complete application of the water to the proposed use. Any person who shall willfully divert or use water to the detriment of others without compliance with law shall be deemed guilty of a misdemeanor punishable pursuant to W.S. 41-3-616.

(b) The state engineer may allow the application to be submitted electronically as provided by the Uniform Electronic Transactions Act, W.S. 40-21-101 through 40-21-119.

(c) The state engineer may adopt reasonable rules and regulations in accordance with the Wyoming Administrative Procedure Act as necessary to implement this section.

(d) Any rules and regulations implementing this section or any predecessor to this section which were duly adopted according to the procedure for adoption at the time of adoption, which were effective as of July 1, 2008 and which have not been repealed or replaced as of July 1, 2008, are deemed to have been lawfully adopted in accordance with law and within the scope of the state engineer's rulemaking authority.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 90**FISCAL YEAR FOR GOVERNMENTAL ENTITIES**

Original House Bill No. 38

AN ACT relating to governmental entities; providing for a single fiscal year period to be used by all governmental entities subject to specified exceptions; making conforming amendments; providing for transition; and providing for an effective date.

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

Section 1. W.S. 16-4-125 is created to read:

16-4-125. Fiscal year for governmental entities; budget format for certain entities not subject to the Uniform Municipal Fiscal Procedures Act.

(a) The fiscal year for all governmental entities within this state, no matter how formed, shall commence on July 1 in each year, except as otherwise specifically provided or authorized by law.

(b) Hospital districts organized under W.S. 35-2-401 through 35-2-438 and rural health care districts organized under W.S. 35-2-701 through 35-2-709 shall have until July 1, 2011 to commence the district fiscal year on July 1 of each year.

(c) Incorporated towns not subject to the Uniform Municipal Fiscal Procedures Act, special purpose districts having the authority under the general laws of Wyoming to levy taxes or impose assessments and public entities receiving funds from a municipality as defined by W.S. 16-4-102(a)(xiv), shall prepare budgets in a format acceptable to the director of the state department of audit.

Section 2. W.S. 9-1-507(a)(iii)(intro) and (v)(intro), 9-3-405 by creating a new subsection (c), 9-4-101, 9-4-203(a)(v), 11-6-208, 15-2-201(a), 16-4-106, 16-4-109(b), 16-4-111(d), 24-2-101 by creating a new subsection (h), 27-14-202(f), 41-7-304 and 41-7-806 are amended to read:

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:

(iii) Require state institutions, state agencies, the entities described in W.S. ~~16-4-104(g)~~ 16-4-125(c) and incorporated cities and towns with a population of less than four thousand (4,000) inhabitants to file with the department such reports of the books and accounts of the institution,

agency, district or entity as the director deems necessary. The director shall promulgate rules under which special districts described in W.S. ~~16-4-104(g)~~ 16-4-125(c) shall prepare and file an annual report of their books and records with the department of audit. These rules shall apply to special districts which are subject to administration by the courts as provided in subsection (e) of this section. These rules shall provide for different levels of oversight, at the expense of the district, depending upon the higher of the total revenues received or expenditures made by the district during the fiscal year under review subject to the following limitations:

(v) Perform an audit or specified procedures of any books and records of any state institution, state agency, incorporated city or town with a population of less than four thousand (4,000) inhabitants or any district or entity described in W.S. ~~16-4-104(g)~~ 16-4-125(c) whenever the director feels the audit or procedures are necessary. In lieu of performing such audit or procedures, the director may accept an audit or specified procedures performed by a certified public accountant. Specified procedures shall include procedures conducted under one (1) of the following standards:

9-3-405. Retirement board duties and powers.

(c) For purposes of preparation of the administration and operational budget of the board, the board shall operate on a fiscal year commencing on July 1. The board may operate the state retirement account and any other retirement account under its management upon a calendar year basis or a fiscal year basis as the board determines appropriate.

9-4-101. Fiscal year; delivery of state property by treasurer and auditor to successors.

The fiscal year for all agencies, boards, commissions, departments, instrumentalities or institutions of the state government shall commence on July 1 in each year, except as otherwise specifically provided or authorized by law. At the end of their respective terms of office the treasurer and auditor shall deliver to their successors all official books, papers, records and balances of funds in their possession. If either or both successors are not elected or appointed and qualified, the existing incumbent of the office shall retain the state property until the election or appointment and qualification of his successor occurs.

9-4-203. Definitions.

(a) As used in this act:

(v) "Fiscal period" means the period from July 1 through June 30 of each year established for the purpose of determining the financial position and the results of a governmental unit except as otherwise specifically provided or authorized by law;

11-6-208. District boards; annual report.

On or before ~~January~~October 1 of each year, the president and secretary-treasurer of each district board and each county treasurer shall make an annual report to their board of county commissioners showing all receipts and disbursement of district funds made by direction of the board during the preceding ~~calendar~~fiscal year. A report of the receipts, expenditures and financial transactions of the district shall be made as provided by W.S. 9-1-507. The director of the state department of audit may call upon any district board or upon any county treasurer for further information relating to any predator management district.

15-2-201. Fiscal year; appropriations; taxes; certification; expenditures; contracts and expenses; exception.

(a) The fiscal year of each town begins ~~May~~July 1 in each year, ~~or at such other time fixed by ordinance.~~ Except as provided in W.S. 16-4-104(h), the governing body, within the last quarter of each fiscal year, shall pass an annual appropriation ordinance for the next fiscal year in which it may appropriate an amount of money necessary to defray all expenses and liabilities of the town. The ordinance shall specify the objects and purposes for which the appropriations are made and the amount appropriated for each object or purpose. No further appropriation may be made at any other time within the fiscal year, except as provided in W.S. 16-4-112 through 16-4-114. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

16-4-106. Property tax levy.

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations. The amount of tax shrinkage allowed shall not exceed the actual percentage of uncollected taxes to the total taxes levied for the preceding fiscal year or preceding two (2) fiscal years pursuant to W.S. 16-4-104(h). This section also applies to districts and entities described in W.S. ~~16-4-104(f)~~ 16-4-125(c).

16-4-109. Budget hearings.

(b) Hearings for county budgets shall be held not later than the third Monday in July nor prior to the second Monday in July, for city and town budgets not prior to the second Tuesday in June nor later than the third Tuesday in June, for school districts and community college districts the third Wednesday in July and for all other special purpose districts having the power to levy or require the levy of taxes within five (5) days of the third Thursday in July except as hereafter provided. The governing board of any special purpose district may choose to hold the budget hearing in conjunction with the county budget hearings and so advertise. The governing board of each municipality shall arrange for and hold the hearings and

provide accommodations for interested persons. Copies of publications of hearings shall be furnished to the director of the state department of audit and school districts shall also furnish copies to the state department of education. This section also applies to districts and entities described in W.S. ~~16-4-104(g)~~ 16-4-125(c) excluding incorporated towns not subject to this act.

16-4-111. Adoption of budget.

(d) As provided by W.S. 39-13-104(k), a copy of the adopted budget, certified by the budget officer, shall be furnished the county commissioners for the necessary property tax levies. Certified copies of the adopted budget shall be on file in the office of the budget officer for public inspection. Copies of school district budgets shall be furnished to the state department of education and copies of community college budgets shall be furnished to the community college commission. This section also applies to districts and entities described in W.S. ~~16-4-104(g)~~ 16-4-125(c) excluding incorporated cities and towns under four thousand (4,000) inhabitants.

24-2-101. Department and commission created; qualifications; appointment; term; removal; compensation; location of offices; power to bring civil actions; official seal.

(h) The commission, department and appropriate divisions within the department may operate upon a federal fiscal year basis commencing October 1 of each year. The commission, department and all divisions within the department shall report revenues and expenditures upon a state fiscal year commencing July 1, 2010.

27-14-202. Premium payments; payroll reports; department authority to establish joint reporting; remedies for incorrect earnings categorizations by employers.

(f) Notwithstanding subsections (a) and (b) of this section and commencing January 1, 1994, governmental entity employers shall make payments for rates established by the division under W.S. 27-14-201 for any calendar year commencing on July 1 of that calendar year and ending June 30 of the immediately succeeding calendar year. For purposes of this subsection "governmental entity employer" includes state, county, municipal, school district, community college, university and special district employers, ~~which budget upon a fiscal year basis beginning on July 1.~~

41-7-304. Financial records and reports; compensation and expenses; suit on bonds.

The commissioners shall keep an accurate record of all monies collected on account of the work under their charge and of all payments made by them, and shall take vouchers for payments and shall keep full, accurate and true minutes of all their proceedings. On or before the tenth day of

~~January each year in a district which uses a calendar year for elections under W.S. 41-7-316, and on or before the tenth day of July each year in a district which uses a fiscal year for elections under W.S. 41-7-316,~~ the commissioners shall file in the office of the clerk of the court having jurisdiction in the matter, an itemized statement of all their receipts and disbursements, for the preceding fiscal year, and leave the report in the office for examination by parties interested at all times, and include a copy thereof in the regular call for the annual meeting hereinafter provided. They shall receive for their services compensation as the court or presiding judge thereof may determine. They shall also be reimbursed for their actual reasonable expenses. Suit may also be brought upon their bonds, and the amount recovered shall be applied to the construction of the work or to the party injured, as justice may require.

41-7-806. Board of directors; qualifications; officers; treasurer's bond; adoption of rules and regulations; audit department report; compensation.

The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors of any district unless he or she shall be a freeholder or entryman of the district. The board of directors shall elect the officers of the district who shall be a president, a vice-president, a secretary and a treasurer, and the board shall appoint such executive committee and other officers, agents, servants and employees as shall be deemed necessary in transacting the business of the district. The president, vice-president and treasurer shall be elected from the membership of the board of directors. The treasurer shall furnish and maintain a corporate surety bond in an amount sufficient to cover all ~~moneys~~ monies coming into his possession or control, which bond shall be satisfactory in form and with sureties approved by the board. The bond, as approved, shall be filed with the secretary of state. The board of directors may adopt rules and regulations or bylaws, not inconsistent with the provisions of this act, for the conduct of the business and affairs of the district. The board of directors shall cause to be kept accurate minutes of their meetings and accurate records and books of account, conforming to methods of bookkeeping approved by the director of the department of audit, clearly setting out and reflecting the entire operation, management, and business of the district. The books and records shall be kept at the principal place of business of the district and at reasonable business hours always open to public inspection. ~~The fiscal year of the district shall coincide with the calendar year~~ shall commence July 1. The board of directors, at the close of each year's business, shall file a report of the books, records and financial affairs of the district with the department of audit as required by W.S. 9-1-507. A copy of the report shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state. Members of the board of directors shall be paid their actual expenses while engaged in performing the duties of their office or otherwise engaged upon the business of the

district, and in addition thereto they each shall receive as compensation for services a sum of not exceeding six dollars (\$6.00) per day for a total working period not more than ten (10) days in each month.

Section 3. W.S. 11-37-102(a)(v), 11-38-101(a)(iv), 15-5-201(a)(vii), 16-4-104(g), 23-1-502(b) and 1991 Wyoming Session Laws, chapter 241, section 1(a)(i) are repealed.

Section 4. It is the intent of this act to impose a fiscal year of July 1 through June 30 on all governmental entities in this state, including all agencies, boards, commissions, institutions, instrumentalities, political subdivisions and special districts, no matter how formed, unless specifically exempted or otherwise authorized by law. The intent of this act is to repeal any noncodified provision which conflicts with the provisions of this act, including but not limited to earlier adopted government reorganization acts. Any entity required to change its current fiscal year of operation may elect to extend its current fiscal year or shorten its current fiscal year and commence its next fiscal year on July 1, 2009 or July 1, 2010, as it finds most convenient and efficient for its circumstances.

Section 5. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 91

SELECT COMMITTEE ON LOCAL GOVERNMENT FINANCING

Original Senate File No. 42

AN ACT relating to the legislature; recreating the select committee on local government financing as specified; providing for appointments; 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.

(a) There is created a select committee on local government financing consisting of the following members:

(i) Five (5) members of the Wyoming senate appointed by the president of the senate, comprised of one (1) member at-large from among the senate membership and one (1) member from each of the following senate committees:

(A) Appropriations;

- (B) Revenue;
- (C) Corporations, elections and political subdivisions;
- (D) Minerals, business and economic development.

(ii) Five (5) members of the Wyoming house of representatives appointed by the speaker of the house, comprised of one (1) member at-large from among the house membership and one (1) member from each of the following house committees:

- (A) Appropriations;
- (B) Revenue;
- (C) Corporations, elections and political subdivisions;
- (D) Minerals, business and economic development.

(b) The select committee shall select a chairman from among its members. The committee shall investigate, develop and recommend a workable statutory formula for the distribution of revenues to counties and a workable statutory formula for the distribution of revenues to cities. The committee's recommendations shall be submitted to the governor and the joint appropriations interim committee prior to November 1, 2009. The joint appropriations interim committee shall consider the recommendations in its preparation of the general appropriations bill for the 2010 budget session and shall sponsor legislation to implement the recommendations as it deems appropriate.

Section 2. There is appropriated twenty thousand dollars (\$20,000.00) 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, 2010. This appropriation shall only be expended for the purpose of paying expenses incurred by the select committee under 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 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 2, 2009.

Chapter 92**FERTILIZERS**

Original Senate File No. 69

AN ACT relating to fertilizer; modifying existing definitions and providing new definitions; amending label requirements; providing for registration of persons in possession of ammonium nitrate or regulated ammonium nitrate materials; identifying adulterated fertilizers; providing that a portion of the act is contingent upon subsequent actions; and providing for an effective date.

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

Section 1. Section 2 of this act shall be effective only if the United States department of homeland security publishes final federal rules under H.R. 2764, Subtitle J, Secure Handling of Ammonium Nitrate or its successor. The governor shall certify to the secretary of state the occurrence of the publication of such final federal rules and section 2 of this act shall be effective on the date the certification is filed with the secretary of state. In preparing copy for printing and arranging and furnishing copies of this act for the printer of the session laws or the Wyoming statutes, the legislative service office is authorized to display the provisions of this act in a manner which most effectively displays the contingencies provided in this act.

Section 2. W.S. 11-14-118 is created to read:

11-14-118. Registration of ammonium nitrate.

(a) Any person who possesses ammonium nitrate or regulated ammonium nitrate materials shall be registered with the department. The registration application shall be on a form approved by the director in consultation with and upon the recommendation of the director of the office of homeland security. The director shall charge an annual registration fee not to exceed fifty dollars (\$50.00). Nothing in this section shall require the registration of any person who produces, sells or purchases ammonium nitrate exclusively for use in the production of an explosive under a license or permit issued under chapter 40 of title 18, U.S.C.

(b) Ammonium nitrate and regulated ammonium nitrate materials shall be secured to provide reasonable protection against vandalism, theft or other unauthorized use. Reasonable protection may include, but not be limited to, ensuring that storage facilities are fenced and locked when unattended, and inspected daily for signs of attempted entry or vandalism to any storage facility. The director in consultation with or upon the recommendation of the director of the office of homeland security, may recommend other security measures. The director shall work in consultation with or upon the recommendation of the director of the office of homeland security to provide information to ammonium nitrate users on appropriate security

measures.

(c) A distributor shall record the date of sale and quantity sold, the valid state or federal driver's license number, the current physical address and telephone number for the purchaser of ammonium nitrate or regulated ammonium nitrate materials. If the purchaser obtains physical possession of ammonium nitrate or regulated ammonium nitrate material, the distributor shall obtain the registrant's registration number as a condition of completing the sale. A registrant, if not a distributor, shall record the date of application. All sale and application records shall be retained by each registrant for a period of not less than two (2) years.

(d) Registrants shall comply with all federal and state requirements regarding the dissemination of any information, providing the director and the director of the office of homeland security access to the records.

(e) For the purposes of this section:

(i) "Ammonium nitrate" means chiefly the ammonium salt of nitric acid. Ammonium nitrate shall not contain less than thirty-three percent (33%) nitrogen, one-half (1/2) of which is the ammonium form and one-half (1/2) of which is the nitrate form;

(ii) "Regulated ammonium nitrate materials" means regulated ammonium nitrate material fertilizer products which have been determined by the director in consultation with and upon the recommendation of the director of the office of homeland security to warrant regulation based on the potential explosive capacity of the fertilizer material determined by the ammonium nitrate content.

Section 3. W.S. 11-14-101, 11-14-103(a)(xvii), by creating new paragraphs (xxiii) and (xxiv) and by amending and renumbering paragraph (xxiii) as (xxv), 11-14-105(a), 11-14-109(a)(i), (b)(ii), (iii), by creating a new paragraph (iv) and by creating a new subsection (e) and 11-14-115(a) are amended to read:

11-14-101. Short title.

This act shall be known as the "Wyoming Fertilizer Law of 1971-2009."

11-14-103. Definitions.

(a) As used in this act:

(xvii) "Primary nutrient" means the plant nutrients nitrogen (N), available phosphate (P₂O₅) or phosphorus, and soluble potash or potassium (K₂O);

(xxiii) “Organic fertilizer” means a material containing carbon and one (1) or more elements other than hydrogen and oxygen essential for plant growth, and allowed for use under the Organic Foods Production Act of 1990, as promulgated by the United States department of agriculture “National List of Allowed and Prohibited Substances” rule;

(xxiv) “Secondary or micro plant nutrients” means nutrients other than the primary nutrients that are essential for the normal growth of plants and that may need to be added to the growth medium. Secondary plant nutrients shall include calcium, magnesium and sulfur. Micro plant nutrients shall include boron, chlorine, cobalt, copper, iron, manganese, molybdenum, nickel, sodium and zinc;

~~(xxiii)~~(xxv) “This act” means W.S. 11-14-101 through ~~11-14-117~~ 11-14-118.

11-14-105. Label requirements.

(a) Any commercial fertilizer, soil amendment or soil conditioner distributed in this state in containers shall have affixed to the container a label setting forth in clearly legible and conspicuous form the information required by W.S. 11-14-104(a) and (b), the month and year of preparation or lot number, and shall show the net weight stated in both metric units and avoirdupois. In case of bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

11-14-109. Misbranded or adulterated fertilizer, soil conditioner or soil amendment; distribution of unregistered fertilizer.

(a) No person shall distribute misbranded fertilizer, soil conditioners or soil amendments. A commercial fertilizer, soil conditioner or soil amendment is misbranded if:

(i) Its labeling is false or misleading in any particular way, including being labeled organic fertilizer, when its use is not allowed pursuant to the United States department of agriculture “National List of Allowed and Prohibited Substances” rule;

(b) No person shall distribute an adulterated fertilizer, soil conditioner or soil amendment. A commercial fertilizer, soil conditioner or soil amendment is adulterated if:

(i) Its composition falls below or differs from that which it is purported to possess by its labeling; ~~or~~

(iii) It contains unwanted crop seed or weed seed; ~~or~~

(iv) A commercial fertilizer that contains guaranteed amounts of phosphates or micronutrients, contains metals in amounts greater than

the levels of metals established by the following table:

<u>Metal</u>	<u>ppm per 1% P₂O₅</u>	<u>ppm per 1% micronutrients</u>
<u>Arsenic</u>	<u>13</u>	<u>112</u>
<u>Cadmium</u>	<u>10</u>	<u>83</u>
<u>Cobalt</u>	<u>3,100</u>	<u>23,000*</u>
<u>Lead</u>	<u>61</u>	<u>463</u>
<u>Mercury</u>	<u>1</u>	<u>6</u>
<u>Molybdenum</u>	<u>42</u>	<u>300*</u>
<u>Nickel</u>	<u>250</u>	<u>1,900</u>
<u>Selenium</u>	<u>26</u>	<u>180</u>
<u>Zinc</u>	<u>420</u>	<u>2,900*</u>

(* only applies when not guaranteed)

The table shall be used according to the following three (3) situations:

(A) For fertilizers with a phosphate guarantee, but no micronutrient guarantee, multiply the percent guaranteed P₂O₅ in the product by the values in the table to obtain the maximum allowable concentration of each metal. The minimum value for P₂O₅ utilized as a multiplier shall be six (6.0);

(B) For fertilizers with one (1) or more micronutrient guarantee, but no phosphate guarantee, multiply the sum of the guaranteed percentages of all micronutrients in the product by the value in the appropriate column in the table to obtain the maximum allowable concentration (in parts per million, or ppm) of each metal. The minimum value for micronutrients utilized as a multiplier shall be one (1);

(C) For fertilizers with both a phosphate and a micronutrient guarantee, multiply the guaranteed percent P₂O₅ by the value in the appropriate column. The minimum value for P₂O₅ utilized as a multiplier shall be one (1). Then, multiply the sum of the guaranteed percentages of the micronutrients by the value in the appropriate column. The minimum value for micronutrients utilized as a multiplier shall be one (1). Then, utilize the higher of the two (2) resulting values as the maximum allowable concentration (ppm) of each metal.

(e) Any penalties resulting from violations of these heavy metal standards shall accrue to the registrant of the material that violates the heavy metal standard.

11-14-115. Action for damages to crops; evidence.

(a) Nothing in this act shall preclude the right of a purchaser to bring an action for any damages to crops, land or livestock by reason of misbranded,

adulterated or deficient fertilizer, soil conditioner or soil amendment.

Section 4. Subject to section 1 of this act, this act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 93

LIFE INSURANCE-LIMITATION ON DEPENDENT COVERAGE

Original Senate File No. 104

AN ACT relating to group life insurance; repealing the amount of life insurance available on spouses and dependents under group policies; and providing for an effective date.

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

Section 1. W.S. 26-17-108(a)(iii) is repealed.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 94

INSURANCE-FINANCIAL REPORTING REQUIREMENTS

Original Senate File No. 2

AN ACT relating to insurance companies; providing for independence of certified public accountants completing audits; providing for audit committees; providing for conduct of insurers preparing financial statements; providing for management reports of internal control over financial reporting; and providing for an effective date.

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

Section 1. W.S. 26-3-315 through 26-3-317 are created to read:

26-3-315. Requirements for audit committees.

(a) An audit committee shall be directly responsible for the appointment, compensation and oversight of the work of any accountant, including resolution of disagreements between management and the accountant regarding financial reporting, employed for the purpose of preparing or issuing the audited financial report or related work pursuant to this article

and each accountant shall report directly to the audit committee.

(b) Each member of the audit committee shall be a member of the board of directors of the insurer or a member of the board of directors of an entity elected pursuant to W.S. 26-3-302(a)(vi) and 26-3-315(e).

(c) In order to be considered independent for purposes of this section, a member of the audit committee shall not, other than in his capacity as a member of the audit committee, the board of directors or any other board committee, accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof. If any other provision of law requires board participation by otherwise nonindependent members, that law shall prevail and those members may participate in the audit committee and be designated as independent for audit committee purposes unless they are an officer or employee of the insurer or one (1) of its affiliates.

(d) If a member of the audit committee ceases to be independent for reasons outside the member's reasonable control, that person, with notice by the responsible entity to the state, may remain an audit committee member of the responsible entity until the earlier of the next annual meeting of the responsible entity or one (1) year from the occurrence of the event that caused the member to be no longer independent.

(e) To exercise the election of the controlling person to designate the audit committee for purposes of this article, the ultimate controlling person shall provide written notice to the commissioners of the affected insurers. Notification shall be made timely prior to the issuance of the statutory audit report and include a description of the basis for the election. The election may be changed through notice to the commissioner by the insurer which shall include a description of the basis for the change. The election shall remain in effect for perpetuity, until rescinded.

(f) The audit committee shall require the accountant that performs for an insurer any audit required by this article to timely report to the audit committee in accordance with the requirements of Statement on Auditing Standards 61, Communication with Audit Committees, or its replacement, including:

(i) All significant accounting policies and material permitted practices;

(ii) All material alternative treatments of financial information within statutory accounting principles that have been discussed with management officials of the insurer, ramifications of the use of the alternative disclosures and treatments and the treatment preferred by the accountant; and

(iii) Other material written communications between the accountant

and the management of the insurer, such as any management letter or schedule of unadjusted differences.

(g) If an insurer is a member of an insurance holding company system, the reports required under subsection (f) of this section may be provided to the audit committee on an aggregate basis for insurers in the holding company system, provided that any substantial differences among insurers in the system are identified to the audit committee.

(h) The proportion of independent audit committee members shall meet or exceed the following criteria, except that the commissioner has authority afforded by state law to require the entity's board to enact improvements to the independence of the audit committee membership if the insurer is in any RBC action level event, meets one (1) or more of the standards of an insurer deemed to be in hazardous financial condition or otherwise exhibits qualities of a troubled insurer:

(i) For insurers with prior calendar year direct written and assumed premiums of five hundred million dollars (\$500,000,000.00) or less the audit committee shall have a majority of members that are independent and the insurers are encouraged to structure their audit committees with at least seventy-five percent (75%) of the audit committee members being independent;

(ii) For insurers with prior calendar year direct written and assumed premiums of more than five hundred million dollars (\$500,000,000.00) at least seventy-five percent (75%) of the members of the audit committee shall be independent;

(iii) For purposes of this subsection, prior calendar year direct written and assumed premiums shall be the combined total of direct premiums and assumed premiums from nonaffiliates for the reporting entities.

(j) An insurer with direct written and assumed premiums, excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars (\$500,000,000.00) may make application to the commissioner for a waiver from the requirements of this section based on hardship. The insurer shall file, with its annual statement filing, the approval for relief from this section with the states that it is licensed in or doing business in and the National Association of Insurance Commissioners. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

(k) This section shall not apply to foreign or alien insurers licensed in this state or an insurer that is a SOX compliant entity or a direct or indirect wholly-owned subsidiary of a SOX compliant entity, as defined in W.S. 26-3-302(a)(xiii).

(m) An insurer or group of insurers that is not required to have independent audit committee members or only a majority of independent audit committee members because the total written and assumed premium is below the threshold and subsequently becomes subject to any of the independence requirements due to changes in premiums shall have one (1) year following the year the threshold is exceeded to comply with the independence requirements. An insurer that becomes subject to any of the independence requirements as a result of a business combination shall have one (1) calendar year following the date of acquisition or combination to comply with the independence requirements.

26-3-316. Conduct of insurer in connection with preparation of required reports and documents.

(a) No director or officer of an insurer shall, directly or indirectly:

(i) Make or cause to be made a materially false or misleading statement to an accountant in connection with any audit, review or communication required under this article; or

(ii) Omit to state or cause another person to omit to state any material fact necessary in order to make statements made, in light of the circumstances under which the statements were made, not misleading to an accountant in connection with any audit, review or communication required under this article.

(b) No officer or director of an insurer or any other person acting under the direction thereof shall directly or indirectly take any action to coerce, manipulate, mislead or fraudulently influence any accountant engaged in the performance of an audit pursuant to this article if that person knew or should have known that the action, if successful, could result in rendering the insurer's financial statements materially misleading. For purposes of this subsection, actions that, if successful, could result in rendering the insurer's financial statements materially misleading include, but are not limited to, actions taken at any time with respect to the professional engagement period to coerce, manipulate, mislead or fraudulently influence an accountant to:

(i) Issue or reissue a report on an insurer's financial statements that is not warranted in the circumstances due to material violations of statutory accounting principles prescribed by the commissioner, generally accepted auditing standards or other professional or regulatory standards;

(ii) Not perform any audit, review or other procedures required by generally accepted auditing standards or other professional standards;

(iii) Not withdraw an issued report; or

(iv) Not communicate matters to an insurer's audit committee.

(c) Violation of this section shall be punishable as provided in W.S. 26-1-107.

26-3-317. Management's report of internal control over financial reporting.

(a) Every insurer required to file an audited financial report pursuant to this article that has annual direct written and assumed premiums, excluding premiums reinsured with the federal crop insurance corporation and federal flood program, of five hundred million dollars (\$500,000,000.00) or more shall prepare a report of the insurer's or group of insurers' internal control over financial reporting. The report shall be filed with the commissioner along with the communication of internal control related matters noted in an audit described in W.S. 26-3-310. Management's report of internal control over financial reporting shall be as of the immediately preceding December 31.

(b) Notwithstanding the premium threshold in subsection (a) of this section, the commissioner may require an insurer to file management's report of internal control over financial reporting if the insurer is in any RBC level event or meets any one (1) or more of the standards of an insurer deemed to be in hazardous financial condition as defined in W.S. 26-3-116.

(c) An insurer or group of insurers that is directly subject to section 404, part of a holding company system whose parent is directly subject to section 404, not directly subject to section 404 but is a SOX compliant entity or a member of a holding company system whose parent is not directly subject to section 404 but is a SOX compliant entity, may file its or its parent's section 404 report and an addendum in satisfaction of this section provided that those internal controls of the insurer or group of insurers having material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements were included in the scope of the section 404 report. The addendum shall be a positive statement by management that there are no material processes with respect to the preparation of the insurer's or group of insurers' audited financial statements excluded from the section 404 report. If there are internal controls of the insurer or group of insurers that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements and those internal controls were not included in the scope of the section 404 report, the insurer or group of insurers may either file a report under this section or the section 404 report and a report under this section for those internal controls that have a material impact on the preparation of the insurer's or group of insurers' audited statutory financial statements not covered by the section 404 report.

(d) A management's report of internal control over financial reporting shall include:

(i) A statement that management is responsible for establishing and maintaining adequate internal control over financial reporting;

(ii) A statement that management has established internal control over financial reporting and an assertion to the best of management's knowledge and belief, after diligent inquiry, as to whether its internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles;

(iii) A statement that briefly describes the approach or processes by which management evaluated the effectiveness of its internal control over financial reporting;

(iv) A statement that briefly describes the scope of work that is included and whether any internal controls were excluded;

(v) Disclosure of any unremediated material weaknesses in the internal control over financial reporting identified by management as of the immediately preceding December 31. Management shall not conclude that the internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles if there is one (1) or more unremediated material weakness in its internal controls over financial reporting;

(vi) A statement regarding the inherent limitations of internal control systems; and

(vii) Signatures of the chief executive officer and the chief financial officer or the equivalent position.

(e) Management shall document and make available upon financial condition examination the basis upon which its assertions required in subsection (d) of this section are made. Management may base its assertions, in part, upon its review, monitoring and testing of internal controls undertaken in the normal course of its activities. Management shall have discretion as to the nature of the internal control framework used and the nature and extent of documentation in order to make its assertions in a cost effective manner and may include assembly of or reference to existing documentation. Management's report on internal control over financial reporting and any documentation provided in support thereof during the course of a financial conditions examination shall be kept confidential by the department.

(f) The requirements of this section are effective beginning with the reporting period ending December 31, 2010 and each year thereafter. An insurer or group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements shall have two (2) years following the year the threshold is exceeded to file a report. An insurer that becomes subject to any of the reporting requirements as a result of a business combination shall have two (2) calendar years following the date of acquisition or combination to comply with the reporting requirements.

Section 2. W.S. 26-3-301(a)(intro), (b)(intro), (i) and by creating a new subsection (d), 26-3-302(a) by creating new paragraphs (v) through (xiii), 26-3-303 by creating new subsections (c) and (d), 26-3-305(a), 26-3-306(c)(intro), (d)(intro), (e) and by creating new subsections (g) through (n), 26-3-308, 26-3-309(a)(i), 26-3-310, 26-3-312(a) and (b), 26-3-313(a), 26-3-314 and 26-3-110(b)(i) are amended to read:

26-3-301. Scope of article.

(a) Every insurer as defined by W.S. 26-1-102(a)(xvi) shall be subject to this article. Insurers having direct premiums written in this state of less than one million dollars (\$1,000,000.00) in any calendar year ~~or~~ and less than one thousand (1,000) policyholders or certificate holders of ~~directly~~ direct written policies nationwide at the end of a calendar year shall be exempt from this article for that year except an insurer shall not be exempt if:

(b) Foreign or alien insurers filing the audited financial reports ~~report~~ in another state, pursuant to that state's requirement for filing of audited financial reports which has been found by the commissioner to be substantially similar to the requirements of this article, are exempt from ~~this article~~ W.S. 26-3-303 through 26-3-312 if:

(i) A copy of the ~~report on significant deficiencies in internal controls, audited financial report, communication of internal control related matters noted in an audit~~ and the accountant's letter of qualifications which are filed with the other state are filed with the commissioner and a copy of the audited financial report which is on file with the other state is filed with the National Association of Insurance Commissioners in accordance with the filing dates specified in W.S. 26-3-303, 26-3-310 and 26-3-311, respectively. Canadian insurers may submit accountants' reports as filed with the ~~Canadian dominion department of insurance~~ office of the superintendent of financial institutions, Canada; and

(d) Foreign or alien insurers required to file management's report of internal control over financial reporting in another state are exempt from filing the report in this state provided the other state has substantially similar reporting requirements and the report is filed with the commissioner of the other state within the time specified.

26-3-302. Definitions.

(a) As used in this article:

(v) “Affiliate of” or “affiliated with” a specific person means a person that directly, or indirectly through one (1) or more intermediaries, controls or is controlled by or is under common control with the person specified;

(vi) “Audit committee” means a committee established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting processes of an insurer or group of insurers and audits of financial statements of the insurer or group of insurers. The audit committee of any entity that controls a group of insurers may be deemed to be the audit committee for one (1) or more of these controlled insurers solely for the purposes of this regulation at the election of the controlling person. If an audit committee is not designated by the insurer, the insurer’s entire board of directors shall constitute the audit committee;

(vii) “Independent board member” means as defined in W.S. 26-3-315(c);

(viii) “Internal control over financial reporting” means a process effected by an entity’s board of directors, management and other personnel designed to provide reasonable assurance regarding the reliability of the financial statements and includes those policies and procedures that:

(A) Pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets;

(B) Provide reasonable assurance that transactions are recorded as necessary to permit preparation of the financial statements and that receipts and expenditures are being made only in accordance with authorizations of management and directors; and

(C) Provide reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of assets that could have a material affect on the financial statements.

(ix) “Group of insurers” means those licensed insurers included in the reporting requirements of W.S. 26-44-101 through 26-44-117 or a set of insurers as identified by management, for the purpose of assessing the effectiveness of internal control over financial reporting;

(x) “SEC” means the United States Securities and Exchange Commission;

(xi) “Section 404” means section 404 of the Sarbanes-Oxley Act of 2002 or subsequently enacted similar federal law and the SEC’s rules and regulations promulgated thereunder;

(xii) “Section 404 report” means management’s report on internal control over financial reporting as defined by the SEC and the related

attestation report of the independent certified public accountant;

(xiii) "SOX compliant entity" means an entity that either is required to be compliant with or voluntarily is compliant with all of the following provisions of the Sarbanes-Oxley Act of 2002 or similar provisions of subsequently enacted similar federal law:

(A) The preapproval requirements of Section 201;

(B) The audit committee independence requirements of Section 301;
and

(C) The internal control over financial reporting requirements of Section 404.

26-3-303. General requirements related to filing and extensions for filing of annual audited financial reports; audit committee appointment.

(c) If an extension is granted in accordance with subsection (b) of this section, a similar extension of thirty (30) days is granted to the filing of the management's report of internal control over financial reporting.

(d) Every insurer required to file an annual audited financial report pursuant to this section shall designate a group of individuals as constituting its audit committee. The audit committee of an entity that controls an insurer may be deemed to be the insurer's audit committee for purposes of this article at the election of the controlling person.

26-3-305. Designation of independent certified public accountant.

(a) Each insurer required by this article to file an annual audited financial report shall within sixty (60) days after becoming subject to the requirement, register with the commissioner in writing the name and address of the independent certified public accountant or accounting firm retained to conduct the annual audit. Insurers not retaining an independent certified public accountant on or before April 1, 1994 shall register the name and address of their retained independent certified public accountant not less than six (6) months before the date when the first audited financial report is to be filed.

26-3-306. Qualifications of independent certified public accountant.

(c) After April 1, 1996 no partner or other person responsible for rendering a report under this article January 1, 2010, the lead or coordinating audit partner having primary responsibility for the audit shall not act in that capacity for more than seven (7) five (5) consecutive years. Following that period of service The person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries

or affiliates for a period of ~~two (2)~~ five (5) consecutive years. An insurer may make application to the commissioner for relief from the rotation requirement on the basis of unusual circumstances. This application shall be made at least thirty (30) days before the end of the calendar year. The insurer shall file with its annual statement, the approval for relief pursuant to this subsection with the states in which it is licensed or doing business and with the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC. The commissioner may consider the following factors in determining whether the relief should be granted:

(d) The commissioner shall ~~not~~ neither recognize as a qualified independent certified public accountant, nor accept any annual audited financial report, prepared in whole or in part by, any natural person who:

(e) The commissioner may hold a hearing to determine whether a ~~an~~ independent certified public accountant is qualified and, considering the evidence presented, may rule that the accountant is not qualified for purposes of expressing his opinion on the financial statements in the annual audited financial report made pursuant to this article and require the insurer to replace the accountant with another whose relationship with the insurer is qualified within the meaning of this article.

(g) The commissioner shall neither recognize as a qualified independent certified public accountant, nor accept an annual audited financial report, prepared in whole or in part by an accountant who provides to an insurer, contemporaneously with the audit, the following nonaudit services:

(i) Bookkeeping or other services related to the accounting records or financial statements of the insurer;

(ii) Financial information systems design and implementation;

(iii) Appraisal or valuation services, fairness opinion or contribution-in-kind reports;

(iv) Actuarially-oriented advisory services involving the determination of amounts recorded in the financial statements. The accountant may assist an insurer in understanding the methods, assumptions and inputs used in the determination of amounts recorded in the financial statement only if it is reasonable to conclude that the services provided will not be subject to audit procedures during an audit of the insurer's financial statements. An accountant's actuary may also issue an actuarial opinion or certification on an insurer's reserves if the following conditions have been met:

(A) Neither the accountant nor the accountant's actuary has performed any management functions or made any management decisions;

(B) The insurer has competent personnel or engages a third party actuary to estimate the reserves for which management takes responsibility; and

(C) The accountant's actuary tests the reasonableness of the reserves after insurer's management has determined the amount of the reserves.

(v) Internal audit outsourcing services;

(vi) Management functions or human resources;

(vii) Broker or dealer, investment adviser or investment banking services;

(viii) Legal services or expert services unrelated to the audit; or

(ix) Any other services that the commissioner determines by regulation to be impermissible. In determining whether other services are impermissible, the commissioner shall consider the principle that the accountant may not function in the role of management, may not audit his own work and may not serve in an advocacy role for the insurer.

(h) Insurers having direct written and assumed premiums of less than one hundred million dollars (\$100,000,000.00) in any calendar year may request an exemption from subsection (g) of this section. The insurer shall file with the commissioner a written statement discussing the reasons why the insurer should be exempt from subsection (g) of this section. If the commissioner finds, upon review of the statement, that compliance with subsection (g) of this section would constitute a financial or organizational hardship on the insurer, an exemption may be granted.

(j) A qualified independent certified public accountant who performs the audit may engage in other nonaudit services, including tax services, that are not described in subsection (g) of this section or that do not conflict with paragraph (g)(ix) of this section only if the activity is approved in advance by the audit committee in accordance with subsection (k) of this section.

(k) All auditing services and nonaudit services provided to an insurer by the qualified independent certified public accountant of the insurer shall be preapproved by the audit committee. The preapproval requirement shall be waived with respect to nonaudit services if the insurer is a SOX compliant entity or a direct or indirect wholly-owned subsidiary of a SOX compliant entity or if:

(i) The aggregate amount of all nonaudit services provided to the insurer constitutes not more than five percent (5%) of the total amount of fees paid by the insurer to its qualified independent certified public accountant during the fiscal year in which the nonaudit services are provided;

(ii) The services were not recognized by the insurer at the time of the engagement to be nonaudit services; and

(iii) The services are promptly brought to the attention of the audit committee and approved prior to the completion of the audit by the audit committee or by one (1) or more members of the audit committee who are

the members of the board of directors to whom authority to grant such approvals has been delegated by the audit committee.

(m) The audit committee may delegate to one (1) or more designated members of the audit committee the authority to grant the preapprovals required under subsection (k) of this section. The decisions of any member to whom this authority is delegated shall be presented to the full audit committee at each of its scheduled meetings.

(n) The commissioner shall not recognize an independent certified public accountant as qualified for a particular insurer if a member of the board, president, chief executive officer, controller, chief financial officer, chief accounting officer or any person serving in an equivalent position for that insurer was employed by the independent certified public accountant and participated in the audit of that insurer during the one (1) year period preceding the date that the most current statutory opinion is due. This subsection shall only apply to partners and senior managers involved in the audit. An insurer may make application to the commissioner for relief from this subsection on the basis of unusual circumstances. The insurer shall file with its annual statement filing the approval for relief under this subsection with the states that it is licensed in or doing business in and with the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

26-3-308. Scope of audit and report of independent certified public accountant.

Financial statements furnished pursuant to W.S. 26-3-304 shall be examined by ~~an~~ the independent certified public accountant. The ~~examination~~ audit of the insurer's financial statements shall be conducted in accordance with generally accepted auditing standards. In accordance with Accumulation of Audit Standards (AU) Section 319 of the professional standards of the American Institute of Certified Public Accountants, Consideration of Internal Control in a Financial Statement Audit, the independent certified public accountant shall obtain an understanding of internal control sufficient to plan the audit. To the extent required by AU 319, for those insurers required to file a management's report of internal control over financial reporting pursuant to W.S. 26-3-317, the independent certified public accountant shall consider the most recently available report in planning and performing the audit of the statutory financial statements. Consideration shall be given to the procedures illustrated in the financial condition examiner's handbook promulgated by the National Association of Insurance Commissioners as the independent certified public accountant deems necessary.

26-3-309. Notification of adverse financial condition.

(a) An insurer required to furnish an annual audited financial report shall require the independent certified public accountant to report, in writing, within five (5) business days to the board of directors or its audit committee any determination supported by adequate research conducted

by the independent certified public accountant:

(i) That the insurer has materially misstated its financial condition reported to the commissioner as of the balance sheet date currently under examination-audit; or

26-3-310. Communication of internal control related matters noted in an audit.

(a) In addition to the annual audited financial statements-report, each insurer shall furnish the commissioner with a written report-prepared by the accountant describing significant deficiencies in the insurer's communication as to any unremediated material weakness, as defined in statement on auditing standard 60 or its replacement, in its internal control structure over financial reporting noted by the accountant during the audit. No additional report shall be issued if the accountant does not identify significant deficiencies. If significant deficiencies are noted, the written report shall be filed annually by the insurer with the department. Such communication shall be prepared by the accountant within sixty (60) days after the filing of the annual audited financial statements-report and shall contain a description of any unremediated material weakness as of December 31 immediately preceding in the insurer's internal control over financial reporting noted by the accountant during the course of the audit of the financial statements. If no unremediated material weaknesses were noted, the communication shall so state. The insurer shall provide a description of remedial actions taken or proposed to correct significant deficiencies-unremediated material weaknesses, if the actions are not described in the accountant's report-communication.

26-3-312. Definition, availability and maintenance of independent certified public accountants' workpapers.

(a) Workpapers are the records kept by the independent certified public accountant of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to his examination-audit of the financial statements of an insurer. Workpapers may include audit planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the independent certified public accountant in the course of his examination-audit of the financial statements of an insurer and which support his opinion of those financial statements.

(b) Every insurer required to file an audited financial report pursuant to this article shall require the accountant to make available for review by department examiners, all workpapers prepared in the conduct of his examination-audit and any communications related to the audit between the accountant and the insurer, at the offices of the insurer, the department or at any other reasonable place designated by the commissioner. The insurer shall require that the accountant retain the audit workpapers and communications until the department has filed a report on examination

covering the period of the audit but no longer than seven (7) years from the date of the audit report.

26-3-313. Exemptions and effective dates.

(a) Upon written application of any insurer, the commissioner may grant an exemption from compliance with any or all provisions of this article if the commissioner finds, upon review of the application, that compliance with this article would constitute a financial or organizational hardship upon the insurer. Exemptions may be granted at any time for a specified period. Within ten (10) days from a denial of an insurer's written request for an exemption from this article, the insurer may request in writing a hearing on its application for an exemption. The hearing shall be held in accordance with the rules and regulations of the department pertaining to administrative hearing procedures.

26-3-314. Canadian and British companies.

In the case of Canadian and British insurers, the annual audited financial report shall be defined as the annual statement of total business on the form filed by such companies with their ~~domiciliary~~ supervision authority duly audited by an independent chartered accountant. For Canadian and British insurers, the letter required in W.S. 26-3-305(b) shall state that the accountant is aware of the requirements relating to the annual audited ~~statement~~ financial report filed with the commissioner pursuant to W.S. 26-3-303 and shall affirm that the opinion expressed is in conformity with those requirements.

26-34-110. Annual report.

(b) The health maintenance organization shall file on or before March 1, unless otherwise stated:

(i) Audited financial statements in accordance with the provisions of W.S. 26-3-301 through ~~26-3-314~~ 26-3-317 on or before June 1;

Section 3. W.S. 26-3-313(b) and (c) is repealed.

Section 4. This act is effective January 1, 2010.

Approved March 2, 2009.

Chapter 95**WYOMING HEALTH INSURANCE POOL ACT-ELIGIBILITY**

Original Senate File No. 117

AN ACT relating to the Wyoming Health Insurance Pool Act; providing for coverage under the pool if group plan cost to insure an individual exceeds the rate for coverage under the pool as specified and enrollment in the pool does not exceed ninety-five percent of maximum capacity; and providing for an effective date.

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

Section 1. W.S. 26-43-103(b)(vi) is amended to read:

26-43-103. Eligibility.

(b) The following persons are not eligible for pool coverage:

(vi) Persons who are eligible for group health insurance or a group health insurance arrangement provided in connection with a policy, plan or program sponsored by an employer and subject to regulation as a group health plan under federal or state law, even though the employer coverage is declined, unless:

(A) The cost to insure the individual is offered at a rate to the individual or his employed family member exceeding the applicable pool rate by at least twelve and one-half percent (12.5%) for the coverage applied for under the pool; and

(B) At the time of enrollment, plan enrollment does not exceed ninety-five percent (95%) of maximum enrollment capacity as determined under W.S. 26-43-114.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 96**INVESTMENT OF STATE FUNDS-REVISION**

Original Senate File No. 115

AN ACT relating to public funds; extending the sunset date on permissible industrial development bond investments; and providing for an effective date.

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

Section 1. W.S. 9-4-715(m)(vi) is amended to read:

9-4-715. Permissible investments.

(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:

(vi) No investment shall be made under this subsection after June 30, 2009-2011.

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 2, 2009.

Chapter 97**REVISED UNIFORM ANATOMICAL GIFT ACT**

Original Senate File No. 86

AN ACT relating to anatomical gifts; repealing the Uniform Anatomical Gift Act and adopting the Revised Uniform Anatomical Gift Act; making conforming amendments; providing for the effectiveness of prior gifts; and providing for an effective date.

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

Section 1. W.S. 35-5-201 through 35-5-225 are created to read:

ARTICLE 2
REVISED UNIFORM ANATOMICAL GIFT ACT

35-5-201. Short title.

This act may be cited as the “Revised Uniform Anatomical Gift Act”.

35-5-202. Definitions.

(a) As used in this act:

(i) “Agent” means an individual:

(A) Authorized to make health-care decisions on the principal’s behalf by a power of attorney for health care; or

(B) Expressly authorized to make an anatomical gift on the principal’s behalf by any other record signed by the principal.

(ii) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research or education;

(iii) “Decedent” means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this act, a fetus;

(iv) “Department” means the department of transportation;

(v) “Disinterested witness” means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the individual who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to which an anatomical gift could pass under W.S. 35-5-211;

(vi) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card or donor registry;

(vii) "Donor" means an individual whose body or part is the subject of an anatomical gift;

(viii) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts;

(ix) "Driver's license" means a license or permit issued by the department to operate a vehicle, whether or not conditions are attached to the license or permit;

(x) "Eye bank" means a person who is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes;

(xi) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of an individual. The term does not include a guardian ad litem;

(xii) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state or a subdivision of a state;

(xiii) "Identification card" means an identification card issued by the department;

(xiv) "Know" means to have actual knowledge;

(xv) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization;

(xvi) "Parent" means a parent whose parental rights have not been terminated;

(xvii) "Part" means an organ, an eye or tissue of a human being. The term does not include the whole body;

(xviii) "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state;

(xix) "Procurement organization" means an eye bank, organ procurement organization or tissue bank;

(xx) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include an individual who has made a

refusal;

(xxi) “Reasonably available” means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift;

(xxii) “Recipient” means an individual into whose body a decedent’s part has been or is intended to be transplanted;

(xxiii) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(xxiv) “Refusal” means a record created under W.S. 35-5-207 that expressly states an intent to bar other persons from making an anatomical gift of an individual’s body or part;

(xxv) “Sign” means, with the present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound or process.

(xxvi) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States;

(xxvii) “Technician” means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator;

(xxviii) “Tissue” means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education;

(xxix) “Tissue bank” means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue;

(xxx) “Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients;

(xxxi) “This act” means W.S. 35-5-201 through 35-5-225.

35-5-203. Applicability.

This act applies to an anatomical gift or amendment to, revocation of, or

refusal to make an anatomical gift, whenever made. All anatomical gifts deemed to be effective under W.S. 35-5-101 through 35-5-119, prior to its repeal by this enactment, shall continue to be deemed and regarded to be effective after the effective date of this act.

35-5-204. Who may make anatomical gift before donor's death.

(a) Subject to W.S. 35-5-208, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in W.S. 35-5-205 by:

(i) The donor, if the donor is an adult or if the donor is a minor and is:

(A) Emancipated; or

(B) Authorized under state law to apply for a driver's license because the donor is at least sixteen (16) years of age.

(ii) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

(iii) A parent of the donor, if the donor is an unemancipated minor to whom subparagraph (i)(B) of this subsection does not apply; or

(iv) The donor's guardian, if the donor is an unemancipated minor to whom subparagraph (i)(B) of this subsection does not apply.

35-5-205. Manner of making anatomical gift before donor's death.

(a) A donor may make an anatomical gift:

(i) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(ii) In a will;

(iii) During a terminal illness or injury of the donor, by any form of communication addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or

(iv) As provided in subsection (b) of this section.

(b) A donor or other person authorized to make an anatomical gift under W.S. 35-5-204 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of

the donor or other person and shall:

(i) Be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(ii) State that it has been signed and witnessed as provided in paragraph (i) of this subsection.

(c) Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

(d) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

35-5-206. Amending or revoking anatomical gift before donor's death.

(a) Subject to W.S. 35-5-208, a donor or other person authorized to make an anatomical gift under W.S. 35-5-204 may amend or revoke an anatomical gift by:

(i) A record signed by:

(A) The donor;

(B) The other person; or

(C) Subject to subsection (b) of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign.

(ii) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(b) A record signed pursuant to subparagraph (a)(i)(C) of this section shall:

(i) Be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(ii) State that it has been signed and witnessed as provided in paragraph (i) of this subsection.

(c) Subject to W.S. 35-5-208, a donor or other person authorized to make an anatomical gift under W.S. 35-5-204 may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (a) of this section.

35-5-207. Refusal to make anatomical gift; effect of refusal.

(a) An individual may refuse to make an anatomical gift of the individual's body or part by:

(i) A record signed by:

(A) The individual; or

(B) Subject to subsection (b) of this section, another individual acting at the direction of the individual if the individual is physically unable to sign.

(ii) The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

(iii) Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness.

(b) A record signed pursuant to subparagraph (a)(i)(B) of this section shall:

(i) Be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the individual; and

(ii) State that it has been signed and witnessed as provided in paragraph (i) of this subsection.

(c) An individual who has made a refusal may amend or revoke the refusal:

(i) In the manner provided in subsection (a) of this section for making a refusal;

(ii) By subsequently making an anatomical gift pursuant to W.S. 35-5-205 that is inconsistent with the refusal; or

(iii) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(d) Except as otherwise provided in W.S. 35-5-208(h), in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

35-5-208. Preclusive effect of anatomical gift, amendment or revocation.

(a) Except as otherwise provided in subsection (g) and subject to subsection (f) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under W.S. 35-5-205 or an amendment to an anatomical gift of the donor's body or part under W.S. 35-5-206.

(b) A donor's revocation of an anatomical gift of the donor's body or part under W.S. 35-5-206 is not a refusal and does not bar another person specified in W.S. 35-5-204 or 35-5-209 from making an anatomical gift of the donor's body or part under W.S. 35-5-205 or 35-5-210.

(c) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under W.S. 35-5-205 or an amendment to an anatomical gift of the donor's body or part under W.S. 35-5-206, another person may not make, amend or revoke the gift of the donor's body or part under W.S. 35-5-210.

(d) A revocation of an anatomical gift of a donor's body or part under W.S. 35-5-206 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under W.S. 35-5-205 or 35-5-210.

(e) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under W.S. 35-5-204, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(f) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under W.S. 35-5-204, an anatomical gift of a part for one (1) or more of the purposes set forth in W.S. 35-5-204 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under W.S. 35-5-205 or 35-5-210.

(g) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(h) If an unemancipated minor who signed a refusal dies, a parent of the

minor who is reasonably available may revoke the minor's refusal.

35-5-209. Who may make anatomical gift of decedent's body or part.

(a) Subject to subsections (b) and (c) of this section and unless barred by W.S. 35-5-207 or 35-5-208, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(i) An agent of the decedent at the time of death who could have made an anatomical gift under W.S. 35-5-204(a)(ii) immediately before the decedent's death;

(ii) The spouse of the decedent;

(iii) Adult children of the decedent;

(iv) Parents of the decedent;

(v) Adult siblings of the decedent;

(vi) Adult grandchildren of the decedent;

(vii) Grandparents of the decedent;

(viii) An adult who exhibited special care and concern for the decedent;

(ix) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(x) Any other person having the authority to dispose of the decedent's body.

(b) If there is more than one (1) member of a class listed in paragraph (i), (iii), (iv), (v), (vi), (vii) or (ix) of subsection (a) of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under W.S. 35-5-211 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) of this section is reasonably available to make or to object to the making of an anatomical gift.

35-5-210. Manner of making, amending or revoking anatomical gift of decedent's body or part.

(a) A person authorized to make an anatomical gift under W.S. 35-5-209 may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(b) Subject to subsection (c) of this section, an anatomical gift by a person authorized under W.S. 35-5-209 may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one (1) member of the prior class is reasonably available, the gift made by a person authorized under W.S. 35-5-209 may be:

(i) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(ii) Revoked only if a majority of the reasonably available members agree to the revocation of the gift or if they are equally divided as to whether to revoke the gift.

(c) A revocation under subsection (b) of this section is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

35-5-211. Persons that may receive anatomical gift; purpose of anatomical gift.

(a) An anatomical gift may be made to the following persons named in the document of gift:

(i) For purposes of research or education, a hospital, accredited medical school, dental school, college or university, organ procurement organization or any appropriate person;

(ii) Subject to subsection (b) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(iii) A named eye bank or tissue bank.

(b) If an anatomical gift to an individual under paragraph (a)(ii) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (g) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(c) If an anatomical gift of one (1) or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (a) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(i) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank;

(ii) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank;

(iii) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ;

(iv) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(d) For the purpose of subsection (c) of this section, if there is more than one (1) purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(e) If an anatomical gift of one (1) or more specific parts is made in a document of gift that does not name a person described in subsection (a) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (g) of this section.

(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (g) of this section.

(g) For purposes of subsections (b), (e) and (f) of this section, the following rules apply:

(i) If the part is an eye, the gift passes to the appropriate eye bank;

(ii) If the part is tissue, the gift passes to the appropriate tissue bank;

(iii) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (a)(ii) of this section, passes to the organ procurement organization as custodian of the organ.

(j) If an anatomical gift does not pass pursuant to subsections (a) through (h) of this section or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(k) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under W.S. 35-5-205 or 35-5-210 or if the person knows that the decedent made a refusal under W.S. 35-5-207 that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(m) Except as otherwise provided in paragraph (a)(ii) of this section, nothing in this act affects the allocation of organs for transplantation or therapy.

35-5-212. Delivery of document of gift not required; right to examine.

(a) A document of gift need not be delivered during the donor's lifetime to be effective.

(b) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under W.S. 35-5-211.

35-5-213. Rights and duties of procurement organization and others.

(a) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the department and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization shall be allowed reasonable access to information in the records of the department to ascertain whether an individual at or near death is a donor.

(c) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this act, at any time after a donor's death, the person to whom a part passes under W.S. 35-5-211 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this act, an examination under subsection (c) or (d) of this section may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital under subsection (a) of this section, a procurement organization shall make a reasonable search for any person listed in W.S. 35-5-209 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

(h) Subject to W.S. 35-5-211(j) and 35-5-223, the rights of the person to whom a part passes under W.S. 35-5-211 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this act, a person who accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to whom the part passes under W.S. 35-5-211, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

(j) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(k) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

35-5-214. Coordination of procurement and use.

Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

35-5-215. Sale or purchase of parts prohibited.

(a) Except as otherwise provided in subsection (b) of this section, a person who for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death commits a felony punishable by imprisonment for not more than five (5) years, a fine of not more than fifty thousand dollars (\$50,000.00) or both.

(b) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation or

disposal of a part.

35-5-216. Other prohibited acts.

A person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00) or both.

35-5-217. Immunity.

(a) A person who acts in accordance with this act or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

(b) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(c) In determining whether an anatomical gift has been made, amended or revoked under this act, a person may rely upon representations of an individual listed in W.S. 35-5-209(a)(ii), (iii), (iv), (v), (vi), (vii) or (viii) relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

35-5-218. Law governing validity; choice of law as to execution of document of gift; presumption of validity.

(a) A document of gift is valid if executed in accordance with:

(i) This act;

(ii) The laws of the state or country where it was executed; or

(iii) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

(b) If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

(c) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

35-5-219. Donor registry.

(a) The department shall electronically transfer to a procurement organization the information that appears on the front of the driver's

license or identification card, to include the name, gender, date of birth, social security number if it appears on the license or card, driver's license or identification card number, issue date or renewal date and address of the individual identified as a donor. The department shall also electronically transfer any subsequent change in the donor's status, including revocation of the gift. The department shall submit to the department of health a statement of costs incurred to initially install and establish the electronic transfer of donor information. The department of health shall direct the state auditor to reimburse the department for the costs from the anatomical awareness account under W.S. 35-5-225 to the extent there are funds in that account. There shall be no charge to a procurement organization for the transfer of donor information.

(b) With the information obtained from the department and from other sources including donors and donors' agents pursuant to W.S. 35-5-205(b), the procurement organization shall establish and maintain a statewide organ and tissue donor registry to facilitate organ and tissue donations. The cost incurred to create and maintain the registry shall be paid by the procurement organization. Registry information shall be accessible to any procurement organization located in Wyoming and may be disseminated to a procurement organization in another state for the recovery or placement of organs and tissue. Registry information may also be disseminated to Wyoming eye banks under this section.

(c) A donor registry shall:

(i) Allow a donor or other person authorized under W.S. 35-5-204 to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(ii) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(iii) Be accessible for purposes of paragraphs (i) and (ii) of this subsection seven (7) days a week on a twenty-four (24) hour basis.

(d) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person who made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

(e) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any such registry shall comply with subsections (c) and (d) of this section.

35-5-220. Effect of anatomical gift on advance health care directive.

(a) In this section:

(i) "Advance health-care directive" means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor's direction concerning a health-care decision for the prospective donor;

(ii) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor;

(iii) "Health-care decision" means any decision regarding the health care of the prospective donor.

(b) If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this act to make health-care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict shall be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under W.S. 35-5-209. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

35-5-221. Cooperation between coroner and procurement organization.

(a) A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.

(b) If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a post-mortem examination is going to be performed, unless the coroner denies recovery in accordance with W.S. 35-5-223, the coroner or designee shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift. The body of a decedent

under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

35-5-222. Facilitation of anatomical gift from decedent whose body is under jurisdiction of coroner.

(a) Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release post-mortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the post-mortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

(b) The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

(c) A person who has any information requested by a coroner pursuant to subsection (b) of this section shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a post-mortem examination is not required, or the coroner determines that a post-mortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner initially believes that the recovery of the part could interfere with the post-mortem investigation into the decedent's cause or manner of death, the coroner shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner may deny the recovery.

(f) The coroner and procurement organization shall enter into an agreement establishing protocols and procedures governing relations between them when the coroner believes that the recovery of a part for anatomical gift from a decedent whose body is under the jurisdiction of

the coroner could interfere with the post-mortem investigation into the decedent's cause or manner of death or the documentation or preservation of evidence. Decisions regarding the recovery of a part from the decedent shall be made in accordance with the agreement.

(g) If the coroner or designee denies recovery under subsection (f) of this section, the coroner or designee shall:

(i) Explain in a record the specific reasons for not allowing recovery of the part;

(ii) Include the specific reasons in the records of the coroner; and

(iii) Provide a record with the specific reasons to the procurement organization.

(h) If the coroner or designee allows recovery of a part under subsection (d), (e) or (f) of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the post-mortem examination.

(j) If a coroner or designee is required to be present at a removal procedure under subsection (f) of this section, upon request the procurement organization requesting the recovery of the part shall reimburse the coroner or designee for the additional costs incurred in complying with subsection (f) of this section.

35-5-223. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

35-5-224. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(a) of that act, 15 U.S.C. Section 7001, or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

35-5-225. Promotion of anatomical gifts.

Any money received from donations by owners of vehicles under W.S. 31-3-101(h) shall be deposited into a separate anatomical awareness account to be used by the department of health and its advisory council to promote general public awareness and education for the procurement of organ and tissue donations for anatomical gifts pursuant to this act.

Section 2. W.S. 6-4-502(b)(v), 31-3-101(h), 31-7-111(b)(viii), 31-7-139(a), 31-8-101(a) and 35-4-607 are amended to read:

6-4-502. Mutilation of dead human bodies; penalties; exceptions.

(b) This section does not apply to:

(v) Conduct authorized by the Revised Uniform Anatomical Gift Act, W.S. ~~35-5-101 through 35-5-119~~ 35-5-201 through 35-5-225.

31-3-101. Registration fees; exemptions.

(h) Any owner of a vehicle who wishes to donate money to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts shall be provided space on the registration form to do so pursuant to W.S. 31-2-201(b)(v). Any money received under this subsection shall be forwarded by the county treasurer to the state treasurer to be deposited into a separate account to be used as provided by W.S. ~~35-5-118~~ 35-5-225.

31-7-111. Application for license or permit generally.

(b) The application shall include:

(viii) An organ donor notation pursuant to W.S. ~~35-5-112~~ 35-5-205;

31-7-139. Anatomical organ donor.

(a) The department shall, at the applicant's request, identify on the Wyoming driver's license or identification card that the person is an anatomical organ donor as provided by W.S. ~~35-5-112~~ 35-5-205.

31-8-101. Issuance to residents by department; restrictions.

(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the legal name, correct age and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor as provided by W.S. ~~35-5-112~~ 35-5-205.

35-4-607. Who may have bodies in possession.

Any regularly licensed physician or dentist of the state, ~~or any medical student who is a regular matriculate of a recognized medical college, under authority of such physician, or any person authorized by the Revised Uniform Anatomical Gift Act~~ may have in his possession human dead bodies, or parts thereof, lawfully obtained, for the purpose of anatomical inquiry or dissection.

Section 3. W.S. 35-5-101 through 35-5-119 are repealed.

Section 4. Commencing with the fiscal year beginning July 1, 2009, any funds in the account established by W.S. 35-5-118 shall be transferred by the state treasurer to the account established by W.S. 35-5-225.

Section 5. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 98

EDUCATION RESERVE FUNDING

Original Senate File No. 124

AN ACT relating to public funds; providing for minimum balances in specified education accounts; providing for distribution of revenues between accounts and to the common school permanent land fund; and providing for an effective date.

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

Section 1. W.S. 21-15-122 is created to read:

21-15-122. School capital construction fund; transfers to the common school permanent land fund.

(a) At the end of each biennial budget period funds in the school capital construction account established under W.S. 21-15-111 shall be deposited to the common school permanent land fund as follows:

(i) The state treasurer shall determine the unencumbered, unobligated balance of the account including all funds accruing to the account for the current biennial budget period;

(ii) Unencumbered, unobligated funds within the account in excess of fifty percent (50%) of the amount of funds appropriated for projects under this act, including major maintenance, for the current biennial budget period shall be transferred from the account to the common school permanent land fund as soon as practicable after the end of the current biennial budget period;

(iii) No funds deposited to the account from the issuance of revenue bonds pursuant to W.S. 9-4-305(b) or 21-15-108 or pledged for the repayment of such bonds shall be included in the calculation of the account balance and no such funds shall be transferred to the common school permanent land fund under this section.

Section 2. W.S. 21-13-306 by creating a new subsection (c) and 21-15-111(a)(i) and (viii) are amended to read:

21-13-306. Foundation program account established; disposition of monies.

(c) Any unobligated, unencumbered funds remaining in the school foundation program account in excess of one hundred million dollars (\$100,000,000.00) as of June 30 of any fiscal year shall be deposited to the school capital construction account established by W.S. 21-15-111.

21-15-111. Definitions.

(a) As used in this act:

(i) “Capital construction account” or “school capital construction account” means the account into which revenues are deposited pursuant to W.S. 9-4-305(b), ~~and 9-4-601(a)(vii), (b)(i) and (iv) and 21-13-306(c)~~, into which the proceeds from any revenue bonds are credited under W.S. 21-15-108, and into which ~~and in addition to any other funds are~~ appropriated to the account for purposes of this act. Funds within the account shall be expended only for purposes of and in the manner prescribed by this act;

(viii) “This act” means W.S. 21-15-108, 21-15-109 and 21-15-111 through ~~21-15-121~~ 21-15-122.

Section 3. Funds shall be deposited in accordance with W.S. 21-13-306(c) as created by this act commencing with the fiscal year ending June 30, 2009.

Section 4. 2008 Wyoming Session Laws, Chapter 48, Section 321 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 2, 2009.

Chapter 99**CERTIFIED PUBLIC ACCOUNTANTS-REVISIONS**

Original House Bill No. 8

AN ACT relating to certified public accountants; providing definitions; providing for fees; providing for educational, examination and experience requirements; providing for practice privileges for accountants licensed in other states; providing for permitting of accounting firms; and providing for an effective date.

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

Section 1. W.S. 33-3-102(a)(vi), by creating new paragraphs (x) through (xiv) and by renumbering (x) as (xv), 33-3-108(a)(v), 33-3-109(a)(v)(intro), (d), (e), (f) through (h) and by creating new subsections (k) through (p), 33-3-115, 33-3-116, 33-3-118(b)(intro), by creating new paragraphs (xiii) through (xvii) and (d), 33-3-119, 33-3-120(a) and (b), 33-3-121(a)(intro), (iii), (iv), (b) and (c), 33-3-124, 33-3-125, 33-3-127, 33-3-132(a)(i) and 33-3-201(a) are amended to read:

33-3-102. Definitions.

(a) As used in this act:

(vi) "Attest service" means any of the financial statement services described in the following subparagraphs. The statements on standards specified in the following subparagraphs shall be adopted by reference by the board pursuant to the Wyoming Administrative Procedure Act and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants and the public company accounting oversight board:

(A) Any audit or other engagement performed in accordance with the statements on auditing standards;;

(B) Any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services; or

(C) Any examination of prospective financial information to be performed in accordance with the statement on standards for attestation engagements; or

(D) The statements on standards specified in this definition shall be adopted by reference by the board pursuant to the Wyoming Administrative Procedure Act and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants; Any engagement to be performed in accordance with the auditing standards of the public company accountancy oversight board.

(x) "Home office" means the location specified by the client as the address to which a service described in W.S. 33-3-116(a)(iv) is directed;

(xi) "License" means an active certified public accountant certificate or any other comparable document issued by any other state based on completing education, examination and experience requirements;

(xii) "NASBA" means the national association of state boards of accountancy;

(xiii) "Principal place of business" means the office location designated by the licensee for purposes of substantial equivalency and reciprocity;

(xiv) "Substantial equivalency" is a determination by the board or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements of W.S. 33-3-116(c)(i) or that an individual certified public accountant's education, examination and experience are comparable to or exceed the education, examination and experience requirements of W.S. 33-3-116(c)(i). In ascertaining substantial equivalency the board shall take into account the qualifications without regard to the sequence in which experience, education or examination requirements were attained;

~~(x)~~(xv) "This act" means W.S. 33-3-101 through 33-3-201.

33-3-108. Rules and regulations; procedure.

(a) The board shall prescribe rules and regulations not inconsistent with the provisions of this act as it deems consistent with, or required by, the public welfare. The rules and regulations shall include:

~~(v) Rules governing the determination of substantial equivalence for practice privileges or the issuance of certificates; under W.S. 33-3-116 to individuals who hold valid certified public accountant certificates, licenses or foreign credentials when the issuing state's or foreign country's certificate, licensure or credentialing requirements are substantially equivalent to those under this act as determined by the board;~~

33-3-109. Certified public accountant; qualifications.

(a) An active certificate of "certified public accountant" shall be granted by the board to any person:

(v) Who, prior to January 1, 2012, meets the requirements of subparagraphs (A) and (B) or subparagraphs (C) and (D) of this paragraph or, on or after January 1, 2012, meets the requirements of subparagraphs (C) and (D) of this paragraph;

~~(d) There shall be an a reasonable annual certificate fee not exceeding three hundred dollars (\$300.00) to be determined established by the board~~

rules in accordance with W.S. 33-1-201. All certificates shall expire on the last day of December of each year and may be renewed annually for a period of one (1) year by certificate holders and registrants who meet the requirements specified in subsection ~~(a)-(e)~~ of this section and upon payment of the annual fee. If the annual certificate fee is not paid by the first day of November, a late renewal fee as set by ~~the board not to exceed one hundred fifty dollars (\$150.00)~~ shall rule in accordance with W.S. 33-1-201 may be added to the renewal fee.

(e) Applications for renewal of an active certificate shall be accompanied by evidence of satisfaction of the continuing education requirements during the three (3) years preceding the application. Failure by an individual applicant to furnish this evidence shall constitute grounds for nonrenewal under W.S. 33-3-121, unless the board determines the failure is due to reasonable cause or excusable neglect. The board may renew a certificate despite the failure to furnish evidence of satisfaction of the requirements of continuing education upon the condition that the applicant follow a particular future program or schedule of continuing education. In issuing rules, regulations and individual orders regarding requirements of continuing education, the board may use and rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe the content, duration and organization of courses, shall take into account the applicant's access to continuing education courses and any impediments to the interstate practice of certified public accounting which may result from differences in these requirements in other states and may provide for relaxation or suspension of the requirements for applicants who certify that they do not intend to engage in the practice of certified public accountancy or for instances of individual hardship.

(f) Persons holding a certificate issued under W.S. 33-3-109 or 33-3-116 but who do not practice public accounting in Wyoming and have not lost the right to active status shall place the certificate on an inactive status. A person classified as inactive shall pay an annual inactive fee not exceeding one-half (1/2) the annual fee charged to active certificate holders. If the fee is not paid by December 31, a late fee as set by ~~the board rule in accordance with W.S. 33-1-201, not in excess of seventy-five dollars (\$75.00), shall~~ may be added to the annual fee. A person classified as inactive may assume or use the title or designation "certified public accountant" or the abbreviation "CPA" and shall use the words "inactive" adjacent to the designation "CPA" or "certified public accountant".

(g) The board by regulation may allow persons to retire the certificate. A person classified as retired shall pay a ~~one-time fee of fifty dollars (\$50.00) to be established by board rule in accordance with W.S. 33-1-201.~~ A person classified as retired may assume or use the title or designation "certified public accountant" or the abbreviation "CPA" and shall use the words "retired" adjacent to the designation "CPA" or "certified public accountant".

(h) Any individual certificate holder or individual with practice privileges who is responsible for supervising attestation services or compilation services or who signs or authorizes someone to sign the accountant's report

on the financial statements shall meet the experience or competency requirements set forth in the professional standards for such services.

(k) The board shall issue a certificate to a holder of a substantially equivalent foreign designation provided that:

(i) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain the foreign authority's comparable designation; and

(ii) The foreign designation:

(A) Was issued by a foreign authority that regulates the practice of certified public accountancy and the foreign designation has not expired or been revoked or suspended;

(B) Entitles the holder to issue reports upon financial statements; and

(C) Was issued upon the basis of educational, examination and experience requirements established by the foreign authority or by law; and

(iii) The applicant:

(A) Received the designation based on educational and examination standards substantially equivalent to those in effect in this state at the time the foreign designation was granted;

(B) Completed an experience requirement substantially equivalent to the requirements of subparagraph (a)(v)(D) of this section in the jurisdiction which granted the foreign designation or has completed four (4) years of professional experience in this state or meets equivalent requirements within the ten (10) years immediately preceding the application as prescribed by board rule; and

(C) Passed a uniform qualifying examination in national standards acceptable to the board.

(m) An applicant for a certificate under subsection (k) of this section shall list in the application all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy. Each holder of a certificate issued under subsection (k) of this section shall notify the board in writing within thirty (30) days after its occurrence of any issuance, denial, revocation or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

(n) The board has sole authority to interpret the application of the provisions of subsections (k) and (m) of this section.

(o) An active certificate of "certified public accountant" shall be granted

by the board to any person who makes application and demonstrates eligibility under the substantial equivalency standard when the person establishes a principal place of business in this state. Qualifications may be established through a designee as provided in board rule.

(p) An active certificate of “certified public accountant” may be granted by the board to any person who makes application but does not meet the eligibility under the substantial equivalency standard upon a showing:

(i) The applicant passed the uniform certified public accountant examination; and

(ii) The applicant had four (4) years of experience of the type set forth in subparagraph (a)(v)(D) of this section within the ten (10) years immediately preceding the application as prescribed by board rule.

33-3-115. Certified public accountants; certificates under prior law.

Persons who hold certified public accountant certificates issued under prior laws of Wyoming are not required to obtain additional certificates or register under the provisions of this act, but are subject to all other provisions of this act. Certificates issued under prior law shall be considered certificates issued under the provisions of this act. All certificate holders who maintained the certificate on inactive status under prior law may continue to hold the certificate pursuant to the terms of this act without meeting additional experience requirements under W.S. 33-3-109(a)(v). All certificate holders whose principal place of business is in this state and who provide services in Wyoming as defined in W.S. 33-3-109(c) shall maintain the certificate on active status. All certificate holders whose principal place of business is not in this state and who are not eligible for practice privileges as provided in W.S. 33-3-116 and who provide service in this state as defined in W.S. 33-3-109(c) shall maintain the certificate on active status. Certificate holders who are eligible for practice privileges as provided in W.S. 33-3-116 may elect to maintain the Wyoming certificate pursuant to W.S. 33-3-109(d) through (f).

33-3-116. Certified public accountant; holders of certificates in sister states.

(a) The board may issue a certificate as a certified public accountant to any person who holds a certificate of a certified public accountant or a similar recognized credential, then in full force and effect, issued under the laws of any state or foreign country when that person meets requirements which are substantially equivalent to the requirements set forth in W.S. 33-3-109(a)(ii) through (v). allow practice privileges as follows:

(i) An individual whose principal place of business is not in this state and who holds a valid license as a certified public accountant from any state which the board, or its designee as determined by board rule and as provided in W.S. 33-3-109(o), has determined to be in substantial equivalence with subsection (c) of this section shall be presumed to have qualifications

substantially equivalent to this state's requirements and shall have all the privileges of certificate holders of this state without the need to obtain a certificate under W.S. 33-3-109. Notwithstanding any other provision of law, an individual who offers or renders professional services, whether in person or by mail, telephone or electronic means, under this subsection shall be granted practice privileges in this state and no notice, fee or other submission shall be required of the individual. Any individual practicing under this paragraph shall be subject to the requirements of paragraph (a)(iii) of this section;

(ii) An individual whose principal place of business is not in this state and who holds a valid license as a certified public accountant from any state which the board, or its designee as determined by board rule and as provided in W.S. 33-3-109(o), has not determined to be in substantial equivalence with the certified public accountant licensure requirements of subsection (c) of this section shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of certificate holders of this state without the need to obtain a certificate under W.S. 33-3-109 if the individual obtains from the board or its designee verification that the individual's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of subsection (c) of this section. Notwithstanding any other provision of law, an individual who offers or renders professional services, whether in person or by mail, telephone or electronic means, under this subsection shall be granted practice privileges in this state and no notice, fee or other submission shall be required of the individual. Any individual practicing under this paragraph shall be subject to the requirements of paragraph (a)(iii) of this section;

(iii) An individual licensee of another state exercising the privileges afforded under this subsection and the firm which employs that licensee simultaneously consents as a condition of the grant of this privilege:

(A) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(B) To comply with this act and any board rules;

(C) That in the event the license from the state of the individual's principal place of business is no longer valid, the individual will cease offering or rendering professional services in this state individually and on behalf of a firm; and

(D) To the appointment of the state board (D) which issued their license as their agent upon whom process may be served in any action or proceeding by the board against the licensee.

(iv) An individual who qualifies for practice privileges under this subsection shall only provide services through a firm which has obtained a permit issued under W.S. 33-3-118 when performing the following services for any entity with its home office in this state:

(A) Providing any financial statement audit or other engagement to be performed in accordance with statements on auditing standards;

(B) Providing any examination of prospective financial information to be performed in accordance with statements on standards for attestation engagements; or

(C) Providing any engagement to be performed in accordance with public company accounting oversight board auditing standards.

(b) A licensee of this state offering or rendering services or using his certified public accountant title in another state shall be subject to disciplinary action in this state for any act committed in another state for which the licensee would be subject to discipline. Notwithstanding W.S. 33-3-123, the board shall investigate any complaint made by the board of accountancy of another state.

(c) An individual shall be deemed to meet the substantial equivalency requirements of this state if he meets the requirements of paragraph (i) or (ii) of this subsection:

(i) The individual holds a valid license as a certified public accountant from any state that requires as a condition of licensure that the individual:

(A) Completes at least one hundred fifty (150) semester hours of college education including a baccalaureate or higher degree conferred by a college or university;

(B) Achieves a passing grade on the uniform certified public accountant examination; and

(C) Possesses at least one (1) year experience including providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills, which may be obtained through government, industry, academic or public practice verified by a licensee or the equivalent of a licensee as determined by the board.

(ii) The individual holds a valid license as a certified public accountant from any state that does not meet the requirements of paragraph (i) of this subsection but the individual has otherwise met the requirements of paragraph (i) of this subsection or substantially similar requirements. Any individual who passed the uniform certified public accountant examination prior to January 1, 2012 may be exempted from the educational requirements in subparagraph (c)(i)(A) of this subsection for purposes of this paragraph.

(d) Nothing in this section shall be interpreted to prohibit an individual who qualifies for practice privileges under this section from applying for a Wyoming certified public accountant certificate.

33-3-118. Certified public accountant firms.

(b) The board shall grant or renew a permit to a certified public accounting firm engaged in the practice of public accounting if it meets all of the qualifications specified in the following paragraphs demonstrating its qualifications in accordance with this section:

(xiii) Except as otherwise provided in this section, the following shall be required to hold a permit issued under this section:

(A) Any firm with an office in this state performing any attest services as defined in W.S. 33-3-102(a)(vi);

(B) Any firm with an office in this state that uses the title "CPA" or "CPA firm"; and

(C) Any firm that does not have an office in this state but performs attest services described in W.S. 33-3-102(a)(vi)(A), (C) or (D) for a client having its home office in this state.

(xiv) A firm which does not have an office in this state may perform services described in W.S. 33-3-102(a)(vi)(B) or 33-3-102(a)(ix) for a client having its home office in this state and may use the title "CPA" or "CPA firm" without a permit issued under this section if:

(A) The firm has the qualifications described in paragraph (xvi) of this subsection and W.S. 33-3-132; and

(B) The firm performs the services through an individual with practice privileges under W.S. 33-3-116(a).

(xv) A firm which is not subject to the requirements of paragraph (xiii) or (xiv) of this subsection may perform other professional services while using the title "CPA" or "CPA firm" without a permit if:

(A) The firm performs the services through an individual with practice privileges under W.S. 33-3-116(a); and

(B) The firm can lawfully perform those services in the state where the individual with practice privileges has his principal place of business.

(xvi) Notwithstanding any other provision of law, at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, shall belong to holders of a certificate who are licensed in some state and those partners, officers, shareholders, members or managers whose principal place of business is in this state and who perform professional services in this state shall hold a valid certificate issued under W.S. 33-3-109 or the corresponding provision of prior law. Firms may include noncertificate holder owners but the firm and its ownership shall comply with rules promulgated by the board;

(xvii) Any firm may include nonlicensed owners provided that:

(A) The firm designates a certificate holder of this state, or in the case of a firm which is required to have a permit pursuant to W.S. 33-3-116(a)(iv) a licensee of another state who meets the requirements of W.S. 33-3-116(a), who is responsible for the proper registration of the firm and the firm identifies that individual to the board;

(B) All nonlicensed owners shall be active individual participants in the firm or the firm's affiliated entities;

(C) The firm complies with any other requirements imposed by board rules;

(D) Any firm which is not in compliance with the requirements of this paragraph due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance. The board, through rule and regulation, shall specify a period of time for firms to take corrective action. Failure to take corrective action may be grounds for suspension or revocation of the permit issued under this section.

~~(d) All attest services as defined in this act and performed by certificate holders shall be performed within firms permitted under this section. This section shall not be applied to prohibit any officer or employee of the state or federal government or political subdivision thereof from performing his official duties.~~

33-3-119. Accounting offices; registration.

~~Each office of a certified public accountant established or maintained in Wyoming for the practice of public accounting which is advertised as an office of a certified public accountant shall be registered annually with the board. No fee shall be charged for the registration of offices. Each office shall be under the direct supervision of a resident manager who holds an active Wyoming certificate. An applicant for initial issuance or renewal of a permit to practice under W.S. 33-3-118 shall register each office of the firm within the state with the board and shall provide evidence that all attest and compilation services rendered in the state are under the charge of a person holding a valid license issued under W.S. 33-3-109 or the corresponding provision of prior law or the laws of some other state. The board shall by regulation prescribe the procedure to be followed in effecting these registrations.~~

33-3-120. Permits; annual fee; renewal; requirements.

(a) Permits to engage in the practice of public accounting as a certified public accountant firm in Wyoming shall be issued by the board to certified public accountant firms registered under this act if all offices of the registrant in Wyoming are maintained and registered as required under W.S. 33-3-119.

(b) There shall be an annual permit fee ~~not exceeding three hundred~~

dollars (~~\$300.00~~) to be determined by the board in accordance with W.S. 33-1-201. All permits shall expire on the last day of December of each year and may be renewed annually for a period of one (1) year by registrants who meet the requirements specified in subsection (a) of this section and upon payment of the annual permit fee. If the annual permit fee is not paid by the first day of November, a late renewal fee as set by the board; ~~not to exceed one hundred fifty dollars (\$150.00);~~ in accordance with W.S. 33-1-201 shall be added to the renewal fee.

33-3-121. Certificates and permits; disciplinary action; grounds.

(a) After notice and hearing, the board may revoke, refuse to renew, reprimand, censure, limit the scope of practice, place on probation with or without terms, conditions or limitations, or may suspend for a period not to exceed two (2) years, any certificate issued under this act or practice privilege or may revoke, suspend, limit the scope of practice, or refuse to renew any permit issued under this act or may censure the holder of a permit for any of the following causes:

(iii) Violation of any of the provisions of ~~W.S. 33-3-125 through 33-3-127~~ this act;

(iv) Violation of ~~a any rule of professional conduct promulgated by the board under the authority granted by this act~~;

(b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a certificate or permit issued by the board or a practice privilege, the board shall notify the party named in the court order of the withholding, suspension or restriction of the certificate, practice privilege or permit in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a certificate, practice privilege or permit withheld, suspended or restricted under this subsection.

(c) In lieu of or in addition to any disciplinary action specifically provided in subsection (a) of this section, the board may require a certificate, practice privilege or permit holder to complete such continuing professional education programs as the board may specify or undergo peer review as the board may specify.

33-3-124. Reinstatement of certificate or permit for good cause shown.

Upon written application and after hearing and for good cause shown, the board may issue a new certificate to a certified public accountant whose certificate has been revoked or may reissue or modify the suspension of any certificate, practice privilege or permit which has been revoked or suspended. A certificate, practice privilege or permit suspended or restricted under W.S. 33-3-121(b) may be reissued without the hearing required under this section if the department of family services provides

notice that the applicant has complied with the terms of the court order that resulted in the suspension or restriction of the certificate, practice privilege or permit.

33-3-125. Certified public accountant; use of designation; requirements.

(a) Except as permitted by the board under W.S. 33-3-109(f) and (g), no person shall assume or use the title or designation “certified public accountant” or the abbreviation “CPA” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the person is a certified public accountant unless the person has received a certificate as a certified public accountant under the provisions of this act or has a practice privilege under W.S. 33-3-116(a).

(b) No organization shall use the title or designation “certified public accountant” or the abbreviation “CPA” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the organization is composed of certified public accountants unless the organization is registered as a certified public accountant firm under the provisions of this act and the certified public accountant firm holds a permit or is exempt from registration under W.S. 33-3-118(b)(xiv) or (xv).

(c) A person who does not hold a certificate or practice privilege under this act and who completes a review shall only use the following safe harbor language or other nonstatements on standards for accounting and review services language, “I (We) have reviewed the accompanying (financial statement) of the (name of entity) as of (time period) for the (period) then ended. These financial statements (information) are (is) the responsibility of the company’s management. I (We) have not audited the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.”

(d) A person who does not hold a certificate or practice privilege under this act and completes a compilation service shall only use the following safe harbor language or other nonstatements on standards for accounting and review services language, “I (We) have compiled the accompanying (financial statement) of (name entity) as of (time period) for the (period) then ended. This compilation is limited to preparing in the form of financial statements information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.”

(e) Notwithstanding any other provision of law, it shall not be a violation of this act for a firm which does not hold a valid permit under W.S. 33-3-118 and which does not have an office in this state to provide its professional services and practice public accounting in this state if it complies with the requirements of W.S. 33-3-118(b)(xiv) or (xv).

33-3-127. Certified public accountant firm; wording used;

requirements.

No person shall assume or use the title or designation “certified public accountant” in conjunction with names indicating or implying that there is an organization, or in conjunction with the designation “and Company” or “and Co.” or a similar designation if there is in fact no bona fide organization registered under the provisions of this act or under the provisions of a similar state act.

33-3-132. Practice monitoring program.

(a) As used in this article:

(i) “Peer review” means a study, appraisal or review of one (1) or more aspects of the professional work of a person or firm in the practice of certified public accountancy by a person who holds certificates and who is not affiliated with the person or firm being reviewed;

33-3-201. Accountants; liability; definitions.

(a) As used in this article, “accountant” means:

(i) Any individual holding a certificate as a certified public accountant under W.S. 33-3-109; ~~or~~

(ii) Any individual holding a practice privilege under W.S. 33-3-116;
~~or~~

(iii) Any certified public accountant firm registered with the state board of certified public accountants under W.S. 33-3-118;

(iv) Any firm that is exempt from registration pursuant to W.S. 33-3-118(b)(xiv) or (xv); or

(v) Any employee, agent, partner, manager, member, officer or shareholder of any partnership, corporation or any other allowable form of organization registered with the state board of certified public accountants.

Section 2. W.S. 33-3-118(b)(ix) through (xii) is repealed.

Section 3. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 100**ELECTION CODE-REVISIONS**

Original House Bill No. 76

AN ACT relating to elections; providing for withdrawal of applications for nomination during a primary election; deleting state generated unique voter identification numbers from confidentiality provisions; providing for voter registration if an elector reaches the age of eighteen prior to the next general election; providing for the sharing of information for the creation of jury lists; repealing archaic language; and providing for an effective date.

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

Section 1. W.S. 22-5-220 is created to read:

22-5-220. Withdrawal of nomination application restricted.

A candidate may withdraw a nomination application prior to the primary election only by filing a written withdrawal in the filing office in which he filed his application for nomination. If a candidate withdraws after the party ballots are finalized and approved for printing by a county clerk in any county where the candidate's name will appear on the party ballot, the county clerk shall not be required to remove the candidate's name from the party ballot, but shall post a notice at each polling place announcing that the named candidate has withdrawn from nomination for the office designated.

Section 2. W.S. 22-2-113(d), 22-2-117(a), 22-3-102(a)(ii) and (e) by creating a new paragraph (v) and 22-29-113(b)(iii) are amended to read:

22-2-113. Availability and form of registry lists; use of copies; election record; purging.

(d) Unless otherwise specifically stated in this Election Code, all election records of the county clerk are public. The availability and dissemination of such records shall be in accordance with the Wyoming Public Records Act. Election records containing social security numbers, portions of social security numbers, driver's license numbers, ~~state generated unique voter identification numbers~~, birth dates, telephone numbers, tribal identification card numbers and other personally identifiable information other than names, gender, addresses and party affiliations are not public records and shall be kept confidential. When necessary, members of the county or state canvassing boards may access confidential information for purposes of this code but shall maintain its confidentiality.

22-2-117. Vote required for election; ratification.

(a) ~~With the exception of justices of the peace,~~ Partisan and nonpartisan candidates who receive the largest number of votes for each office to be filled at the general election are elected.

22-3-102. Qualifications; temporary registration.

(a) A person may register to vote not less than thirty (30) days before an election, at any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:

(ii) He will be at least eighteen (18) years of age on the day of the next general election provided he shall not be permitted to vote until he has attained the age of eighteen (18);

(e) The secretary of state is authorized to provide for the verification of certain voter registration data in accordance with the following:

(v) The secretary of state and the supreme court shall enter into an agreement to match information in the voter registration system with other records in order to generate jury lists.

22-29-113. General provisions relating to special district elections.

(b) In a special district election the following rules shall apply:

(iii) Candidates for director offices shall not be required to file a receipts and expenditures report campaign finance reports under W.S. 22-25-101 through 22-25-115.

Section 3. W.S. 22-2-117(b) is repealed.

Section 4. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 101**WYOMING ARTS COUNCIL-REVISIONS**

Original Senate File No. 6

AN ACT relating to the Wyoming arts council; modifying the council's name; clarifying the relationship between the arts council board and the department of state parks and cultural resources; providing for duties of the board; providing for duties of the department; providing definitions; and providing for an effective date.

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

Section 1. W.S. 9-2-901(a) and by creating a new subsection (c), 9-2-902(a), 9-2-903(a)(intro) and (iii) and by creating a new subsection (c), 9-2-904(a)(intro), (i), by creating a new paragraph (iv), (c) and by creating new subsections (d) and (e), 9-2-905(a)(intro) and (i) through (iv), 9-2-906, 9-2-907(a) and by creating a new subsection (c), 9-2-908(a)(i) through (iii), (b)(intro), (i), (c), (e)(i) and (ii), 9-2-910(b) and 9-2-2305(a)(ii)(B) are amended to read:

9-2-901. Creation; membership; appointment; removal; qualifications; recommendations thereto; definitions.

(a) The Wyoming ~~council on the arts council board~~ council board is created as an advisory ~~council board~~ within the department of state parks and cultural resources, consisting of ten (10) members appointed by the governor and confirmed by the senate who are removable by the governor as provided in W.S. 9-1-202. The members shall be residents of Wyoming who are known for their competence and experience in ~~all fields of the performing and fine~~ arts.

(c) As used in this article:

(i) "Board" means the Wyoming arts council board created in subsection (a) of this section;

(ii) "Department" means the department of state parks and cultural resources.

9-2-902. Terms of members; vacancies; chairman and vice-chairman; expenses; personnel.

(a) The term of office of each member of the ~~council board~~ is three (3) years. Vacancies shall be filled by the governor for the unexpired term. The ~~council board~~ shall select from its membership a chairman and vice-chairman. The members of the ~~council board~~ shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred in the performance of their duties.

9-2-903. Duties of department; duties of board.

(a) ~~The department, of state parks and cultural resources, in consultation with the council board, shall:~~

~~(iii) Make recommendations concerning~~ Develop appropriate methods and programs to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(c) The board may:

(i) Work with the department to encourage and facilitate public interest in the cultural heritage of the state and to expand the state's cultural resources;

(ii) Advise the department on program planning and policy formulation including fiscal policies;

(iii) Participate in the development and review of long and short range plans for the arts in Wyoming and advise the department in developing policies to implement those plans;

(iv) Make recommendations to the director of the department and administrator of the division of cultural resources within the department on the selection of the manager of the Wyoming arts council program;

(v) Appoint committees and task forces to carry out any duties deemed necessary by the board;

(vi) Chair grant review committees or panels and approve the membership of grant review panels, committees and artist rosters;

(vii) Consider recommendations of grant review committees and panels and approve grants to artists, arts organizations and other applicants;

(viii) Review and recommend to the department a budget for arts programs and advise the department on the allocation of state and federal funds;

(ix) Review and recommend arts programs, approve guidelines for programs and oversee the arts grant making functions of the department;

(x) Actively promote and advocate for the arts throughout the state and the region.

9-2-904. Powers; receipt of assistance and data; receipt of money and property.

(a) ~~The council board~~ may:

(i) ~~Hold public and private hearings;~~

(iv) Appoint advisory committees as it deems necessary to carry out its duties.

(c) The department may receive any money or property of any kind or character, donated, granted or bequeathed to the ~~council-board~~, the department or to the state of Wyoming for the purposes of furthering the objectives of the department's ~~programs~~ arts program. Money received and the proceeds of other property received under this subsection shall be deposited in a separate revenue account to be expended upon legislative appropriation for purposes of this article.

(d) The department may:

(i) Hold public hearings;

(ii) Enter into contracts for services and award grants furthering the objectives of the department's arts program; and

(iii) Enter into contracts with local and regional associations for cooperative endeavors furthering the objectives of the department's arts program.

(e) The department is designated as the official state agency for purposes of receiving and disbursing any federal funds made available for purposes of this article.

Subarticle A Endowments

9-2-905. Definitions.

(a) As used in this ~~article~~ subarticle:

(i) "Approved request" means the amount approved by the department in consultation with the Wyoming arts council board from the state account for distribution to a qualifying organization;

(ii) "~~Council Board~~" means the Wyoming arts council board;

(iii) "Endowment fund" means any arts endowment fund created under this ~~article~~ subarticle by a qualifying organization;

(iv) "Qualifying organization" means any Wyoming nonprofit arts, cultural or historical organization that qualifies under this ~~article~~ subarticle to create an endowment fund, receive state monies into the endowment fund, match state monies deposited into the endowment fund and expend interest earned on the endowment fund;

9-2-906. Wyoming arts endowment account.

The Wyoming arts endowment account is created. The account shall be

administered by the ~~council department~~ in accordance with applicable law. The account shall contain all monies appropriated to it by the legislature. The purpose of the account is to provide for the cultural enrichment and benefit of citizens throughout the state of Wyoming by providing monies to qualifying arts or cultural organizations to enable them to create their own arts endowment funds and to provide for administrative expenses of the ~~council department~~ in implementing W.S. 9-2-905 through 9-2-911.

9-2-907. Arts organization endowment fund.

(a) Any Wyoming nonprofit arts, cultural or historical organization may create an endowment fund into which there may be deposited monies from the state account. The principal of each endowment fund may not be expended by the qualifying organization, ~~and shall be held in perpetuity solely by the qualifying organization or by the council on behalf of the qualifying organization.~~ Only interest income earned on the amount in each endowment fund may be expended by the qualifying organization.

(c) The department shall:

(i) Allocate monies from the state account to the endowment fund created by a qualifying organization under W.S. 9-2-907;

(ii) Determine the eligibility of each qualifying organization to receive monies from the state account into the endowment fund of the qualifying organization and be the final arbiter of eligibility;

(iii) Determine the matching amount each qualifying organization must raise in order to qualify to receive monies from the state account;

(iv) Establish a date by which each qualifying organization shall provide its matching fund;

(v) Verify that matching funds have been provided by each qualifying organization by the date determined in W.S. 9-2-908(e); and

(vi) In accordance with Wyoming Administrative Procedure Act, establish criteria by rule not otherwise prescribed in this article for determining the eligibility of qualifying organizations to receive monies from the state account.

9-2-908. Eligibility requirements of qualifying arts organizations; allocation limitations; matching requirements.

(a) Any qualifying organization may apply to receive monies from the state account to be deposited in the qualifying organization's endowment fund:

(i) If it has received a grant from the ~~council department~~ during one (1) of the three (3) years immediately before making application for state fund monies under this subsection; or

(ii) Upon approval by the council-department if it has not received a grant from the council-department within the past three (3) years;

(iii) If it has met eligibility requirements established by the council department under W.S. ~~9-2-903(b)(vi)~~ 9-2-907(c)(vi).

(b) The council-department in consultation with the board may allocate monies from the state account subject to the following limitations:

(i) The maximum amount that may be allocated to each qualifying organization from the state account shall be determined by the council department in consultation with the board by calculating the average cash income of the qualifying organization during the past three (3) fiscal years as contained in the qualifying organization's financial reports on file with the council-department. The council-department shall notify each qualifying organization of the maximum amount of monies from the state account for which it qualifies;

(c) After the council-department in consultation with the board determines that a qualifying organization is eligible to receive monies from the state account and before any money is allocated to the qualifying organization from the state account, the qualifying organization shall match the amount qualified for by monies raised and designated exclusively for that purpose. State monies, in-kind contributions, and preexisting endowment gifts may not be used to match monies from the state account.

(e) Monies from the state account shall be distributed subject to the following requirements:

(i) Qualifying organizations shall raise a cash amount equal to the approved request within three (3) years after applying for monies from the state account by a date determined by the council-department. For purposes of partial distribution of an approved amount, the council-department shall review the amount of matching funds received by a qualifying organization on an annual basis;

(ii) Monies from the state account shall be released to the qualifying organization only upon verification to the council-department that the matching monies have been received on or before the date determined under paragraph (i) of this subsection. Partial distribution of an approved amount shall be made on an annual basis in an amount equal to the matching monies received by a qualifying organization upon verification to the council-department;

9-2-910. Spending restrictions; return of endowment.

(b) If the council-department determines that a qualifying organization has expended any amount of the endowment monies received from the state account or any amount of the required matching monies, the qualifying organization shall return the amount it received from the state account.

The ~~council~~ department in consultation with the board shall reallocate any such returned monies to qualifying organizations in the manner as provided in W.S. 9-2-909.

9-2-2305. Wyoming cultural trust fund board; creation; members.

(a) There is created the Wyoming cultural trust fund board. The board shall consist of five (5) members, as follows:

(ii) Four (4) persons appointed by the governor and confirmed by the senate from the following nominees:

(B) Two (2) persons nominated by the Wyoming arts council board.

Section 2. W.S. 9-2-903(b) and 9-2-904(a)(ii) and (iii) are repealed.

Section 3. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 102

WEED AND PEST DISTRICTS-BIDDING

Original Senate File No. 82

AN ACT relating to weed and pest districts; increasing amount of purchases which must be competitively bid; and providing for an effective date.

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

Section 1. W.S. 11-5-105(a)(vi) is amended to read:

11-5-105. Duties; powers; supervisor compensation.

(a) The district board shall:

(vi) Obtain competitive bids for any purchase costing more than ~~one thousand five hundred dollars (\$1,500.00)~~ ten thousand dollars (\$10,000.00);

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 103**GILLETTE MADISON PIPELINE PROJECT**

Original Senate File No. 73

AN ACT relating to water development; authorizing the Gillette Madison pipeline project as specified; providing conditions; providing appropriations and funding; providing for reversion of unexpended funds; and providing for an effective date.

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

Section 1. W.S. 99-3-1401 is created to read:

ARTICLE 14
GILLETTE MADISON PIPELINE PROJECT

99-3-1401. Gillette Madison pipeline project; definitions; description; purposes; authorization; finances; conditions.

(a) As used in this section:

(i) "Commission" means the Wyoming water development commission;

(ii) "Sponsor" means the city of Gillette, Wyoming;

(iii) "Project" means the Gillette Madison pipeline project as described in subsection (b) of this section.

(b) Description: Design, groundwater exploration and drilling, permit procurement, project land procurement, construction engineering and construction of municipal wells, transmission pipelines, pump stations and appurtenances necessary to make the project function in the manner intended.

(c) Purposes: The designated project purposes are municipal and rural domestic water supply.

(d) General authorization: The following shall apply:

(i) The commission shall contract with the sponsor for the design, groundwater exploration and drilling, permit procurement and project land procurement for the project in a manner consistent with this section and to administer the contract on behalf of the state of Wyoming;

(ii) Upon execution of the contract outlined in paragraph (i) of this subsection, the sponsor may complete design, groundwater exploration and drilling, permit procurement and project land procurement for the

project in a manner consistent with the terms and conditions outlined in the contract.

(e) Project financing: The following shall apply:

(i) Project budget:

(A) Total project budget: Two hundred twenty-six million six hundred thousand dollars (\$226,600,000.00);

(B) Partial budget authorized by this section: Sixteen million seven hundred fifty thousand dollars (\$16,750,000.00).

(ii) Project grant: The state of Wyoming shall grant to the sponsor from the budget reserve account through the commission for the design, groundwater exploration and drilling, permit procurement and project land procurement for the project an amount not to exceed eleven million two hundred twenty-two thousand five hundred dollars (\$11,222,500.00) or sixty-seven percent (67%) of the actual costs, whichever is less;

(iii) Project loan: The state of Wyoming shall loan to the sponsor from the permanent Wyoming mineral trust fund through the commission for the design, groundwater exploration and drilling, permit procurement and project land procurement for the project an amount not to exceed five million five hundred twenty-seven thousand five hundred dollars (\$5,527,500.00) 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%);

(iv) Appropriations and funding:

(A) There is appropriated from the budget reserve account to the commission eleven million two hundred twenty-two thousand five hundred dollars (\$11,222,500.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this subparagraph shall revert to budget reserve account on July 1, 2015;

(B) The state treasurer shall make available from the permanent Wyoming mineral trust fund to the commission five million five hundred twenty-seven thousand five hundred dollars (\$5,527,500.00) or as much thereof as is necessary to carry out the purpose of this section.

(f) General conditions: The following shall apply:

(i) Except as otherwise specifically provided, the project identified in this section shall be subject to the following general conditions:

(A) The sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(B) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(C) The sponsor shall establish a sinking fund for repair and maintenance of the project as deemed appropriate by the commission;

(D) The sponsor shall supervise the design and construction of the project and submit all requests for payment to the commission for approval;

(E) The sponsor shall not make any construction funding commitment until after the commission has reviewed and approved the construction budgets and construction plans;

(F) The commission shall make payments directly to the sponsor;

(G) The sponsor shall be responsible for operation and maintenance of the project;

(H) The sponsor shall be responsible for all project expenditures in excess of the total project appropriation;

(J) If the commission determines that the sponsor has, without good cause, abandoned completion of the project, the sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state auditor in an amount equal to the interest that would have accrued on the expended grant funds in the water development account I from the date of expenditure;

(K) Repayments of principal on the loan shall be deposited in the permanent Wyoming mineral trust fund and interest payments made in repayment of loans shall be deposited into the general fund;

(M) There shall be no lease, sale, assignment or transfer of ownership of water from the project for purposes other than the designated project purpose without prior written approval of the commission and the state engineer or board of control. If such a transaction is approved, the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project shall be utilized to retire principal on the project loan. After that loan is paid in full, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project grant;

(N) There shall be no lease, sale, assignment or transfer of ownership of the project until the project loan is paid in full, and until prior written approval is obtained from the commission. If these conditions are met, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project grant. Before the sponsor may lease, sell, assign or transfer ownership of the project, the state of Wyoming shall be given a one (1) year first right of refusal option to purchase the sponsor's interest in the project for an amount equal to the principal, interest, maintenance and replacement costs incurred by the sponsor at the date the option is exercised;

(O) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in subparagraphs (K) and (M) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the water development account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state auditor;

(P) Any revenues generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in water development account I.

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 2, 2009.

Chapter 104**MEDICAL NECESSITY REVIEW PROCEDURES**

Original Senate File No. 95

AN ACT relating to insurance; defining medical necessity; setting requirements for analyzing insurance coverage and benefit payments under a medical necessity standard; setting requirements for denying payment or coverage; establishing review procedures; modifying unfair claims settlement practices accordingly; allocating costs; and providing for effective dates.

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

Section 1. W.S. 26-40-201 is created to read:

ARTICLE 2
MEDICAL NECESSITY STANDARD

26-40-201. Payment of claims under medical necessity standard; review.

(a) As used in this section, “medical necessity or other similar basis” includes, but is not limited to, “medically necessary,” “medically necessary care” and “medically necessary and appropriate,” as defined in W.S. 26-40-102(a)(iii).

(b) If any disability insurance policy, as defined by W.S. 26-5-103, provides for settlement of a claim for payment of medical services, procedures or supplies provided by a health care provider using a medical necessity or other similar basis the insurer shall:

(i) Define medical necessity or other similar basis as “medical necessity” is defined in this chapter and W.S. 26-40-102(a)(iii);

(ii) Make all determinations whether a medical service, procedure or supply is medically necessary based only upon the factors stated in the definition of medical necessity contained in W.S. 26-40-102(a)(iii);

(iii) Provide internal review and external review procedures for all denied claims as required in this section and disclose all procedures, time lines and requirements for such review procedures in every disability insurance policy and as otherwise required in this section.

(c) When any claim for the provision of or payment for medical services, procedures or supplies is first denied as not being a medical necessity, or on another similar basis, the insurer shall provide to the claimant, in writing, a complete explanation of the basis for the settlement and shall specify why the services, procedures or supplies requested are not medically necessary.

Such explanation shall also include:

(i) A statement in the following, or substantially equivalent, language: “We have denied your request for the provision of or payment for a health care service or course of treatment. You have the right to have our decision reviewed by following the procedures outlined in this notice. You also may have the right to an expedited review under circumstances where a delayed review would adversely affect you.”; and

(ii) A statement describing a procedure for having the claim denial reviewed by the insurer, including all applicable time limits, requirements and a process for having a expedited review initiated as expeditiously as the claimant’s medical condition or circumstances require, and in any event within seventy-two (72) hours, where:

(A) The timeframe for the completion of a normal review would seriously jeopardize the life or health of the claimant or would jeopardize the claimant’s ability to regain maximum function; or

(B) The claimant’s claim concerns a request for an admission, availability of care, continued stay or health care service for which the claimant received emergency services, but has not been discharged from a health care facility.

(d) A claimant shall have not less than thirty (30) days in which to file a request for the review provided in subsection (c) of this section and such review shall be completed by the insurer, and a decision delivered to the claimant, no later than forty-five (45) days after receipt of a request for review.

(e) If a claim for the provision of or payment for medical services, procedures or supplies is denied on the basis that it is not a medical necessity, or on other similar basis, after having been reviewed by the insurer pursuant to subsection (c) or (d) of this section, the insurer shall provide to the claimant, in writing, a complete explanation of the basis for the decision and shall specify why the services, procedures or supplies requested are not medically necessary. Such explanation shall also include:

(i) The signed opinion of at least one (1) credited medical consultant who agrees with the denial and who is not an employee of the insurer if requested by the claimant;

(ii) A statement in the following, or substantially equivalent, language: “We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us and is not the attending physician or the physician’s partner by following the procedures outlined in this notice. You also may have the

right to an expedited review under circumstances where a delayed review would adversely affect you.”; and

(iii) A statement describing the procedure for having the denied claim reviewed by an external review organization pursuant to regulations adopted by the commissioner. The statement shall include a description of all procedures, time limits and requirements, including those related to expedited reviews, which the claimant must follow to obtain an external review and include a request for external review form and release of records form approved by the commissioner.

(f) Within sixty (60) days of receiving the written explanation required by subsection (e) of this section, a claimant may request an external review of the decision which is the subject of the explanation by filing a written request for such review. The request shall be submitted to the insurer on a form approved by the commissioner, unless such form was not provided to the claimant as required by subsection (e) of this section, in which event any written request for an external review shall be sufficient.

(g) Upon receiving a request for external review, the insurer shall:

(i) Immediately send a copy of the request to the commissioner;

(ii) Assign the request to an independent review organization that has been approved by the commissioner for a preliminary review. The insurer shall provide to the independent review organization all documents and information upon which the insurer relied in denying all claims under review. Failure to provide the documents and other information shall not delay the conduct of the external review. The independent review organization shall determine whether:

(A) The claimant is or was a covered person in the disability insurance policy at the time the provision of or payment for medical services, procedures or supplies was requested or provided;

(B) The provision of or payment for medical services, procedures or supplies requested by the claimant reasonably appears to be a covered service under the disability insurance policy, but for the determination by the insurer that the services, procedures or supplies are not a medical necessity;

(C) The insurer has denied the claimant’s request for the provision of or payment for medical services, procedures or supplies after having been given the opportunity to review the insurer’s first denial one (1) or more times;

(D) The claimant has provided to the insurer all the information and forms required to process an external review, including a release

form, approved by the commissioner, by which the claimant authorizes the release of protected health information pertinent to the external review.

(h) The independent review organization shall within five (5) days determine whether the documentation is complete and immediately notify the claimant and the insurer in writing whether the documentation is complete and, if not, what information or documentation is missing. The claimant may submit in writing to the independent review organization any additional supporting documentation that the independent review organization should consider or may require when conducting its external review. If the request for review is not complete, the independent review organization shall require from the insurer or the claimant the information or materials needed to make the request complete.

(j) All documentation or other information provided to the independent review organization by the insurer or claimant shall also be immediately provided to the adverse party by the independent review organization. The insurer may use any documentation or other information provided by the claimant to reconsider its settlement of the claims. If the insurer chooses to reverse its prior decision, it shall immediately provide written notice to the claimant, the independent review organization and the commissioner, at which time the review shall be terminated.

(k) In addition to the documents and information provided pursuant to this section, the independent review organization, to the extent the information is available and the independent review organization considers them appropriate, shall consider the following in reaching its decision:

(i) The claimant's medical records;

(ii) The attending health care professional's recommendation;

(iii) Consulting reports from appropriate health care professionals and other documents submitted by the insurer, claimant or the claimant's treating provider;

(iv) The terms of coverage under the claimant's disability insurance policy;

(v) The standards identified in W.S. 26-40-102(a)(iii);

(vi) All evidence based research used in the insurer's denial of the claim.

(m) Within forty-five (45) days after the date of receipt of the request for external review, the assigned independent review organization shall provide written notice to the claimant, the insurer and the commissioner of its decision to uphold or reverse the decision of the insurer that the provision

of or payment for medical services, procedures or supplies requested by the claimant are not medically necessary. Such written notice shall include:

(i) A general description of the reason for the request for external review;

(ii) The date the independent review organization received the assignment from the insurer to conduct the review;

(iii) The date the external review was conducted;

(iv) The date of its decision;

(v) The principal reasons for its decision;

(vi) The rationale for its decision; and

(vii) References to the evidence or documentation considered in reaching its decision.

(n) In the event the external review organization determines the claims should be allowed, the insurer shall approve the request for the provision of or payment for medical services, procedures or supplies that was the subject of the review and notify the claimant of such approval within five (5) days.

(o) The engagement by an insurer of an independent review organization to conduct an external review in accordance with this section shall be fair and impartial. The insurer, insured and the independent review organization shall comply with regulations promulgated by the commissioner to ensure fairness and impartiality in the engagement of approved independent review organizations, in the terms, termination and payment of independent review organizations and in the review process.

(p) The commissioner shall adopt regulations establishing an expedited review by an external review organization as expeditiously as the claimant's medical condition or circumstances require, but in no event more than seventy-two (72) hours after the date of receipt of the request for an expedited external review, and which allows an expedited external review where:

(i) The timeframe for the completion of a normal external review would seriously jeopardize the life or health of the claimant or would jeopardize the claimant's ability to regain maximum function; or

(ii) The claimant's claim concerns a request for an admission, availability of care, continued stay or health care service for which the claimant received emergency services, but has not been discharged from a

health care facility.

(q) The insurer against whom a request for external review is filed shall pay the costs of the independent review organization's external review.

(r) The commissioner shall adopt such regulations as are necessary to promote the purposes of this section, which regulations shall include:

(i) Fees, including the waiver of fees for indigent persons;

(ii) Standards and procedures for the approval of independent review organizations;

(iii) External review organization reporting and record retention requirements.

(s) An insurer required to comply with the notification and appeal procedures of the Employee Retirement Income Security Act, and being compliant therewith, shall be deemed in compliance with this section.

Section 2. W.S. 26-13-124(a)(xiii) and by creating new paragraphs (xv) through (xvii) and 26-40-102(a) by creating a new paragraph (iii) are amended to read:

26-13-124. Unfair claims settlement practices.

(a) A person is considered to be engaging in an unfair method of competition and unfair and deceptive act or practice in the business of insurance if that person commits or performs with such frequency as to indicate a general business practice any of the following unfair claims settlement practices:

(xiii) Failing to promptly settle claims, where liability has become reasonably clear, under one (1) portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; ~~or~~

(xv) Denying or failing to timely pay disability insurance claims for medically necessary services, procedures or supplies as required by W.S. 26-40-201;

(xvi) Failing to comply with the external review procedures required by W.S. 26-40-201; or

(xvii) Failing to pay a claim after an external review organization has declared such claim to be a benefit covered under the terms of the insurance policy.

26-40-102. Definitions.

(a) As used in this chapter:

(iii) “Medical necessity,” means:

(A) A medical service, procedure or supply provided for the purpose of preventing, diagnosing or treating an illness, injury, disease or symptom and is a service, procedure or supply that:

(I) Is medically appropriate for the symptoms, diagnosis or treatment of the condition, illness, disease or injury;

(II) Provides for the diagnosis, direct care and treatment of the patient’s condition, illness, disease or injury;

(III) Is in accordance with professional, evidence based medicine and recognized standards of good medical practice and care; and

(IV) Is not primarily for the convenience of the patient, physician or other health care provider.

(B) A medical service, procedure or supply shall not be excluded from being a medical necessity under this section solely because the service, procedure or supply is not in common use if the safety and effectiveness of the service, procedure or supply is supported by:

(I) Peer reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia and other medical literature that meet the criteria of the National Institutes of Health’s Library of Medicine for indexing in Index Medicus (Medline) and Elsevier Science Ltd. for indexing in Excerpta Medicus (EMBASE); or

(II) Medical journals recognized by the Secretary of Health and Human Services under Section 1861(t)(2) of the federal Social Security Act.

Section 3. This act applies to disability insurance policies and certificates of coverage issued, renewed, delivered or issued for delivery in this state on or after July 1, 2010.

Section 4. The insurance commissioner may adopt rules and regulations implementing the provisions of this act upon the effective date of this section.

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 July 1, 2010.

Approved March 2, 2009.

Chapter 105

DISCRETIONARY CLAUSE PROHIBITION ACT

Original Senate File No. 62

AN ACT relating to insurance; creating the Discretionary Clause Prohibition Act; providing definitions; specifying the purpose and intent of the act; prohibiting discretionary clauses in specified health insurance contracts; requiring disclosure and additional provisions in insurance contracts covered by the federal Employee Retirement Income Security Act; providing penalties for violations of the act; providing for severability; and providing for an effective date.

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

Section 1. W.S. 26-13-301 through 26-13-305 are created to read:

ARTICLE 3 DISCRETIONARY CLAUSE PROHIBITION ACT

26-13-301. Short title.

This act shall be known and may be cited as the “Discretionary Clause Prohibition Act.”

26-13-302. Purpose and intent.

The purpose of this act is to assure that health insurance benefits not subject to the federal Employee Retirement Income Security Act are contractually guaranteed, and to avoid the conflict of interest that occurs when the carrier responsible for providing benefits has discretionary authority to decide what benefits are due. This act is also intended to assure that health insurance benefits contracts subject to the federal Employee Retirement Income Security Act which contain a discretionary clause provide appropriate disclosure of the clause and additional provisions to assure a fair determination of contract benefits. Nothing in this act shall be construed as imposing any requirement or duty on any person other than a health carrier.

26-13-303. Definitions.

(a) As used in this act:

(i) "Commissioner" means as defined in W.S. 26-1-102(a)(viii);

(ii) "Health care services" means services for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(iii) "Health carrier" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services;

(iv) "Person" means as defined in W.S. 8-1-102(a)(vi);

(v) "This act" means W.S. 26-13-301 through 26-13-305.

26-13-304. Discretionary clause prohibited.

(a) No policy, contract, certificate or agreement offered or issued in this state by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services may contain a provision purporting to reserve discretion to the health carrier to interpret the terms of the contract, or to provide standards of interpretation or review that are inconsistent with the laws of this state. This subsection shall not apply to a policy, contract, certificate or agreement subject to and meeting the requirements of subsections (b) and (c) of this section.

(b) Any group policy, contract, certificate or agreement subject to the federal Employee Retirement Income Security Act and offered or issued in this state by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services and which contains a provision purporting to reserve discretion to the health carrier to interpret the terms of the contract or to provide standards of interpretation or review shall contain the following language highlighted in bold in not less than twelve (12) point type:

This benefit plan contains a discretionary clause. Determinations made by (insurer name) pursuant to the discretionary clause do not prohibit or prevent a claimant from seeking judicial review in court of (insurer name's) decisions. By including this discretionary clause (insurer's name) agrees to allow a court to review its determinations anew when a claimant seeks judicial review of (insurer name's) determinations of eligibility of benefits, the

payment of benefits or interpretations of the terms and conditions applicable to the benefit plan.

(c) Any group policy, contract, certificate or agreement containing a discretionary clause as authorized in subsection (b) of this section shall contain a provision entitling any person denied benefits in whole or in part to have the determination reviewed de novo in any court with jurisdiction.

26-13-305. Penalties.

Any person who violates this act is subject to the penalty provided in W.S. 26-1-107, or as provided by any other applicable law which provides a greater penalty.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 106

BULLYING PREVENTION

Original House Bill No. 223

AN ACT relating to education; providing definitions; providing that harassment, intimidation or bullying is prohibited; requiring school districts to adopt policies as provided; imposing requirements on the department of education; providing applicability; and providing for an effective date.

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

Section 1. W.S. 21-4-311 through 21-4-315 are created to read:

21-4-311. Safe school climate act; short title.

This act shall be known and may be cited as the "Safe School Climate Act".

21-4-312. Definitions.

(a) As used in this act:

(i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of:

(A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage;

(B) Insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or

(C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior.

(ii) "School" includes a classroom or other location on school premises, a school bus or other school-related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for the child;

(iii) "This act" means W.S. 21-4-311 through 21-4-315.

21-4-313. Prohibition against harassment, intimidation or bullying; reporting to school officials.

(a) No person shall engage in:

(i) Harassment, intimidation or bullying; or

(ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.

21-4-314. School district implementation; state policies, training and technical assistance.

(a) Not later than December 31, 2009, each school district shall adopt a policy prohibiting harassment, intimidation or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy. Policies created under this section shall be continuously reviewed and may be revised as necessary.

(b) The policy prohibiting harassment, intimidation or bullying shall include, without limitation:

(i) A statement prohibiting harassment, intimidation or bullying of a student;

(ii) A definition of "harassment, intimidation or bullying" which

includes at minimum the definition as provided in W.S. 21-4-312(a)(i);

(iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation;

(iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely on the basis of an anonymous report. The procedures shall identify the appropriate school personnel responsible for receiving a report and investigating a complaint;

(v) Procedures for prompt investigation of reports or complaints of serious violations;

(vi) A statement that prohibits reprisal or retaliation against a person who reports or makes a complaint of harassment, intimidation or bullying;

(vii) A strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report;

(viii) Consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint;

(ix) A process for discussing the district's harassment, intimidation or bullying policy with students; and

(x) A statement of how the policy is to be publicized, including notice that the policy applies to participation in functions sponsored by the school.

(c) To assist local school districts in developing a policy under subsection (b) of this section, the department of education shall not later than September 1, 2009, develop model policies applicable to grades kindergarten through twelve (12) and teacher preparation program standards on the identification and prevention of bullying. In addition, the department shall provide necessary training programs and technical assistance to districts in carrying out this act.

(d) Each local school board shall include the policy adopted by a school district pursuant to this section in a publication of the comprehensive rules, procedures and standards of conduct for schools of a school district and in each school's student's handbook.

(e) Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's

professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students.

(f) School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.

21-4-315. Applicability; no civil liability created; immunity.

This article shall not be interpreted to prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This article does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the state or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this 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 2, 2009.

Chapter 107

LONG-TERM CARE PARTNERSHIP PROGRAM

Original House Bill No. 92

AN ACT relating to Medicaid; establishing a program for the financing of long-term care through a combination of private insurance and medical assistance; providing asset disregards for Medicaid long-term care coverage; providing incentives for using qualified long-term care partnership insurance policies as specified; 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. 42-7-101 through 42-7-104 are created to read:

CHAPTER 7 LONG-TERM CARE PARTNERSHIP PROGRAM

42-7-101. Short title.

This act may be cited as the "Wyoming Long-Term Care Partnership Program Act."

42-7-102. Definitions.

(a) As used in this act:

(i) "Agency" means the department of health;

(ii) "Asset disregard" means, with respect to qualification for state Medicaid benefits, the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy;

(iii) "Department" means the department of insurance;

(iv) "Medicaid" means the program administered by the state pursuant to the Wyoming Medical Assistance and Services Act and this act and partly funded by the federal government pursuant to title XIX of the federal Social Security Act;

(v) "Qualified long-term care insurance partnership policy" means a policy that meets all of the following requirements:

(A) The policy covers an insured who was a resident of Wyoming when coverage first became effective under the policy;

(B) The policy is a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986 issued not earlier than the effective date of the state plan amendment;

(C) The director of the department certifies that the policy meets the model regulations and requirements of the national association of insurance commissioners model specified in paragraph (5) of title VI, section 6021 of the federal Deficit Reduction Act of 2005; and

(D) If the policy is sold to an individual who:

(I) Has not attained age sixty-one (61) as of the date of purchase, the policy provides compound annual inflation protection;

(II) Has attained age sixty-one (61) but has not attained age seventy-six (76) as of such date, the policy provides some level of inflation protection; or

(III) Has attained age seventy-six (76) as of such date, the policy may, but is not required to, provide some level of inflation protection.

(vi) "State plan amendment" means a state Medicaid plan amendment made with the approval of the federal department of health and human services that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy.

42-7-103. Wyoming long-term care partnership program established.

(a) In accordance with title VI, section 6021 of the federal Deficit Reduction Act of 2005, there shall be established the Wyoming long-term care partnership program, to be administered by the agency with the assistance of the department, to provide incentives for individuals to insure against the costs of providing for their long-term care needs by creating a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under Medicaid without first being required to substantially exhaust their resources.

(b) The agency shall:

(i) Before January 1, 2010, or as soon thereafter as possible, make application to the federal department of health and human services for a state plan amendment to establish that, if an individual is a beneficiary of a long-term care partnership program certified policy, the total assets an individual owns and may retain under Medicaid and still qualify for benefits under Medicaid at the time the individual applies for long-term care benefits are increased by one dollar (\$1.00) for each one dollar (\$1.00) of benefit paid out under the individual's long-term care partnership program certified insurance policy;

(ii) Provide information and technical assistance to the department on the department's role in assuring that any individual who sells a qualified long-term care insurance partnership policy receives training and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.

(c) The department may not impose any requirement affecting the terms of benefits of a policy under the partnership program unless the department imposes such requirement on long-term care insurance policies without regard to whether the policy is covered under the partnership or is offered in connection with such a partnership.

(d) The issuers of qualified long-term care partnership policies in Wyoming shall provide regular reports to the secretary of the federal department of health and human services, in accordance with federal regulations.

(e) Reciprocity between the program and other state programs shall be subject to the following:

(i) Any individual who has purchased a partnership policy in any participating state, who has received benefits under the policy and who applies for Medicaid in a participating state other than the one in which the policy was issued shall receive an asset disregard in an equal dollar amount to the benefits received under the policy;

(ii) The asset disregard procedure and calculation shall be the same for every individual with a partnership policy who applies for Medicaid in

the participating state, without regard to whether the policy was purchased in another state or the date the policy was purchased;

(iii) An amount equal to the benefits received under the partnership policy shall be exempt from Medicaid estate recovery provisions; and

(iv) If a person moves from the state in which the person's partnership policy was issued, later applies for Medicaid in another participating state and is determined to be eligible using a partnership asset disregard, the partnership asset disregard shall not be revoked upon eligibility redetermination should the state subsequently decide to become exempt from the reciprocity agreement.

42-7-104. Administration.

(a) The agency and the department are authorized to adopt rules to implement and administer the provisions of this act.

(b) The agency and department shall comply with all federal rules developed in accordance with title VI, section 6021 of the federal Deficit Reduction Act of 2005, regarding data reporting, reciprocity with other states that develop long-term care insurance partnership programs, and any other matters, and shall have the authority to adopt regulations relative to the provisions of any federal rules and their administration.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 108

WYOMING RETIREMENT SYSTEM-HOSPITAL PARTICIPATION

Original House Bill No. 252

AN ACT relating to the Wyoming retirement system; repealing deadline for hospital participation in the system; requiring notice of hospital participation; and providing for an effective date.

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

Section 1. W.S. 9-3-409(b) by creating a new paragraph (iv) is amended to read:

9-3-409. Retirement board; rules and regulations; powers and privileges required to perform functions; requiring employers to furnish information and keep records.

(b) The board shall:

(iv) Require any county memorial hospital or special hospital district electing to participate in the Wyoming retirement system to provide written notice to the board of its election pursuant board issued guidelines. The board shall not implement coverage for any county memorial hospital or special hospital district employee 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.

Section 2. 2008 Wyoming Session Laws, Chapter 45, Section 3 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 2, 2009.

Chapter 109

FIRST RESPONDER RETIREMENT CONTRIBUTIONS

Original Senate File No. 111

AN ACT relating to employee retirement; authorizing payment of employer and employee retirement contributions for employees serving in the United States military as specified; requiring a report; providing an appropriation; authorizing a position; and providing for an effective date.

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

Section 1. W.S. 19-11-115 by creating new subsections (e) through (g) is amended to read:

19-11-115. State retirement systems; payment of contributions; interest.

(e) Notwithstanding any other requirements in W.S. 19-11-113 or 19-11-114 or this section relating to payment of retirement contributions to a public or private retirement system, employer and employee contributions for any public or private retirement or pension system plan, not to exceed five thousand dollars (\$5,000.00) per person per year, may be paid by the Wyoming adjutant general, if the payment is permitted by the Internal Revenue Code, for any person whose primary occupation is that of a first responder and who is called or ordered into the federal service of the United States under title 10 of the United States Code.

(f) The provisions of subsection (e) of this section shall also apply to any Wyoming resident whose primary occupation is that of a first responder when that person is called or ordered into federal service with a national guard unit in any state in the United States. The adjutant general shall promulgate rules and regulations to provide a method for application for persons not serving in the Wyoming national guard.

(g) The adjutant general shall report annually, no later than October 1, to the joint transportation, highways and military affairs interim committee. The report shall include the number of persons who qualified for the contributions under subsections (e) and (f) of this section, a listing of the civilian classifications of the persons applying for the contributions and the total amount expended for the contributions.

Section 2.

(a) There is appropriated eight hundred ninety-two thousand nine hundred fourteen dollars (\$892,914.00) from the general fund to the Wyoming adjutant general. 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 on June 30, 2010. The program created by this act shall be included in the adjutant general's standard budget request. Of this appropriation:

(i) Seven hundred eighty-nine thousand seven hundred fifty dollars (\$789,750.00) shall only be expended for the purpose of funding employer and employee retirement contributions under W.S. 19-11-115(e) and (f) for persons who are called or ordered into federal service of the United States under title 10 of the United States Code;

(ii) One hundred three thousand one hundred sixty-four dollars (\$103,164.00) shall only be expended to fund the employee authorized under subsection (b) of this section and other administrative and start-up costs to implement the purposes of this act.

(b) The adjutant general is authorized one (1) full-time equivalent position to implement the purposes of this act, including validating the qualifications of the retirement plans of eligible persons and establishing payment amounts under W.S. 19-11-115(e) and (f), as created by section 1 of this act.

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 2, 2009.

Chapter 110**WEED AND PEST CONTROL DISTRICTS-UNFAIR COMPETITION**

Original Senate File No. 105

AN ACT relating to weed and pest control districts; prohibiting districts from competing with private operations as specified; and providing for an effective date.

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

Section 1. W.S. 11-5-108 is amended to read:

11-5-108. Rates and application of pesticides; payment by landowner; bidding restriction.

(a) The district board may establish rates and engage in the application of agricultural pesticides for weed and pest control, subject to subsection (b) of this section. The district board may cost share in the agricultural pesticides, and the landowner shall pay the full cost of the application. If services provided are not paid for by the landowner for whom rendered, such indebtedness may be collected as provided by W.S. 11-5-107(c).

(b) A district board shall not engage in competitive bidding of bare ground application of pesticides for industrial weed control, unless there are no commercially licensed entities operating in the state that are able and willing to perform the service. Nothing in this subsection shall limit the district board's authority to act pursuant to W.S. 11-5-105(a)(i) and 11-5-109.

Section 2. This act is effective July 1, 2009.

Approved March 2, 2009.

Chapter 111**ACCELERATED NURSING DEGREE LOAN REPAYMENT PROGRAM**

Original Senate File No. 23

AN ACT relating to the education loan repayment program; establishing an education loan repayment program for students with baccalaureate degrees who pursue the accelerated program for baccalaureate degrees in nursing; specifying requirements; providing for loan forgiveness as specified; requiring reports; amending a prior appropriation; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 21-17-121 is created to read:

21-17-121. Accelerated baccalaureate degree in nursing for students with other baccalaureate degrees; contracts with students; repayment of funds expended; deposit of repayments.

(a) Students desiring to participate in the University of Wyoming's accelerated program leading to a baccalaureate degree in nursing may avail themselves of the financial aid opportunities under this section subject to the following:

(i) Before enrolling in the accelerated baccalaureate in nursing degree program, the student shall be approved by the president of the university acting with the advice of the state board of nursing;

(ii) No student shall be approved by the president unless the student has obtained a baccalaureate degree in a discipline other than nursing;

(iii) Preference for financial aid under this section shall be given to applicants who individually or through their spouse meet the requirements of W.S. 21-17-105(d).

(b) In addition to the requirements of subsection (a), before granting any financial aid under this section the board of trustees shall obtain an agreement from each student whereby the student authorizes the state of Wyoming to pay not more than twenty-five thousand dollars (\$25,000.00) for financial aid while the student is enrolled in the accelerated nursing degree program. The student shall agree either to:

(i) Actively engage in work as a nurse in Wyoming for two (2) years, as the board of trustees requires. Qualified work shall be granted on a proportional basis; or

(ii) Repay all amounts expended by the state of Wyoming under this subsection on the student's education, together with interest which shall begin accruing upon the student's graduation, upon terms specified by the board of trustees. However, interest shall begin to accrue if the board finds

that the student has withdrawn from the degree program or is otherwise not making satisfactory progress toward completion of the degree program. Money expended under this subsection shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(c) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under subsection (b) of this section, in whole or in part, upon a finding that the monies cannot be collected. The university shall annually report the number of students relieved from repayment under this subsection to the joint labor, health and social services interim committee not later than October 1.

(d) Loan repayment options under this section may be deferred for a period not to exceed five (5) years while a loan recipient is serving on full-time active duty with any branch of the military services of the United States.

(e) Any recipient of a loan under this section who fails:

(i) To complete the program for which the loan was provided shall commence cash repayment of the loan no later than forty-five (45) days after the recipient leaves the academic program;

(ii) To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully obtaining the appropriate licensure, shall commence cash repayment of the loan within one hundred twenty (120) days after successfully obtaining the appropriate licensure; or

(iii) To obtain the appropriate certification within one hundred eighty (180) days after completion of the program shall commence cash repayment of the loan.

(f) Any amounts paid by students in accordance with the contractual arrangements authorized under this section shall be deposited into a special account designated as the accelerated baccalaureate degree in nursing student account, maintained and separately accounted for by the University of Wyoming, which account shall be used solely for payments on behalf of students under subsection (b) of this section. On or before October 1 of each year, the university shall submit a report to the joint labor, health and social services interim committee on expenditures from the account during the prior fiscal year.

Section 2. There is appropriated to the University of Wyoming two hundred fifty thousand dollars (\$250,000.00) from the general fund appropriations made to the Wyoming investment in nursing program pursuant to 2008

Wyoming Session Laws, Chapter 48, Section 057. 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 loans to not more than six (6) students in each class cohort pursuant to W.S. 21-17-121 created 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, 2012. This appropriation shall be included in the university's 2011-2012, 167 medical education budget request and not in the block grant. Any amounts appropriated to the University of Wyoming pursuant to this act shall not be included in the community college commission'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 2, 2009.

Chapter 112

NCAR SUPERCOMPUTER FUNDING

Original Senate File No. 146

AN ACT relating to the national center for atmospheric research supercomputing center; authorizing the University of Wyoming to acquire the center facility by issuing revenue bonds or pledging federal mineral royalty distributions as specified; specifying terms and conditions; and providing for an effective date.

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

Section 1. W.S. 21-17-451 is created to read:

21-17-451. Contingent authorization for the university to acquire the national center for atmospheric research supercomputer center facility.

(a) Subject to the terms and conditions of this section, the University of Wyoming board of trustees is authorized to acquire the facility housing the national center for atmospheric research supercomputer center constructed and operated in accordance with the memorandum of understanding and final contract entered into pursuant to 2007 Wyoming Session Laws, Chapter 136, Section 336. The acquisition may be made by:

(i) Pursuant to subsection (b) of this section notwithstanding W.S.

21-17-408(b), pledging and, as required, using federal mineral royalties distributed to the university pursuant to W.S. 9-4-601(a)(iv) to fund the principal amount and accrued interest remaining to be paid on industrial development revenue bonds issued by Laramie County, Wyoming, and purchased by the state treasurer to fund the construction of the center facility; or

(ii) Pursuant to subsection (c) of this section, the issuance of revenue bonds under the University Securities Law, W.S. 21-17-402 through 21-17-450.

(b) Any action taken by the board pursuant to paragraph (a)(i) or (ii) of this section shall be subject to the following terms and conditions:

(i) All final agreements have been executed for construction and operation of the center as required in 2007 Wyoming Session Laws, Chapter 136, Section 336(d);

(ii) The final agreements in paragraph (i) of this subsection include binding provisions as follows:

(A) If the national science foundation ceases to fund the center on or after July 1, 2019, the national center for atmospheric research shall provide written notice to the University of Wyoming at least one (1) year in advance of the date upon which funding will cease;

(B) If the national science foundation ceases to fund the center as provided in subparagraph (A) of this paragraph, the university consortium for atmospheric research, which is the parent organization for the national center for atmospheric research, shall transfer ownership of all its interest in the center to the University of Wyoming so that the university holds one hundred percent (100%) ownership interest in the center facility.

(c) If the national science foundation ceases to fund the center as provided in subparagraph (b)(ii)(A) of this section, to the extent the board of trustees determines that the issuance of revenue bonds under the University Securities Law may more economically or otherwise better accomplish the purposes of this section, and no other source of revenue other than the pledge under paragraph (a)(i) of this section has been committed to meet the repayment obligations required by the industrial development revenue bonds, the board may issue its revenue bonds to repay the industrial development revenue bonds if the state treasurer still owns them.

(d) The university shall report any notification from the national center for atmospheric research under subparagraph (b)(ii)(A) of this section to the governor, state treasurer, joint appropriations interim committee and joint minerals, business and economic development interim committee of the legislature.

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 2, 2009.

Chapter 113

CHARTER SCHOOL LAW-AMENDMENTS

Original House Bill No. 62

AN ACT relating to charter schools; authorizing a phased application process as specified; granting rulemaking authority; allowing mediation of application disputes; modifying ADM computations for funding purposes; and providing for an effective date.

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

Section 1. W.S. 21-3-307 by creating new subsections (b) through (d), 21-3-308(a) and 21-3-314(a)(i)(intro), by creating a new subparagraph (C) and (iii) are amended to read:

21-3-307. Charter application; contents; phased-in application process.

(b) Upon submission of an application under W.S. 21-3-307(a), the superintendent of the school district shall notify the applicant within thirty (30) days of submission whether the application is complete. If the district superintendent determines that the application is incomplete, the superintendent shall advise the applicant of the reasons for the determination in sufficient detail for the applicant to make changes for resubmission of the application to the district superintendent.

(c) The district superintendent's determination that an application is complete shall not prevent the district superintendent from making subsequent recommendations to, or from opposing the application before, the school board.

(d) The state superintendent shall through rule and regulation establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and school district, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation

equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board as provided in W.S. 21-3-310.

21-3-308. Hearing by local board; prohibited actions by local board; criteria; compliance with state standards; state board review; contractual authority.

(a) Not later than thirty (30) days after receiving an application for any charter school as defined in W.S. 21-3-302 which has been determined to be complete pursuant to W.S. 21-3-307(b), the district board shall hold a public hearing on the application, at which time the board shall consider the level of community and parental support for the application if an application for a new charter school, or the level of teacher and parental support if an application for a converted charter school or charter school within a school. Following review of the application and the public hearing, if applicable, and in accordance with subsection (d) of this section, the district board shall either approve or deny the application within sixty (60) days of receipt. Approval under this article may be conditioned for purposes specified under subsection (c) of this section. In addition, the board may approve an application for the operation of a converted charter school only if it determines teacher and parental support for the conversion are established at the levels required by W.S. 21-3-306(b). Prior to approving an application for a charter school under this section, the board shall approve and adopt the content and terms of the contract as provided in W.S. 21-3-307.

21-3-314. Students counted among district ADM; determination of charter school funding.

(a) Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district's configuration of schools reported to the state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school shall be calculated as follows:

(i) Notwithstanding W.S. 21-13-309(m)(iv)(A), in the first year of operation, the average daily membership for the charter school shall be ~~multiplied by two (2)~~ based on the following:

(C) If the charter is initiated under W.S. 21-3-306 by any person other than the school district in which the charter is operating, the average daily membership computed under subparagraphs (i)(A) and (B) of this subsection shall be multiplied by two (2).

(iii) For purposes of W.S. 21-13-309(m)(iv)(A), and upon charter school operation for three (3) consecutive school years, charter school average daily membership computed under paragraph (i) of this subsection shall, if the charter is subject to subparagraph (i)(C) of this subsection, be divided by two (2) prior to computing the school's ADM averaged over the three (3)

immediately preceding school years;

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 2, 2009.

Chapter 114

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

Original Senate File No. 60

AN ACT relating to the national guard; codifying the national guard youth challenge program; controlling the expenditure of state funds; requiring a report; providing a sunset date; continuously appropriating funds; and providing for an effective date.

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

Section 1. W.S. 19-9-701 through 19-9-704 are created to read:

ARTICLE 7

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

19-9-701. National guard youth challenge program; administration of program.

(a) The national guard youth challenge program is created to provide resources to create opportunities and alternatives for youth at risk or who have dropped out of the public school system, ages sixteen (16) to eighteen (18) years, to attain a high school diploma or high school equivalency certification and to develop life skills.

(b) The national guard youth challenge program shall be administered by the Wyoming military department with the assistance of the department of education as necessary for the provision of educational programs addressing needs of the participating youth and for establishing necessary communications and cooperation with Wyoming school districts.

(c) The Wyoming military department may promulgate rules for the administration of the program.

19-9-702. Funding.

To the extent available, for every sixty cents (\$.60) of federal funds appropriated to the national guard youth challenge program, the department may expend funds appropriated by this state for this program

in an amount not to exceed forty cents (\$.40), or such other minimum amount as necessary to qualify for the appropriation of federal funds. The state may appropriate funding in excess of that necessary to qualify for federal funds and the department shall be authorized to expend such state funds only when all federal funds are exhausted. All monies appropriated for purposes of this article are continuously appropriated to the department and shall not lapse until the program is terminated as provided by W.S. 19-9-704.

19-9-703. Reporting.

(a) The department shall provide a report not later than October 1 of each year that the national guard youth challenge program receives any state funding. The report shall be provided to the joint appropriations, joint transportation, highways and military affairs and the joint education interim committees and include the following information:

(i) Yearly enrollment in the national guard youth challenge program;

(ii) Number of youth remaining after the first two (2) weeks of the challenge program;

(iii) Yearly number of youth successfully completing the challenge program;

(iv) A detailed listing of budget expenditures for the challenge program; and

(v) A report on the status of program graduates for the preceding four (4) years, to the extent available.

19-9-704. Sunset.

W.S. 19-9-701 through 19-9-703 are repealed effective June 30, 2012.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 115**CORPORATIONS ACT-AMENDMENTS**

Original Senate File No. 72

AN ACT relating to corporations; generally updating and modifying statutes to comply with the model corporations act of 2007; making conforming amendments and directing additional renumbering and technical conforming amendments; and providing for an effective date.

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

Section 1. W.S. 17-16-143, 17-16-727, 17-16-748, 17-16-831.1, 17-16-860 through 17-16-863, 17-16-870, 17-16-1023, 17-16-1108, 17-16-1340, 17-16-1408, 17-16-1409, 17-16-1605 and 17-16-1606 are created to read:

17-16-143. Qualified director.

(a) A “qualified director” is a director who, at the time action is to be taken under:

(i) W.S. 17-16-744, does not have:

(A) A material interest in the outcome of the proceeding; or

(B) A material relationship with a person who has such an interest.

(ii) W.S. 17-16-853 or 17-16-855:

(A) Is not a party to the proceeding;

(B) Is not a director as to whom a transaction is a director’s conflicting interest transaction or who sought a disclaimer of the corporation’s interest in a business opportunity under W.S. 17-16-870, which transaction or disclaimer is challenged in the proceeding; and

(C) Does not have a material relationship with a director described in either subparagraph (A) or (B) of this paragraph.

(iii) W.S. 17-16-862, is not a director as to whom the transaction is a director’s conflicting interest transaction, or a director who has a material relationship with another director as to whom the transaction is a director’s conflicting interest transaction; or

(iv) W.S. 17-16-870, would be a qualified director under paragraph (iii) of this subsection if the business opportunity were a director’s conflicting interest transaction.

(b) For purposes of this section:

(i) "Material interest" means an actual or potential benefit or detriment, other than one which would devolve on the corporation or the shareholders generally, that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

(ii) "Material relationship" means a familial, financial, professional, employment or other relationship that would reasonably be expected to impair the objectivity of the director's judgment when participating in the action to be taken.

(c) The presence of one (1) or more of the following circumstances shall not automatically prevent a director from being a qualified director:

(i) Nomination or election of the director to the current board by any director who is not a qualified director with respect to the matter, or by any person that has a material relationship with that director, acting alone or participating with others;

(ii) Service as a director of another corporation of which a director who is not a qualified director with respect to the matter, or any individual who has a material relationship with that director, is or was also a director; or

(iii) With respect to action to be taken under W.S. 17-16-744, status as a named defendant, as a director against whom action is demanded or as a director who approved the conduct being challenged.

17-16-727. Changing quorum or voting requirements.

(a) The articles of incorporation may provide for a greater or lesser quorum or voting requirement for shareholders, or voting groups of shareholders, than is provided for by this act.

(b) An amendment to the articles of incorporation that adds, changes or deletes a quorum or voting requirement shall meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater.

SUBARTICLE E PROCEEDING TO APPOINT CUSTODIAN OR RECEIVER

17-16-748. Shareholder action to appoint custodian or receiver.

(a) The district court may appoint one (1) or more persons to be custodians, or, if the corporation is insolvent, to be receivers, of and for a corporation in a proceeding by a shareholder where it is established that:

(i) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered; or

(ii) The directors or those in control of the corporation are acting fraudulently and irreparable injury to the corporation is threatened or being suffered.

(b) The court:

(i) May issue injunctions, appoint a temporary custodian or temporary receiver with all the powers and duties the court directs, take other action to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing is held;

(ii) Shall hold a full hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a custodian or receiver; and

(iii) Has jurisdiction over the corporation and all of its property, wherever located.

(c) The court may appoint an individual or domestic or foreign corporation authorized to transact business in this state as a custodian or receiver and may require the custodian or receiver to post bond, with or without sureties, in an amount the court directs.

(d) The court shall describe the powers and duties of the custodian or receiver in its appointing order, which may be amended from time to time. Among other powers:

(i) A custodian may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the business and affairs of the corporation; and

(ii) A receiver:

(A) May dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court; and

(B) May sue and defend in the receiver's own name as receiver in all courts of this state.

(e) The court during a custodianship may redesignate the custodian a receiver, and during a receivership may redesignate the receiver a custodian, if doing so is in the best interests of the corporation.

(f) The court from time to time during the custodianship or receivership may order compensation paid and expense disbursements or reimbursements made to the custodian or receiver from the assets of the corporation or proceeds from the sale of its assets.

17-16-831.1. Standards of liability for directors.

(a) A director shall not be liable to the corporation or its shareholders for any decision to take or not to take action, or any failure to take any action including abstaining from voting after full disclosure, as a director, unless the party asserting liability in a proceeding establishes that:

(i) No defense interposed by the director based on the following precludes liability:

(A) Any provision in the articles of incorporation authorized by W.S. 17-16-202(b)(iv); or

(B) The protection afforded by W.S. 17-16-861 for action taken in compliance with W.S. 17-16-862 or 17-16-863; or

(C) The protection afforded by W.S. 17-16-870; and

(ii) The challenged conduct consisted or was the result of:

(A) Action not in good faith; or

(B) A decision:

(I) Which the director did not reasonably believe to be in or at least not opposed to the best interests of the corporation; or

(II) As to which the director was not informed to an extent the director reasonably believed appropriate in the circumstances; or

(C) Lack of objectivity due to the director's familial, financial or business relationship with, or a lack of independence due to the director's domination or control by, another person having a material interest in the challenged conduct:

(I) Which relationship or which domination or control could reasonably be expected to have affected the director's judgment respecting the challenged conduct in a manner adverse to the corporation; and

(II) After a reasonable expectation to such effect has been established, the director shall not have established that the challenged conduct was reasonably believed by the director to be in or at least not

opposed to the best interests of the corporation; or

(D) A sustained failure of the director to devote attention to ongoing oversight of the business and affairs of the corporation, or a failure to devote timely attention, by making or causing to be made appropriate inquiry, when particular facts and circumstances of significant concern materialize that would alert a reasonably attentive director to the need therefore; or

(E) Receipt of a financial benefit to which the director was not entitled or any other breach of the director's duties to deal fairly with the corporation and its shareholders that is actionable under applicable law.

(b) The party seeking to hold the director liable:

(i) For money damages, shall also have the burden of establishing that:

(A) Harm to the corporation or its shareholders has been suffered; and

(B) The harm suffered was proximately caused by the director's challenged conduct.

(ii) For other money payment under a legal remedy, such as compensation for the unauthorized use of corporate assets, shall also have whatever burden of proof may be called for to establish that the payment sought is appropriate in the circumstances; or

(iii) For other money payment under an equitable remedy, such as profit recovery by or disgorgement to the corporation, shall also have whatever burden of proof may be called for to establish that the equitable remedy sought is appropriate in the circumstances.

(c) Nothing contained in this section shall:

(i) In any instance where fairness is at issue, such as consideration of the fairness of a transaction to the corporation under W.S. 17-16-861(b)(iii), alter the burden of proving the fact or lack of fairness otherwise applicable;

(ii) Alter the fact or lack of liability of a director under another section of this act, such as the provisions governing the consequences of an unlawful distribution under W.S. 17-16-833 or a transactional interest under W.S. 17-16-861; or

(iii) Affect any rights to which the corporation or a shareholder may be entitled under another statute of this state or the United States.

SUBARTICLE F
DIRECTORS' CONFLICTING INTEREST TRANSACTIONS

17-16-860. Subarticle definitions.

(a) In this subarticle:

(i) "Control", including the term "controlled by", means:

(A) Having the power, directly or indirectly, to elect or remove a majority of the members of the board of directors or other governing body of an entity, whether through the ownership of voting shares or interests, by contract or otherwise; or

(B) Being subject to a majority of the risk of loss from the entity's activities or entitled to receive a majority of the entity's residual returns.

(ii) "Director's conflicting interest transaction" means a transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation:

(A) To which, at the relevant time, the director is a party; or

(B) Respecting which, at the relevant time, the director had knowledge and a material financial interest known to the director; or

(C) Respecting which, at the relevant time, the director knew that a related person was a party or had a material financial interest.

(iii) "Fair to the corporation" means, for purposes of W.S. 17-16-861(b)(iii), that the transaction as a whole was beneficial to or at least not harmful to the corporation, taking into appropriate account whether it was:

(A) Fair in terms of the director's dealings with the corporation; and

(B) Comparable to what might have been obtainable in an arm's length transaction, given the consideration paid or received by the corporation.

(iv) "Material financial interest" means a financial interest in a transaction that would reasonably be expected to impair the objectivity of the director's judgment when participating in action on the authorization of the transaction;

(v) "Related person" means:

(A) The director's spouse;

(B) A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half sibling, aunt, uncle, niece or nephew, or spouse of any thereof, of the director or of the director's spouse;

(C) An individual living in the same home as the director;

(D) An entity, other than the corporation or an entity controlled by the corporation, controlled by the director or any person specified above in this paragraph;

(E) A domestic or foreign:

(I) Business or nonprofit corporation, other than the corporation or an entity controlled by the corporation, of which the director is a director;

(II) Unincorporated entity of which the director is a general partner or a member of the governing body; or

(III) Individual, trust or estate for whom or of which the director is a trustee, guardian, personal representative or like fiduciary; or

(F) A person that is, or an entity that is controlled by, an employer of the director.

(vi) "Relevant time" means:

(A) The time at which directors' action respecting the transaction is taken in compliance with W.S. 17-16-862; or

(B) If the transaction is not brought before the board of directors of the corporation or its committee for action under W.S. 17-16-862, at the time the corporation or an entity controlled by the corporation becomes legally obligated to consummate the transaction.

(vii) "Required disclosure" means disclosure of:

(A) The existence and nature of the director's conflicting interest; and

(B) All facts known to the director respecting the subject matter of the transaction that a director free of such conflicting interest would reasonably believe to be material in deciding whether to proceed with the transaction.

17-16-861. Judicial action.

(a) A transaction effected or proposed to be effected by the corporation, or by an entity controlled by the corporation, may not be the subject of equitable relief, or give rise to an award of damages or other relief against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if it is not a director's conflicting interest transaction.

(b) A director's conflicting interest transaction may not be the subject of equitable relief, or give rise to an award of damages or other relief against a director of the corporation, in a proceeding by a shareholder or by or in the right of the corporation, on the ground that the director has an interest respecting the transaction, if:

(i) Directors' action respecting the transaction was taken in compliance with W.S. 17-16-862 at any time; or

(ii) Shareholders' action respecting the transaction was taken in compliance with W.S. 17-16-863 at any time; or

(iii) The transaction, judged according to the circumstances at the relevant time, is established to have been fair to the corporation.

17-16-862. Directors' action.

(a) Directors' action respecting a director's conflicting interest transaction is effective for purposes of W.S. 17-16-861(b)(i) if the transaction has been authorized by the affirmative vote of a majority, but no fewer than two (2), of the qualified directors who voted on the transaction, after required disclosure by the conflicted director of information not already known by such qualified directors, or after modified disclosure in compliance with subsection (b) of this section, provided that:

(i) The qualified directors have deliberated and voted outside the presence of and without the participation by any other director; and

(ii) Where the action has been taken by a committee, all members of the committee were qualified directors, and either:

(A) The committee was composed of all the qualified directors on the board of directors; or

(B) The members of the committee were appointed by the affirmative vote of a majority of the qualified directors on the board.

(b) Notwithstanding subsection (a) of this section, when a transaction is a director's conflicting interest transaction only because a related person described in W.S. 17-16-860(a)(v)(E) or (F) is a party to or has a

material financial interest in the transaction, the conflicted director is not obligated to make required disclosure to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality, or a professional ethics rule, provided that the conflicted director discloses to the qualified directors voting on the transaction:

- (i) All information required to be disclosed that is not so violative;
- (ii) The existence and nature of the director's conflicting interest; and
- (iii) The nature of the conflicted director's duty not to disclose the confidential information.

(c) A majority, but no fewer than two (2), of all the qualified directors on the board of directors, or on the committee, constitutes a quorum for purposes of action that complies with this section.

(d) Where directors' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation, the bylaws or a provision of law, independent action to satisfy those authorization requirements shall be taken by the board of directors or a committee, in which action directors who are not qualified directors may participate.

17-16-863. Shareholders' action.

(a) Shareholders' action respecting a director's conflicting interest transaction is effective for purposes of W.S. 17-16-861(b)(ii) if a majority of the votes cast by the holders of all qualified shares are in favor of the transaction after:

(i) Notice to shareholders describing the action to be taken respecting the transaction;

(ii) Provision to the corporation of the information referred to in subsection (b) of this section; and

(iii) Communication to the shareholders entitled to vote on the transaction of the information that is the subject of required disclosure, or modified disclosure as described in W.S. 17-16-862(b) if the director's conflicting interest transaction is of the type described in that subsection, to the extent the information is not known by them.

(b) A director who has a conflicting interest respecting the transaction shall, before the shareholders' vote, inform the secretary or other officer or agent of the corporation authorized to tabulate votes, in writing, of

the number of shares that the director knows are not qualified shares under subsection (c) of this section and the identity of the holders of those shares.

(c) For purposes of this section:

(i) "Holder" means and "held by" refers to shares held by both a record shareholder, as defined in W.S. 17-16-1301(a)(vi), and a beneficial shareholder as defined in W.S. 17-16-1301(a)(i);

(ii) "Qualified shares" means all shares entitled to be voted with respect to the transaction except for shares that the secretary or other officer or agent of the corporation authorized to tabulate votes either knows, or under subsection (b) of this section is notified, are held by:

(A) A director who has a conflicting interest respecting the transaction; or

(B) A related person of the director, excluding a person described in W.S. 17-16-860(a)(v)(F).

(d) A majority of the votes entitled to be cast by the holders of all qualified shares constitutes a quorum for purposes of compliance with this section. Subject to the provisions of subsection (e) of this section, shareholders' action that otherwise complies with this section is not affected by the presence of holders, or by the voting, of shares that are not qualified shares.

(e) If a shareholders' vote does not comply with subsection (a) of this section solely because of a director's failure to comply with subsection (b) of this section, and if the director establishes that the failure was not intended to influence and did not in fact determine the outcome of the vote, the court may give the effect, if any, to the shareholders' vote, as the court considers appropriate in the circumstances.

(f) Where shareholders' action under this section does not satisfy a quorum or voting requirement applicable to the authorization of the transaction by reason of the articles of incorporation, the bylaws or a provision of law, independent action to satisfy those authorization requirements must be taken by the shareholders, in which action shares that are not qualified shares may participate.

SUBARTICLE G BUSINESS OPPORTUNITIES

17-16-870. Business opportunities.

(a) A director's taking advantage, directly or indirectly, of a business opportunity may not be the subject of equitable relief, or give rise to an

award of damages or other relief against the director, in a proceeding by or in the right of the corporation on the ground that the opportunity should have first been offered to the corporation, if before becoming legally obligated respecting the opportunity the director brings it to the attention of the corporation and:

(i) Action by qualified directors disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in W.S. 17-16-862, as if the decision being made concerned a director's conflicting interest transaction; or

(ii) Shareholders' action disclaiming the corporation's interest in the opportunity is taken in compliance with the procedures set forth in W.S. 17-16-863, as if the decision being made concerned a director's conflicting interest transaction, except that, rather than making required disclosure as defined in W.S. 17-16-860, in each case the director shall have made prior disclosure to those acting on behalf of the corporation of all material facts concerning the business opportunity that are then known to the director.

(b) In any proceeding seeking equitable relief or other remedies based upon an alleged improper taking advantage of a business opportunity by a director, the fact that the director did not employ the procedure described in subsection (a) of this section before taking advantage of the opportunity shall not create an inference that the opportunity should have been first presented to the corporation or alter the burden of proof otherwise applicable to establish that the director breached a duty to the corporation in the circumstances.

17-16-1023. Bylaw provisions relating to the election of directors.

(a) Unless the articles of incorporation specifically prohibit the adoption of a bylaw pursuant to this section, alter the vote specified in W.S. 17-16-728(a) or provide for cumulative voting, a public corporation may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for or against up to that number of candidates that is equal to the number of directors to be elected, or a shareholder may indicate an abstention, but without cumulating the votes;

(ii) To be elected, a nominee shall have received a plurality of the votes cast by holders of shares entitled to vote in the election at a meeting at which a quorum is present, provided that a nominee who is elected but receives more votes against than for election shall serve as a director for a term that shall terminate on the date that is the earlier of ninety (90) days from the date on which the voting results are determined pursuant to W.S. 17-16-729(b)(v) or is the date on which an individual is selected by

the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which W.S. 17-16-810 applies. Subject to paragraph (iii) of this subsection, a nominee who is elected but receives more votes against than for election shall not serve as a director beyond the ninety (90) day period referenced above; and

(iii) The board of directors may select any qualified individual to fill the office held by a director who received more votes against than for election.

(b) Subsection (a) of this section does not apply to an election of directors by a voting group if at the expiration of the time fixed under a provision requiring advance notification of director candidates, or absent such a provision, at a time fixed by the board of directors which is not more than fourteen (14) days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one (1) or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this subsection if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(c) A bylaw electing to be governed by this section may be repealed:

(i) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(ii) If adopted by the board of directors, by the board of directors or the shareholders.

17-16-1108. Abandonment of a merger or share exchange.

(a) Unless otherwise provided in a plan of merger or share exchange or in the laws under which a foreign business corporation or a domestic or foreign eligible entity that is a party to a merger or a share exchange is organized or by which it is governed, after the plan has been adopted and approved as required by this chapter, and at any time before the merger or share exchange has become effective, it may be abandoned by a domestic business corporation that is a party thereto without action by its shareholders in accordance with any procedures set forth in the plan of merger or share exchange or, if no such procedures are set forth in the plan, in the manner determined by the board of directors, subject to any contractual rights of other parties to the merger or share exchange.

(b) If a merger or share exchange is abandoned under subsection (a) of this section after articles of merger or share exchange have been filed with the secretary of state but before the merger or share exchange has

become effective, a statement that the merger or share exchange has been abandoned in accordance with this section, executed on behalf of a party to the merger or share exchange by an officer or other duly authorized representative, shall be delivered to the secretary of state for filing prior to the effective date of the merger or share exchange. Upon filing, the statement shall take effect and the merger or share exchange shall be deemed abandoned and shall not become effective.

17-16-1340. Other remedies limited.

(a) The legality of a proposed or completed corporate action described in W.S. 17-16-1302(a) may not be contested, nor may the corporate action be enjoined, set aside or rescinded, in a legal or equitable proceeding by a shareholder after the shareholders have approved the corporate action.

(b) Subsection (a) of this section does not apply to a corporate action that:

(i) Was not authorized and approved in accordance with the applicable provisions of:

(A) Article 9, 10, 11 or 12 of this act;

(B) The articles of incorporation or bylaws; or

(C) The resolution of the board of directors authorizing the corporate action.

(ii) Was procured as a result of fraud, a material misrepresentation or an omission of a material fact necessary to make statements made, in light of the circumstances in which they were made, not misleading;

(iii) Is approved by less than unanimous consent of the voting shareholders pursuant to W.S. 17-16-704 if:

(A) The challenge to the corporate action is brought by a shareholder who did not consent and as to whom notice of the approval of the corporate action was not effective at least ten (10) days before the corporate action was effected; and

(B) The proceeding challenging the corporate action is commenced within ten (10) days after notice of the approval of the corporate action is effective as to the shareholder bringing the proceeding.

17-16-1408. Court proceedings.

(a) A dissolved corporation that has published a notice under W.S. 17-16-1407 may file an application with the district court of the county

where the dissolved corporation's principal office, or, if none in this state, its registered office is located for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corporation or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under W.S. 17-16-1407(c).

(b) Within ten (10) days after the filing of the application, notice of the proceeding shall be given by the dissolved corporation to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(c) The court may appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding brought under this section. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, shall be paid by the dissolved corporation.

(d) Provision by the dissolved corporation for security in the amount and the form ordered by the court under subsection (a) of this section shall satisfy the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a shareholder who received assets in liquidation.

17-16-1409. Directors' duties.

(a) Directors shall cause the dissolved corporation to discharge or make reasonable provision for the payment of claims and make distributions of assets to shareholders after payment or provision for claims.

(b) Directors of a dissolved corporation which has disposed of claims under W.S. 17-16-1406, 17-16-1407 or 17-16-1408 shall not be liable for breach of this section with respect to claims against the dissolved corporation.

17-16-1605. Inspection of records by directors.

(a) A director of a corporation is entitled to inspect and copy the books, records and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation.

(b) The district court of the county where the corporation's principal office, or if none in this state, its registered office, is located may order inspection

and copying of the books, records and documents at the corporation's expense, upon application of a director who has been refused inspection rights, unless the corporation establishes that the director is not entitled to those inspection rights. The court shall dispose of an application under this subsection on an expedited basis.

(c) If an order is issued, the court may include provisions protecting the corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for the director's expenses, including reasonable counsel fees, incurred in connection with the application unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the director to inspect the records demanded.

17-16-1606. Exception to notice requirement.

(a) Whenever notice is required to be given under any provision of this act to any shareholder, the notice shall not be required to be given if:

(i) Notice of two (2) consecutive annual meetings, and all notices of meetings during the period between the two (2) consecutive annual meetings, have been sent to the shareholder at the shareholder's address as shown on the records of the corporation and have been returned undeliverable; or

(ii) All, but not less than two (2), payments of dividends on securities during a twelve (12) month period, or two (2) consecutive payments of dividends on securities during a period of more than twelve (12) months, have been sent to the shareholder at the shareholder's address as shown on the records of the corporation and have been returned undeliverable.

(b) If any shareholder shall deliver to the corporation a written notice setting forth the shareholder's then current address, the requirement that notice be given to the shareholder shall be reinstated.

Section 2. W.S. 17-16-120(d), (g)(intro), (j)(intro) and by creating a new subsection (k), 17-16-123(a)(intro) and (i), 17-16-124(a), (b)(i)(B) and (C), 17-16-125(b), 17-16-127, 17-16-140(a), 17-16-141(a) and (c), 17-16-202(d), 17-16-205(b), 17-16-401(c)(intro), (i), (d)(iii) and by creating a new paragraph (v), 17-16-402(a), 17-16-601(a), (b)(i), (ii), (c)(intro), (i), (ii), (iv), (d) and by creating new subsection (e) and (f), 17-16-602(a)(intro), by creating new paragraphs (iii) through (v), (b) and (d)(intro), 17-16-621 by creating new subsections (f) and (g), 17-16-624, 17-16-626(a), 17-16-627(b), 17-16-631(b) and (c)(intro), 17-16-640(a) and by creating a new subsection (h), 17-16-701(a), 17-16-702(a)(ii), 17-16-703(a)(i) and (ii)(A), 17-16-704, 17-16-706(a), 17-16-708(b), 17-16-720(b), 17-16-721(a) and (b), 17-16-722(b) and (c), 17-16-725 by

creating a new subsection (d), 17-16-728(d)(ii), 17-16-729(a), 17-16-730(a) and (c), 17-16-731(a), 17-16-732(b)(i)(B) and (d), 17-16-744, 17-16-801(b) and by creating a new subsection (d), 17-16-803(b), 17-16-805(b), 17-16-806, 17-16-807(b), 17-16-808(b) through (d), 17-16-809, 17-16-810(b) and (c), 17-16-821, 17-16-823, 17-16-824(d)(i) through (iii), 17-16-825(a), (c), (e)(i) and (iii) and by creating a new subsection (g), 17-16-830(a)(intro), (i), (b), (i), (ii) and by creating new subsections (f) through (j), 17-16-833, 17-16-840(b) and (c), 17-16-841, 17-16-842(a)(intro), (ii), (iii), (b), (d) and by creating a new subsection (f), 17-16-843, 17-16-850(a)(ii), 17-16-851(a)(intro), (i), (iii), (iv), (b) and (d)(ii), 17-16-852, 17-16-853(a), (c)(i)(A), (B) and (ii), 17-16-854(a)(iii)(B) and (b), 17-16-855(a), (b)(i), (iii)(B), (iv) and (c), 17-16-856(a)(ii)(A) and (B)(I), 17-16-857, 17-16-1001(a), 17-16-1002, 17-16-1003 by creating a new subsection (f), 17-16-1004(a)(intro), (iv), (vi), (vii), (ix), (b) and (c), 17-16-1005, 17-16-1006(a)(intro), (iii) through (v), 17-16-1007(a), (b) and (d)(intro), 17-16-1008(a), 17-16-1020(a)(i), (ii) and (b), 17-16-1022, 17-16-1101, 17-16-1102, 17-16-1103(a), (c) through (e), (f)(i), (ii), by creating a new paragraph (iii), (g)(intro), by creating new paragraphs (v) through (viii) and by creating a new subsection (k), 17-16-1104(a) and by creating new subsections (f) and (g), 17-16-1105(a)(intro), by creating new paragraphs (iv) through (viii) and (b), 17-16-1106, 17-16-1115(a) and (b), 17-16-1201(a), 17-16-1202, 17-16-1301(a)(i), (ii), (iv) and by creating new paragraphs (viii) through (x), 17-16-1302(a)(intro), (i)(A), (ii), (iii), (iv)(intro), (E), by creating new paragraphs (vi) through (ix) and by creating a new subsection (c), 17-16-1303, 17-16-1320, 17-16-1321, 17-16-1322(a), (b)(intro), (iii), (v) and by creating a new paragraph (vi), 17-16-1323, 17-16-1325(a), (b)(intro), (i), (ii) and (iv), 17-16-1327, 17-16-1328(a)(intro) and (b), 17-16-1330(a) through (d), (e) (intro) and (i), 17-16-1331, 17-16-1402(e), 17-16-1403(a)(iii)(intro) and by creating a new subsection (c), 17-16-1404(c)(vi), 17-16-1406(a), (b)(intro) and by creating a new subsection (e), 17-16-1407(b)(iii), (c)(intro), (d)(intro) and (ii), 17-16-1420(a)(vi), (vii) and by creating a new paragraph (viii), 17-16-1422(a)(intro) and by creating a new subsection (e), 17-16-1430(a) by creating a new paragraph (v), 17-16-1503(a)(vi) and (viii), 17-16-1506(c), (d)(iii) and by creating a new paragraph (v), 17-16-1602(a), (b)(intro) and (c)(i) through (iii), 17-16-1603(b), (c) and (d), 17-16-1604(c), 17-16-1620(c), 17-16-1720(a), (e)(intro) and by creating new subsections (g) and (h), 17-18-102(b)(xiii) and 26-24-102(b) are amended to read:

17-16-120. Filing requirements.

(d) The document shall be typewritten or printed or, if electronically transmitted, it shall be in a format that can be retrieved or reproduced in typewritten or printed form.

(g) The person executing the document shall sign it ~~manually~~ and shall state beneath or opposite his signature his name and the capacity in which he signs. The document may but need not contain:

(j) The document shall be delivered to the office of the secretary of state for filing, ~~and shall be accompanied by: Delivery may be made by electronic transmission if and to the extent permitted by the secretary of state. If it is filed in typewritten or printed form and not transmitted electronically, the secretary of state may require one (1) exact copy to be delivered with the document, except as provided in W.S. 17-28-103.~~

(k) When the document is delivered to the office of the secretary of state for filing, the correct filing fee, and any franchise tax, license fee or penalty required to be paid therewith by this act or other law shall be paid or provision for payment made in a manner provided by the secretary of state.

17-16-123. Effective time and date of document.

(a) Except as provided in subsection (b) of this section and W.S. 17-16-124(c), a document accepted for filing pursuant to W.S. 17-16-120 is effective:

(i) ~~At As of the time of filing on the date it is filed, received for filing, as evidenced by the secretary of state's date and time endorsement on the original document such means as the secretary of state may use for the purpose of recording the date and time of filing; or~~

17-16-124. Correcting filed document.

(a) A domestic or foreign corporation may correct a document filed ~~by~~ with the secretary of state if the document:

(i) Contains an ~~incorrect statement~~ inaccuracy; ~~or~~

(ii) Was defectively executed, attested, sealed, verified, or acknowledged; ~~or~~

(iii) The electronic transmission was defective.

(b) A document is corrected:

(i) By preparing articles of correction that:

(B) Specify the ~~incorrect statement and the reason it is incorrect or the manner in which the execution was defective~~ inaccuracy or defect to be corrected; and

(C) Correct the ~~incorrect statement~~ inaccuracy or ~~defective execution~~ defect.

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. The secretary of state may prescribe rules for filing of electronic transmissions. After filing a document, except as provided in W.S. 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.

17-16-127. Evidentiary effect of copy of filed document.

A certificate attached to a copy of a document filed by from the secretary of state, bearing his signature (which may be in facsimile) and the seal of this state, delivered with a copy of a document filed by the secretary of state is conclusive evidence that the original document is on file with the secretary of state.

17-16-140. Definitions.

(a) In this act:

(i) "Articles of incorporation" include amended and restated means the original articles of incorporation, and articles of merger all amendments thereof and any other documents permitted or required to be filed by a domestic business corporation with the secretary of state under any provision of this act. If an amendment of the articles or any other document filed under this act restates the articles in their entirety thenceforth the articles shall not include any prior documents;

(ii) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue;

(iii) "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics or boldface or contrasting color, or typing in capitals or underlined, is conspicuous;

(iv) "Corporation" or "domestic corporation" means a corporation for profit, which is not a foreign corporation, incorporated under or subject to the provisions of this act;

(v) "Deliver" includes mail or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery and electronic transmission;

(vi) "Distribution" means a direct or indirect transfer of money or other property, except the corporation's own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend, a purchase, redemption, or other acquisition of shares, a

distribution of indebtedness, or otherwise;

(vii) “Domestic unincorporated entity” means an unincorporated entity whose internal affairs are governed by the laws of this state;

~~(vii)~~(viii) “Effective date of notice” is defined in W.S. 17-16-141;

~~(xxviii)~~(ix) “Electronic transmission” or “transmitted electronically” means any process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval and reproduction of information by the recipient;

(x) “Eligible entity” means a domestic or foreign unincorporated entity or a domestic or foreign nonprofit corporation;

(xi) “Eligible interests” means interests;

~~(viii)~~(xii) “Employee” includes an officer but not a director. A director may accept duties that make him also an employee;

~~(ix)~~(xiii) “Entity” includes domestic corporation and foreign corporation, not-for-profit domestic nonprofit corporation and foreign nonprofit corporation, domestic and foreign profit and not-for-profit unincorporated association, business trust, statutory trust, estate, partnership, trust, or two (2) or more persons having a joint or common economic interest, and state, United States or foreign government;

(xiv) “Expenses” means reasonable expenses of any kind that are incurred in connection with a matter, including but not limited to attorney and expert witness fees;

~~(x)~~(xv) “Foreign corporation” means a corporation for profit incorporated under a law other than the law of this state;

~~(xi)~~(xvi) “Governmental subdivision” includes authority, county, district, municipality, and any other political subdivision;

~~(xii)~~(xvii) “Includes” denotes a partial definition;

~~(xiii)~~(xviii) “Individual” means a natural person and includes the estate of an incompetent or deceased individual;

(xix) “Interest” means either or both of the following rights under the organic law of an unincorporated entity:

(A) The right to receive distributions from the entity either in the ordinary course or upon liquidation; or

(B) The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy or person responsible for

managing its business and affairs.

~~(xx)~~ “Interest holder” means a person who holds of record an interest;

~~(xiv)~~~~(xxi)~~ “Means” denotes an exhaustive definition;

~~(xv)~~~~(xxii)~~ “Net assets” means the amount by which the total assets of a corporation exceed the total debts of the corporation;

~~(xvi)~~~~(xxiii)~~ “Notice” is defined in W.S. 17-16-141;

~~(xxiv)~~ “Organic document” means a public organic document or a private organic document;

~~(xxv)~~ “Organic law” means the statute governing the internal affairs of a domestic or foreign business or nonprofit corporation or unincorporated entity;

~~(xxvi)~~ “Owner liability” means personal liability for a debt, obligation or liability of a domestic or foreign business or nonprofit corporation or unincorporated entity that is imposed on a person:

(A) Solely by reason of the person’s status as a shareholder or interest holder; or

(B) By the articles of incorporation, bylaws or an organic document under a provision of the organic law of an entity authorizing the articles of incorporation, bylaws or an organic document to make one (1) or more specified shareholders or interest holders liable in their capacity as shareholders or interest holders for all or specified debts, obligations or liabilities of the entity.

~~(xvii)~~~~(xxvii)~~ “Person” includes an individual, partnership, joint venture, corporation, joint stock company, limited liability company or any other association or entity, public or private;

~~(xviii)~~~~(xxviii)~~ “Principal office” means the office within or outside of this state, so designated in the annual report;

~~(xxix)~~ “Private organic document” means any document other than the public organic document, if any, that determines the internal governance of an unincorporated entity. Where a private organic document has been amended or restated, the term means the private organic document as last amended or restated;

~~(xix)~~~~(xxx)~~ “Proceeding” includes civil suit and criminal, administrative, and investigatory action;

~~(xxxi)~~ “Public corporation” means a corporation that has shares listed

on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national securities association;

(xxxii) “Public organic document” means the document, if any, that is filed of public record to create an unincorporated entity. Where a public organic document has been amended or restated, the term means the public organic document as last amended or restated;

(xxxiii) “Qualified director” is defined in W.S. 17-16-143;

~~(xx)~~(xxxiv) “Record date” means the date established under article 6 or 7 on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this act. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed;

~~(xxix)~~(xxxv) “Registered agent” means as provided in W.S. 17-28-101 through 17-28-111;

~~(xxi)~~(xxxvi) “Secretary” means the corporate officer to whom the board of directors has delegated responsibility under W.S. 17-16-840(c) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation;

~~(xxii)~~(xxxvii) “Shareholder” means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation;

~~(xxiii)~~(xxxviii) “Shares” means the units into which the proprietary interests in a corporation are divided;

(xxxix) “Sign” or “signature” includes any manual, facsimile, conformed or electronic signature;

~~(xxiv)~~(xl) “State,” when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States;

~~(xxv)~~(xli) “Subscriber” means a person who subscribes for shares in a corporation, whether before or after incorporation;

(xlii) “Unincorporated entity” means an organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and that is not any of the following: a domestic or foreign business or nonprofit corporation, an estate, a trust, a state, the United States or a foreign government. The term includes, but is not limited to, a general partnership, limited liability company, limited partnership, limited liability limited partnership, registered limited

liability partnership, business trust, statutory trust, cooperative, joint stock association, joint venture and unincorporated nonprofit association;

~~(xxvi)~~(xliii) “United States” includes district, authority, bureau, commission, department, and any other agency of the United States;

~~(xxvii)~~(xliv) “Voting group” means all shares of one (1) or more classes or series that under the articles of incorporation or this act are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this act to vote generally on the matter are for that purpose a single voting group;

(xlv) “Voting power” means the current power to vote in the election of directors;

~~(xxx)~~(xlvi) “This act” means W.S. 17-16-101 through 17-16-1803.

17-16-141. Notice.

(a) Notice under this act shall be in writing unless oral notice is reasonable under the circumstances. Notice by electronic transmission is written notice.

(c) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective; ~~when mailed, if mailed postpaid and correctly addressed to the shareholder’s address shown in the corporation’s current record of shareholders.~~

(i) Upon deposit in the United States mail, if mailed postpaid and correctly addressed to the shareholder’s address shown in the corporation’s current record of the shareholders; or

(ii) When electronically transmitted to the shareholder in a manner authorized by the shareholder.

17-16-202. Articles of incorporation.

(d) The articles of incorporation shall be accompanied by a written consent to appointment ~~manually~~ signed by the registered agent.

17-16-205. Organization of corporation.

(b) Action required or permitted by this act to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one (1) or more written consents describing the action taken and signed, ~~either manually or in facsimile~~, by each incorporator.

17-16-401. Corporate name.

(c) A corporation may apply to the secretary of state for authorization to

use a name that is not distinguishable upon the secretary of state's records from one (1) or more of the names described in subsection (b) of this section. The secretary of state shall authorize use of the name applied for if:

(i) The other person whose name is not distinguishable from the name which the applicant desires to register or reserve, irrevocably consents to the use in writing and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable upon the records of the secretary of state from the name of the applicant; or

(d) A corporation may use the name, including the fictitious name, of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the proposed user corporation:

(iii) Has acquired all or substantially all of the assets, including the corporate name, of the other corporation; or

(v) Where the other corporation is affiliated with the proposed user corporation and has consented in writing to the use of the name by the proposed user corporation, and the written consent also sets forth a description of a proposed merger, consolidation, dissolution, amendment to articles of incorporation or other intended corporate action which establishes to the reasonable satisfaction of the secretary of state that the coexistence of two (2) corporations using the same name will not continue for more than one hundred twenty (120) days.

17-16-402. Reserved name.

(a) A person may apply to reserve the exclusive use of a corporate name, including a fictitious name for a foreign corporation whose corporate name is not available, by delivering an application to the secretary of state for filing. The application shall set forth the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the corporate name applied for is available, he shall ~~file the application pursuant to W.S. 17-16-125 and~~ reserve the name for the applicant's exclusive use for a nonrenewable one hundred twenty (120) day period.

17-16-601. Authorized shares.

(a) The articles of incorporation shall ~~prescribe set forth~~ the classes of shares ~~and series of shares within a class~~, and the number, which may be unlimited, of shares of each class ~~and series~~ that the corporation is authorized to issue. If more than one (1) class ~~or series~~ of shares is authorized, the articles of incorporation shall prescribe a distinguishing designation for each class ~~or series~~, and ~~shall prescribe~~, prior to the issuance of shares of a class ~~or series~~, the ~~terms, including preferences, rights and limitations, and relative rights~~ of that class ~~shall be described in the articles of incorporation or series~~. ~~Except to the extent varied as permitted by this section,~~ all shares of a class ~~or series~~ shall have ~~terms,~~

including preferences, rights and limitations, and relative rights that are identical with those of other shares of the same class except to the extent otherwise permitted by W.S. 17-16-602 or series.

(b) The articles of incorporation shall authorize:

(i) One (1) or more classes or series of shares that together have unlimited voting rights; and

(ii) One (1) or more classes or series of shares, which may be the same class or classes as those with voting rights, that together are entitled to receive the net assets of the corporation upon dissolution.

(c) The articles of incorporation may authorize one (1) or more classes or series of shares that:

(i) Have special, conditional, or limited voting rights, or no right to vote, except to the extent ~~prohibited otherwise provided~~ by this act;

(ii) Are redeemable or convertible as specified in the articles of incorporation; ~~as follows:~~

(A) At the option of the corporation, the shareholder, or another person or upon the occurrence of a ~~designated~~ specified event;

(B) For cash, indebtedness, securities, or other property; and

(C) ~~In a designated amount or At prices and in an amount amounts specified or determined in accordance with a designated formula, or by reference to extrinsic data or events.~~

(iv) Have preference over any other class or series of shares with respect to distributions, including ~~dividends and~~ distributions upon the dissolution of the corporation.

(d) The description of the ~~designations, preferences, rights and limitations, and relative rights of share classes~~ or series of shares in subsection (c) of this section is not exhaustive.

(e) Terms of shares may be made dependent upon facts objectively ascertainable outside the articles of incorporation.

(f) Any of the terms of shares may vary among holders of the same class or series so long as such variations are expressly set forth in the articles of incorporation.

17-16-602. Terms of class or series determined by board of directors.

(a) If the articles of incorporation so provide, the board of directors ~~may~~

determine, in whole or part, the preferences, limitations, and relative rights, within the limits set forth in W.S. 17-16-601, of is authorized, without shareholder approval, to:

(iii) Classify any unissued shares into one (1) or more classes or into one (1) or more series within a class;

(iv) Reclassify any unissued shares of any class into one (1) or more classes or into one (1) or more series within one (1) or more classes; or

(v) Reclassify any unissued shares of any series of any class into one (1) or more classes or into one (1) or more series within a class.

(b) If the board of directors acts pursuant to subsection (a) of this section, it shall determine the terms, including the preferences, rights and limitations, to the same extent permitted under W.S. 17-16-601, of:

(i) Any class of shares before the issuance of any shares of that class;
or

(ii) Each ~~Any~~ series of within a class ~~shall be given a distinguishing designation before the issuance of any shares of that series.~~

(d) Before issuing any shares of a class or series created under this section, the corporation shall deliver to the secretary of state for filing articles of amendment, ~~which are effective without shareholder action, that set forth: effecting the provisions of this section in accordance with article 10 of this act and setting forth the terms determined under subsection (a) of this section.~~

17-16-621. Issuance of shares.

(f) An issuance of shares or other securities convertible into or rights exercisable for shares, in a transaction or a series of integrated transactions, requires approval of the shareholders, at a meeting at which a quorum exists, if:

(i) The shares, other securities, or rights are issued for consideration other than cash or cash equivalents; and

(ii) The voting power of shares that are issued and issuable as a result of the transaction or series of integrated transactions will comprise more than twenty percent (20%) of the voting power of the shares of the corporation that were outstanding immediately before the transaction.

(g) In subsection (f) of this section:

(i) For purposes of determining the voting power of shares issued and issuable as a result of a transaction or series of integrated transactions, the

voting power of shares shall be the greater of:

(A) The voting power of the shares to be issued; or

(B) The voting power of the shares that would be outstanding after giving effect to the conversion of convertible shares and other securities and the exercise of rights to be issued.

(ii) A series of transactions is integrated if consummation of one (1) transaction is made contingent on consummation of one (1) or more of the other transactions.

17-16-624. Share options.

(a) A corporation may issue rights, options, or warrants for the purchase of shares of the corporation. The board of directors shall determine the terms upon which the rights, options, or warrants are issued, their form and content, and the terms, including the consideration for which the shares are to be issued. The authorization by the board of directors for the corporation to issue the rights, options or warrants constitutes authorization of the issuance of the shares or other securities for which the rights, options or warrants are exercisable.

(b) The terms and conditions of such rights, options or warrants, including those outstanding on July 1, 2009, may include, without limitation, restrictions or conditions that:

(i) Preclude or limit the exercise, transfer or receipt of such rights, options or warrants by any person owning or offering to acquire a specified number or percentage of the outstanding shares or other securities of the corporation or by any transferee of any such person; or

(ii) Invalidate or void the rights, options or warrants held by any such person or transferee.

17-16-626. Shares without certificates.

(a) Unless the articles of incorporation or bylaws provide otherwise, the board of directors of a corporation may authorize the issue of some or all of the shares of any or all of ~~the its~~ classes or series without certificates. The authorization does not affect shares already represented by certificates until they are surrendered to the corporation.

17-16-627. Restriction on transfer of shares and other securities.

(b) A restriction on the transfer or registration of transfer of shares is valid and enforceable against the holder or a transferee of the holder if the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate or is contained in the

information statement required by W.S. 17-16-626(b). Unless so noted or contained, a restriction is not enforceable against a person without knowledge of the restriction.

17-16-631. Corporation's acquisition of its own shares.

(b) If the articles of incorporation prohibit the reissue of the acquired shares, the number of authorized shares is reduced by the number of shares acquired, ~~effective upon amendment of the articles of incorporation.~~

(c) The board of directors may adopt articles of amendment effecting the provisions of this section under this section ~~article 10 of this act~~ without shareholder action and deliver them to the secretary of state for filing. ~~The articles shall set forth:~~

17-16-640. Distributions to shareholders.

(a) A board of directors may authorize and the corporation may make distributions to its shareholders subject to ~~restrictions imposed~~ restriction by the articles of incorporation and the limitation in subsection (c) of this section.

(h) This section shall not apply to distributions in liquidation under article 14 of this act.

17-16-701. Annual meeting.

(a) Unless directors are elected by written consent in lieu of an annual meeting as permitted by W.S. 17-16-704, a corporation shall hold a meeting of shareholders annually at a time stated in or fixed in accordance with the bylaws.

17-16-702. Special meeting.

(a) A corporation shall hold a special meeting of shareholders:

(ii) If the holders of at least ten percent (10%) of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting sign, ~~either manually or in facsimile,~~ date, and deliver to the corporation one (1) or more written demands for the meeting describing the purpose or purposes for which it is to be held, provided that the articles of incorporation may fix a lower percentage or a higher percentage not exceeding twenty-five percent (25%) of all the votes entitled to be cast on any issue proposed to be considered. Unless otherwise provided in the articles of incorporation, a written demand for a special meeting may be revoked by a writing to that effect received by the corporation prior to the receipt by the corporation of demands sufficient in number to require the holding of a special meeting.

17-16-703. Court-ordered meeting.

(a) The district court of the county where a corporation's principal office or, if none in this state, its registered office is located may summarily order a meeting to be held:

(i) On application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held or action by written consent in lieu thereof did not become effective within the earlier of six (6) months after the end of the corporation's fiscal year or fifteen (15) months after its last annual meeting; or

(ii) On application of a shareholder who signed a demand for a special meeting valid under W.S. 17-16-702, if:

(A) Notice of the special meeting was not given within ~~sixty (60)~~ thirty (30) days after the date the demand was delivered to the corporation's secretary; or

17-16-704. Action without meeting.

(a) Action required or permitted by this act to be taken at a shareholders' meeting may be taken without a meeting if ~~notice of the proposed action is given to all voting shareholders and the action is taken by the holders of all shares~~ all the shareholders entitled to vote on the action. The action shall be evidenced by one (1) or more written consents bearing the date of signature and describing the action taken, signed, ~~either manually, by electronic transmittal or in facsimile,~~ by the holders of the requisite number of shares entitled to vote on the action, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) If not otherwise fixed under W.S. 17-16-703 or 17-16-707, and if prior board action is not required respecting the action to be taken without a meeting, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under subsection (a) of this section shall be the first date on which a signed written consent is delivered to the corporation. If not otherwise fixed under W.S. 17-16-707 and if prior board action is required respecting the action to be taken without a meeting, the record date shall be the close of business on the day the resolution of the board taking such prior action is adopted. No written consent shall be effective to take the corporate action referred to therein unless, within sixty (60) days of the earliest date appearing on which a consent delivered to the corporation ~~in the manner as~~ required by this section ~~was signed~~, written consents signed by ~~all sufficient~~ shareholders entitled to vote on ~~to take~~ the action ~~are received by~~ have been delivered to the corporation. A written consent may be revoked by a writing to that effect ~~received by~~ delivered to the corporation ~~prior to the receipt by the corporation of~~ before unrevoked written consents sufficient in number to take corporate action are delivered to the corporation.

(c) A consent signed ~~under~~ pursuant to the provisions of this section has the effect of a vote taken at a meeting ~~vote~~ and may be described as such in any document. Unless the articles of incorporation, bylaws or a resolution

of the board of directors provides for a reasonable delay to permit tabulation of written consents, the action taken by written consent shall be effective when written consents signed by sufficient shareholders to take the action are delivered to the corporation.

(d) If this act requires that notice of proposed action be given to nonvoting shareholders and the action is to be taken by written consent of the voting shareholders, the corporation shall give its nonvoting shareholders written notice of the proposed action at least not more than ten (10) days before the action is taken after written consents sufficient to take the action have been delivered to the corporation or the later date that tabulation of consents is completed pursuant to the authorization under subsection (c) of this section. The notice shall reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this act, would have been required to be sent to nonvoting shareholders in a notice of meeting at which the proposed action would have been submitted to the shareholders for action.

(e) The articles of incorporation may provide that any action required or permitted by this act to be taken at a shareholders' meeting may be taken without a meeting, and without prior notice, if consents in writing setting forth the action so taken are signed by the holders of outstanding shares having not less than the minimum number of votes that would be required to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. The written consent shall bear the date of signature of the shareholder who signs the consent and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(f) If action is taken by less than unanimous written consent of the voting shareholders, the corporation shall give its nonconsenting voting shareholders written notice of the action not more than ten (10) days after written consents sufficient to take the action have been delivered to the corporation, or the later date that tabulation of consents is completed pursuant to an authorization under subsection (c) of this section. The notice shall reasonably describe the action taken and contain or be accompanied by the same material that, under any provision of this act, would have been required to be sent to voting shareholders in a notice of a meeting at which the action would have been submitted to the shareholders for action.

(g) The notice requirements in subsections (d) and (f) of this section shall not delay the effectiveness of actions taken by written consent, and a failure to comply with such notice requirements shall not invalidate actions taken by written consent, provided that this subsection shall not be deemed to limit judicial power to fashion any appropriate remedy in favor of a shareholder adversely affected by a failure to give the notice within the required time period.

(h) An electronic transmission may be used to consent to an action, if the electronic transmission contains or is accompanied by information from which the corporation can determine the date on which the electronic transmission was signed and that the electronic transmission was

authorized by the shareholder, the shareholder's agent or the shareholder's attorney-in-fact.

(j) Delivery of a written consent to the corporation under this section is delivery to the corporation's registered agent at its registered office or to the secretary of the corporation at its principal office.

17-16-706. Waiver of notice.

(a) A shareholder may waive any notice required by this act, the articles of incorporation, or bylaws before or after the date and time stated in the notice. The waiver shall be in writing, be signed, ~~either manually or in facsimile~~, or shall be sent by electronic transmission by the shareholder entitled to the notice, and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

17-16-708. Conduct of the meeting.

(b) The chair, unless the articles of incorporation or bylaws provide otherwise, shall determine the order of business and shall have the authority to establish rules for the conduct of the meeting.

17-16-720. Shareholders' list for meeting.

(b) The shareholders' list shall be available for inspection by any shareholder, beginning two (2) business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A shareholder, his agent, or attorney is entitled on written demand to inspect and, subject to the requirements of W.S. 17-16-1602(c), to copy the list, during regular business hours and at ~~his~~ the shareholder's expense, during the period it is available for inspection.

17-16-721. Voting entitlement of shares.

(a) Except as provided in subsections (b) and ~~(e)-(d)~~ of this section or unless the articles of incorporation provide otherwise, each outstanding share, regardless of class, is entitled to one (1) vote on each matter voted on at a shareholders' meeting. Only shares are entitled to vote.

(b) Unless authorized by a district court, the shares of a corporation are not entitled to vote if they are owned, directly or indirectly, by a second corporation, domestic or foreign, and the first corporation owns, directly or indirectly, a majority of the shares entitled to vote for directors of the second corporation.

17-16-722. Proxies.

(b) A shareholder or his agent or attorney-in-fact may appoint a proxy to vote or otherwise act for the shareholder by signing, ~~either manually~~

~~or in facsimile~~, an appointment form or by an electronic transmission. An electronic transmission ~~must~~ shall contain or be accompanied by information from which one can determine that the shareholder, the shareholder's agent, or the shareholder's attorney-in-fact authorized the electronic transmission.

(c) An appointment of a proxy is effective when a signed appointment form or an electronic transmission of the appointment is received by the inspector of election or the officer or agent of the corporation authorized to tabulate votes. An appointment is valid for eleven (11) months unless a longer period is expressly provided in the appointment form.

17-16-725. Quorum and voting requirements for voting groups.

(d) An amendment of articles of incorporation adding, changing or deleting a quorum or voting requirement for a voting group greater or lesser than specified in subsection (a) or (c) of this section is governed by W.S. 17-16-727.

17-16-728. Voting for directors; cumulative voting.

(d) Shares otherwise entitled to vote cumulatively may not be voted cumulatively at a particular meeting unless:

(ii) A shareholder who has the right to cumulate his votes gives notice to the corporation not less than forty-eight (48) hours before the time set for the meeting of ~~his~~ the shareholder's intent to cumulate his votes during the meeting. If one (1) shareholder gives this notice all other shareholders in the same voting group participating in the election are entitled to cumulate their votes without giving further notice.

17-16-729. Inspectors of election.

(a) ~~A public corporation having any shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association shall, and any other corporation may, appoint one (1) or more inspectors to act at a meeting of shareholders and make a written report of the inspectors' determinations. Each inspector shall take and sign an oath faithfully to execute the duties of inspector with strict impartiality and according to the best of the inspector's ability.~~

17-16-730. Voting trusts.

(a) One (1) or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing, ~~either manually or in facsimile~~, an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all owners of beneficial interests in the trust, together with the number and

class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

(c) All or some of the parties to a voting trust may extend it for additional terms of not more than ten (10) years each by signing, ~~either manually or in facsimile, an extension agreement and obtaining the voting trustee's~~ written consent to the extension. An extension is valid for ten (10) years from the date the first shareholder signs the extension agreement. The voting trustee shall deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.

17-16-731. Voting agreements.

(a) ~~Any shareholder may agree with one (1) Two (2) or more other shareholders or the corporation to~~ may provide for the manner in which ~~he~~ they will vote ~~his~~ their shares by signing, ~~either manually or in facsimile,~~ an agreement for that purpose. A voting agreement created under this section is not subject to the provisions of W.S. 17-16-730.

17-16-732. Shareholder agreements.

(b) An agreement authorized by this section shall be:

(i) Set forth:

(B) In a written agreement that is signed by all persons who are shareholders at the time of the agreement and which agreement is made known to the corporation.

(d) An agreement authorized by this section shall cease to be effective when ~~shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association becomes a public corporation.~~ If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

17-16-744. Dismissal.

(a) A derivative proceeding shall be dismissed by the court on motion by the corporation if ~~the panel one (1) of the groups~~ specified in subsection (b) or (e) of this section has determined in good faith after conducting a reasonable inquiry upon which its conclusions are based that the maintenance of the derivative proceeding is not in the best interests of the corporation.

(b) ~~The court may appoint a panel of one (1) or more independent persons upon motion by the corporation to make a determination whether the maintenance of the derivative proceeding is in the best interests of the~~

corporation. In such case, the plaintiff shall have the burden of proving that the requirements of Unless a panel is appointed pursuant to subsection (e) of this section, the determination in subsection (a) of this section have not been met. shall be made by:

(i) A majority vote of qualified directors present at a meeting of the board of directors if the qualified directors constitute a quorum; or

(ii) A majority vote of a committee consisting of two (2) or more qualified directors appointed by majority vote of qualified directors present at a meeting of the board of directors, regardless of whether such qualified directors constitute a quorum.

(c) If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing either:

(i) That a majority of the board of directors did not consist of qualified directors at the time the determination was made; or

(ii) That the requirements of subsection (a) of this section have not been met.

(d) If a majority of the board of directors consisted of qualified directors at the time the determination was made, the plaintiff shall have the burden of proving that the requirements of subsection (a) of this section have not been met; if not, the corporation shall have the burden of proving that the requirements of subsection (a) of this section have been met.

(e) Upon motion by the corporation or any interested party, the court may appoint a panel of one (1) or more individuals to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. In such case, the plaintiff shall have the burden of proving that the requirements of subsection (a) of this section have not been met.

17-16-801. Requirement for and duties of board of directors.

(b) All corporate powers shall be exercised by or under the authority of the board of directors of the corporation, and the business and affairs of the corporation shall be managed by or under the direction, and subject to the oversight, of its board of directors, subject to any limitation set forth in the articles of incorporation or in an agreement authorized under W.S. 17-16-732.

(d) In the case of a public corporation, the board's oversight responsibilities include attention to:

(i) Business performance and plans;

(ii) Major risks to which the corporation is or may be exposed;

(iii) The performance and compensation of the chief executive officer;

(iv) Policies and practices to foster the corporation's compliance with law and ethical conduct;

(v) Preparation of the corporation's financial statements;

(vi) The effectiveness of the corporation's internal controls;

(vii) Arrangements for providing adequate and timely information to directors; and

(viii) The composition of the board and its committees, taking into account the important role of independent directors.

17-16-803. Number and election of directors.

(b) If a board ~~The number~~ of directors has power to fix or change the number of directors, the board may increase or decrease by thirty percent (30%) or less the number of directors last approved by the shareholders, but only the shareholders may increase or decrease by more than thirty percent (30%) the number of directors last approved by the shareholders may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws.

17-16-805. Terms of directors generally.

(b) The terms of all other directors expire at the next, or if their terms are staggered in accordance with W.S. 17-16-806, at the applicable second or third, annual shareholders' meeting following their election unless their terms are staggered under W.S. 17-16-806. except to the extent:

(i) Provided in W.S. 17-16-1022 if a bylaw electing to be governed by that section is in effect; or

(ii) A shorter term is specified in the articles of incorporation in the event of a director nominee failing to receive a specified vote for election.

17-16-806. Staggered terms for directors.

If there are three (3) or more directors, The articles of incorporation may provide for staggering their ~~the~~ terms of directors by dividing the total number of directors into two (2) or three (3) groups, with each group containing one-half (1/2) or one-third (1/3) of the total, as near as may be practicable. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the

third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two (2) years or three (3) years, as the case may be, to succeed those whose terms expire.

17-16-807. Resignation of directors.

(b) A resignation is effective when the ~~notice-resignation~~ is delivered unless the ~~notice-resignation~~ specifies a later effective date or an effective date determined upon the happening of an event or events. A resignation that is conditioned upon failing to receive a specified vote for election as a director may provide that it is irrevocable.

17-16-808. Removal of directors by shareholders.

(b) If a director is elected by a voting group of shareholders, only the shareholders of that voting group may participate in the vote to remove ~~him-that director~~.

(c) If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect ~~him-the director~~ under cumulative voting is voted against his removal. If cumulative voting is not authorized, a director may be removed only if the number of votes cast to remove ~~him-the director~~ exceeds the number of votes cast not to remove ~~him-the director~~.

(d) A director may be removed by the shareholders only at a meeting called for the purpose of removing ~~him-the director~~ and the meeting notice shall state that the purpose, or one (1) of the purposes, of the meeting is removal of the director.

17-16-809. Removal of directors by judicial proceeding.

(a) The district court of the county where a corporation's principal office, or if none in this state, its registered office, is located may remove a director of the corporation from office in a proceeding commenced ~~either by the corporation or by its shareholders holding at least ten percent (10%) of the outstanding shares of any class by or in the right of the corporation~~ if the court finds that:

(i) The director engaged in ~~fraudulent or dishonest conduct, or gross abuse of authority or discretion, with respect to conduct with respect to the corporation or its shareholders, grossly abused the position of director, or intentionally inflicted harm on~~ the corporation; and

(ii) ~~Removal is~~ Considering the director's course of conduct and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(b) The court ~~that removes~~ in addition to removing a director may bar the

director from reelection for a period prescribed by the court.

(c) If shareholders commence a shareholder proceeding on behalf of the corporation under subsection (a) of this section, they shall make the corporation a party defendant comply with all of the requirements of W.S. 17-16-740 through 17-16-747 excluding W.S. 17-16-741(a)(i).

(d) Nothing in this section limits the equitable powers of the court to order other relief including, but not limited to, an award of expenses.

17-16-810. Vacancy on board.

(b) If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders, and only the directors elected by that voting group are entitled to fill the vacancy if it is filled by the directors.

(c) A vacancy that will occur at a ~~specific~~ later date, by reason of a resignation effective at a later date under W.S. 17-16-807(b) or otherwise, may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

17-16-821. Action without meeting.

(a) Unless the articles of incorporation or bylaws provide otherwise, action required or permitted by this act to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by all the requisite number of members of the board. The action shall be evidenced by one (1) or more written consents describing the action taken, signed, ~~either manually or in facsimile, by each director~~ the requisite number of directors, or shall be sent by electronic transmission by ~~each director~~ the requisite number of directors, and shall be included in the minutes or filed with the corporate records reflecting the action taken.

(b) Action taken under this section is ~~effective when the last director signs the consent, unless the consent specifies a different effective date~~ the act of the board of directors when one (1) or more consents signed by the requisite number of directors are delivered to the corporation. The consent may specify the time at which the action taken thereunder is to be effective. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by the requisite number of directors. If action is taken by less than unanimous written consent of the directors, the corporation shall give the nonconsenting or nonvoting directors written notice of the action not more than ten (10) days after written consents sufficient to take the action have been delivered to the corporation. The notice shall reasonably describe the action taken. The requirement to give the notice shall not delay the effectiveness of

actions taken by the written consent, and a failure to comply with the notice requirements shall not invalidate actions taken by written consent, provided that this subsection shall not be deemed to limit judicial power to fashion any appropriate remedy in favor of a director adversely affected by a failure to give the notice within the required time period.

(c) A consent signed under this section has the effect of action taken at a meeting ~~vote of the board of directors~~ and may be described as such in any document.

17-16-823. Waiver of notice.

(a) A director may waive any notice required by this act, the articles of incorporation, or bylaws before or after the date and time stated in the notice. Except as provided by subsection (b) of this section, the waiver shall be in writing, signed, ~~either manually or in facsimile,~~ by the director entitled to the notice, and filed with the minutes or corporate records.

(b) A director's attendance at or participation in a meeting waives any required notice to ~~him~~ the director of the meeting unless the director at the beginning of the meeting or promptly upon his arrival objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

17-16-824. Quorum and voting.

(d) The right to dissent or abstention is not available to a director who votes in favor of the action taken. A director who is present at a meeting of the board of directors or a committee of the board of directors when corporate action is taken is deemed to have assented to the action taken unless:

(i) ~~He~~ The director objects at the beginning of the meeting or promptly upon his arrival to holding the meeting or transacting business at the meeting;

(ii) ~~His~~ The director's dissent or abstention from the action taken is entered in the minutes of the meeting; or

(iii) ~~He~~ The director delivers written notice of his dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting.

17-16-825. Committees.

(a) Unless this act, the articles of incorporation or bylaws provide otherwise, a board of directors may create one (1) or more committees and appoint one (1) or more members of the board of directors to serve on ~~them~~. ~~Each committee shall have one (1) or more members, who serve at the pleasure of the board of directors~~ any committee.

(c) ~~W.S. 17-16-820 through 17-16-824, which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the board of directors, apply to committees and their members as well.~~

(e) A committee may not, unless specifically authorized by the board of directors:

(i) Authorize or approve distributions except according to a formula or method, or within limits, prescribed by the board of directors;

(iii) Fill vacancies on the board of directors or, subject to subsection (g) of this section, on any of its committees;

(g) The board of directors may appoint one (1) or more directors as alternate members of any committee to replace any absent or disqualified member during the member's absence or disqualification. Unless the articles of incorporation or the bylaws or the resolution creating the committee provide otherwise, in the event of the absence or disqualification of a member of a committee, the member or members present at any meeting and not disqualified from voting, unanimously, may appoint another director to act in place of the absent or disqualified member.

17-16-830. General standards for directors.

(a) Each member of the board of directors, when discharging the duties of a director, shall discharge his duties as a director, including his duties as a member of a committee shall act:

(i) In good faith; and

~~(b) In discharging his duties a director is entitled to rely in accordance with subsections (h) and (j) of this section on: information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by:~~

(i) One (1) or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented—functions performed or the information, opinions, reports or statements provided;

(ii) Legal counsel, public accountants or other persons retained by the corporation as to matters involving skills or expertise the director reasonably believes are matters:

(A) Within the person's professional or expert competence; or

(B) As to which the particular person merits confidence; or

(f) The members of the board of directors or a committee of the board, when becoming informed in connection with their decision making function or devoting attention to their oversight function, shall discharge their duties with the care that a person in a like position would reasonably believe appropriate under similar circumstances.

(g) In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information not already known by them but known by the director to be material to the discharge of their decision making or oversight functions, except that disclosure is not required to the extent that the director reasonably believes that doing so would violate a duty imposed under law, a legally enforceable obligation of confidentiality or a professional ethics rule.

(h) In discharging board or committee duties a director who does not have knowledge that makes reliance unwarranted is entitled to rely on the performance by any of the persons specified in paragraph (b)(i) or (iii) of this section to whom the board may have delegated, formally or informally by course of conduct, the authority or duty to perform one (1) or more of the board's functions that are delegable under applicable law.

(j) In discharging board or committee duties a director who does not have knowledge that makes reliance unwarranted is entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by any of the persons specified in subsection (b) of this section.

17-16-833. Liability for unlawful distributions.

(a) A director who votes for or assents to a distribution made in violation of or in excess of what may be authorized and made pursuant to W.S. 17-16-640 or the articles of incorporation or 17-16-1409(a) is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating W.S. 17-16-640 or the articles of incorporation-17-16-1409(a) if it is established that he did not perform his duties in compliance the party asserting liability establishes that when taking the action the director did not comply with W.S. 17-16-830. In any proceeding commenced under this section, a director has all of the defenses ordinarily available to a director.

(b) A director held liable under subsection (a) of this section for an unlawful distribution is entitled to:

(i) Contribution from every other director who could be held liable under subsection (a) of this section for the unlawful distribution; and

(ii) Recoupment from each shareholder for the amount of the pro-rata portion of the amount of the unlawful distribution the shareholder accepted knowing the distribution was made in violation of W.S. 17-16-640

or the articles of incorporation ~~17-16-1409(a)~~.

(c) A proceeding ~~under this section is barred unless it is commenced within two (2) years after the date on which the effect of the distribution was measured under W.S. 17-16-640(e) or (g) to enforce:~~

(i) The liability of a director under subsection (a) of this section is barred unless it is commenced within two (2) years after the date:

(A) On which the effect of the distribution was measured under W.S. 17-16-640(e) or (g);

(B) As of which the violation of W.S. 17-16-640(a) occurred as the consequence of disregard of a restriction in the articles of incorporation; or

(C) On which the distribution of assets to shareholders under W.S. 17-16-1409(a) was made.

(ii) Contribution or recoupment under subsection (b) of this section is barred unless it is commenced within one (1) year after the liability of the claimant has been finally adjudicated under subsection (a) of this section.

17-16-840. Required officers.

~~(b) A duly appointed~~ The board of directors may elect individuals to fill one (1) or more offices of the corporation. An officer may appoint one (1) or more officers or assistant officers if authorized by the bylaws or the board of directors.

~~(c) The bylaws or the board of directors shall delegate assign~~ to one (1) of the officers responsibility for preparing minutes of the directors' and shareholders' meetings and for maintaining and authenticating records of the corporation required to be kept under W.S. 17-16-1601(a) and (e).

17-16-841. Functions of officers.

Each officer has the authority and shall perform the ~~duties~~ functions set forth in the bylaws or, to the extent consistent with the bylaws, the ~~duties~~ functions prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the ~~duties~~ functions of other officers.

17-16-842. Standards of conduct for officers.

~~(a) An officer with discretionary authority shall discharge his duties under that authority when performing in such capacity, has the duty to act:~~

~~(ii) With the care an ordinarily prudent that a person in a like position~~

would reasonably exercise under similar circumstances; and

(iii) In a manner ~~he~~ the officer reasonably believes to be in or at least not opposed to the best interests of the corporation.

(b) In discharging his duties an officer who does not have knowledge that makes reliance unwarranted is entitled to rely on; ~~information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by:~~

(i) The performance of properly delegated responsibilities by one (1) or more officers or employees of the corporation whom the officer reasonably believes to be reliable and competent in the matters presented performing the responsibilities delegated; or

(ii) Information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by one (1) or more employees of the corporation whom the officer reasonably believes to be reliable and competent in the matters presented or by legal counsel, public accountants or other persons retained by the corporation as to matters involving skills or expertise the officer reasonably believes are matters;

(A) Within the particular person's professional or expert competence;
or

(B) As to which the particular person merits confidence.

(d) An officer ~~is~~ shall not be liable to the corporation or its shareholders for any decisions to take or not to take action taken as an officer, or any failure to take any action, if he performed the duties of his office in compliance with this section. Whether an officer who does not comply with this section shall have liability shall depend in such instance on applicable law, including those principles of W.S. 17-16-831.1 that have relevance.

(f) The duty of an officer includes the obligation:

(i) To inform the superior officer to whom, or the board of directors or the committee thereof to which, the officer reports of information about the affairs of the corporation known to the officer, within the scope of the officer's functions, and known to the officer to be material to the superior officer, board or committee; and

(ii) To inform the officer's superior officer, or another appropriate person within the corporation, or the board of directors, or a committee thereof, of any actual or probable material violation of law involving the corporation or material breach of duty to the corporation by an officer, employee or agent of the corporation, that the officer believes has occurred or is likely to occur.

17-16-843. Resignation and removal of officers.

(a) An officer may resign at any time by delivering notice to the corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective ~~date-time~~. If a resignation is made effective at a later ~~date-time~~ and the ~~corporation board or appointing officer~~ accepts the future effective ~~date-time~~, ~~its-the~~ board of directors ~~or appointing officer~~ may fill the pending vacancy before the effective ~~date-time~~ if the board of ~~directors or appointing officer~~ provides that the successor does not take office until the effective ~~date-time~~.

(b) ~~A board of directors may remove any~~ An officer may be removed at any time with or without cause: by:

(i) The board of directors;

(ii) The officer who appointed such officer, unless the bylaws or the board of directors provide otherwise; or

(iii) Any other officer if authorized by the bylaws or the board of directors.

(c) In this section, "appointing officer" means the officer, including any successor to that officer, who appointed the officer resigning or being removed.

17-16-850. Subarticle definitions.

(a) In this subarticle:

(ii) "Director" or "officer" means an individual who is or was a director or officer, respectively, of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request as a director, officer, manager, partner, trustee, employee or agent of another ~~domestic or foreign corporation, partnership, joint venture, trust, employee benefit plan or other entity or employee benefit plan~~. A director or officer is considered to be serving an employee benefit plan at the corporation's request if his-the individual's duties to the corporation also impose duties on, or otherwise involve services by, ~~him-the individual~~ to the plan or to participants in or beneficiaries of the plan. "Director" or "officer" includes, unless the context requires otherwise, the estate or personal representative of a director or officer;

17-16-851. Permissible indemnification.

(a) Except as otherwise provided in this section, a corporation may indemnify an individual who is a party to a proceeding because ~~he-the~~ individual is a director against liability incurred in the proceeding if:

(i) ~~He-The~~ director conducted himself in good faith; and

(iii) In the case of any criminal proceeding, ~~he~~ the director had no reasonable cause to believe his conduct was unlawful; or

(iv) ~~He~~ The director engaged in conduct for which broader indemnification has been made permissible or obligatory under a provision of the articles of incorporation, as authorized by W.S. 17-16-202(b)(v).

(b) A director's conduct with respect to an employee benefit plan for a purpose ~~he~~ the director reasonably believed to be in the interests of the participants in and beneficiaries of the plan is conduct that satisfies the requirement of paragraph (a)(ii) of this section.

(d) Unless ordered by a court under W.S. 17-16-854(a)(iii) a corporation may not indemnify a director under this section:

(ii) In connection with any proceeding with respect to conduct for which he was adjudged liable on the basis that he received a financial benefit to which he was not entitled, whether or not involving action in the director's capacity.

17-16-852. Mandatory indemnification.

A corporation shall indemnify a director who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which ~~he~~ the director was a party because he was a director of the corporation against reasonable expenses incurred by ~~him~~ the director in connection with the proceeding.

17-16-853. Advance for expenses.

(a) A corporation may, before final disposition of a proceeding, advance funds to pay for or reimburse the ~~reasonable~~ expenses incurred by a director in connection with the proceeding by an individual who is a party to a proceeding because ~~he~~ that individual is a director-member of the board of directors if he delivers to the corporation:

(i) A written affirmation of his good faith belief that ~~he has met~~ the standard of conduct described in W.S. 17-16-851 has been met by the director or that the proceeding involves conduct for which liability has been eliminated under a provision of the articles of incorporation as authorized by W.S. 17-16-202(b)(iv); and

(ii) His written undertaking to repay any funds advanced if ~~he~~ the director is not entitled to mandatory indemnification under W.S. 17-16-852 and it is ultimately determined under W.S. 17-16-854 or 17-16-855 that he has not met the standard of conduct described in W.S. 17-16-851.

(c) Authorizations under this section shall be made:

(i) By the board of directors:

(A) If there are two (2) or more ~~disinterested~~qualified directors, by a majority vote of all the ~~disinterested~~qualified directors (a majority of whom shall for such purpose constitute a quorum) or by a majority of the members of a committee of two (2) or more ~~disinterested~~qualified directors appointed by such a vote; or

(B) If there are fewer than two (2) ~~disinterested~~qualified directors, by the vote necessary for action by the board in accordance with W.S. 17-16-824(c), in which authorization directors who ~~do not qualify as disinterested~~are not qualified directors may participate; or

(ii) By the shareholders, but shares owned by or voted under the control of a director who at the time ~~does not qualify as a disinterested~~is not a qualified director may not be voted on the authorization.

17-16-854. Court-ordered indemnification and advance for expenses.

(a) A director who is a party to a proceeding because he is a director may apply for indemnification or an advance for expenses to the court conducting the proceeding or to another court of competent jurisdiction. After receipt of an application and after giving any notice it considers necessary, the court shall:

(iii) Order indemnification or advance for expenses if the court determines, in view of all the relevant circumstances, that it is fair and reasonable:

(B) To advance expenses to the director, even if he has not met the standard of conduct set forth in W.S. 17-16-851(a), failed to comply with W.S. 17-16-853 or was adjudged liable in a proceeding referred to in W.S. 17-16-851(d)(i) or (ii), but if ~~he~~the director was adjudged so liable his indemnification shall be limited to ~~reasonable~~ expenses incurred in connection with the proceeding.

(b) If the court determines that the director is entitled to indemnification under paragraph (a)(i) of this section or to indemnification or advance for expenses under paragraph (a)(ii) of this section, it shall also order the corporation to pay the director's ~~reasonable~~ expenses incurred in connection with obtaining court-ordered indemnification or advance for expenses. If the court determines that the director is entitled to indemnification or advance for expenses under paragraph (a)(iii) of this section, it may also order the corporation to pay the director's ~~reasonable~~ expenses to obtain court-ordered indemnification or advance for expenses.

17-16-855. Determination and authorization of indemnification.

(a) A corporation may not indemnify a director under W.S. 17-16-851 unless authorized for a specific proceeding after a determination has been made that indemnification of the director is ~~permissible~~permissible because ~~he~~the director has met the standard of conduct set forth in W.S. 17-16-851.

(b) The determination shall be made:

(i) If there are two (2) or more ~~disinterested-qualified~~ directors, by the board of directors by majority vote of all the ~~disinterested-qualified~~ directors (a majority of whom shall for such purpose constitute a quorum), or by a majority of the members of a committee of two (2) or more ~~disinterested-qualified~~ directors appointed by such a vote;

(iii) By special legal counsel:

(B) If there are fewer than two (2) ~~disinterested-qualified~~ directors, selected by the board of directors (in which selection directors who ~~do not qualify as disinterested-are not qualified~~ directors may participate); or

(iv) By the shareholders, but shares owned by or voted under the control of a director who at the time ~~does not qualify as a disinterested-is not a qualified~~ director may not be voted on the determination.

(c) Authorization of indemnification shall be made in the same manner as the determination that indemnification is permissible, except that if there are fewer than two (2) ~~disinterested-qualified~~ directors, authorization of indemnification shall be made by those entitled under paragraph (b)(iii) of this section to select special legal counsel.

17-16-856. Indemnification of officers.

(a) A corporation may indemnify and advance expenses under this subarticle to an officer of the corporation who is a party to a proceeding because he is an officer of the corporation:

(ii) If he is an officer but not a director, to such further extent as may be provided by the articles of incorporation, the bylaws, a resolution of the board of directors or contract, except for:

(A) Liability in connection with a proceeding by or in the right of the corporation other than for ~~reasonable~~ expenses incurred in connection with the proceeding; or

(B) Liability arising out of conduct that constitutes:

(I) Receipt by ~~him~~ the officer of a financial benefit to which he is not entitled;

17-16-857. Insurance.

A corporation may purchase and maintain insurance on behalf of an individual who is a director or officer of the corporation, or who, while a director or officer of the corporation, serves at the corporation's request as a director, officer, partner, trustee, employee or agent of another domestic or foreign corporation, partnership, joint venture, trust, employee benefit

plan, or other entity, against liability asserted against or incurred by ~~him~~ the individual in that capacity or arising from his status as a director or officer whether or not the corporation would have power to indemnify or advance expenses to ~~him~~ the individual against the same liability under this subarticle.

17-16-1001. Authority to amend.

(a) A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles of incorporation as of the effective date of the amendment or to delete a provision that is not required to be contained in the articles of incorporation. ~~Whether a provision is required or permitted in the articles of incorporation is determined as of the effective date of the amendment.~~

17-16-1002. Amendment by board of directors.

(a) Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt ~~one (1) or more~~ amendments to the corporation's articles of incorporation without shareholder ~~action to~~ approval:

(i) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(ii) To delete the names and addresses of the initial directors;

(iii) To delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state;

(iv) If the corporation has only one (1) class of shares outstanding:

(A) To change each issued and unissued authorized share of an ~~outstanding~~ the class into a greater number of whole shares if ~~the corporation has only shares of that class; outstanding; or~~

(B) To increase the number of authorized shares of the class to the extent necessary to permit the issuance of shares as a share dividend.

(v) To change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "Ltd.," for a similar word or abbreviation in the name, or by adding, deleting, or changing a geographical attribution for the name; ~~or~~

(vi) To reflect a reduction in authorized shares, as a result of the operation of W.S. 17-16-631(b), when the corporation has acquired its own shares and the articles of incorporation prohibit the reissue of the acquired shares;

(vii) To delete a class of shares from the articles of incorporation, as

a result of the operation of W.S. 17-16-631(b), when there are no remaining shares of the class because the corporation has acquired all shares of the class and the articles of incorporation prohibit the reissue of the acquired shares; or

(vi)(viii) To make any other change expressly permitted by this act W.S. 17-16-602(a) or (b) to be made without shareholder action approval.

17-16-1003. Amendment by board of directors and shareholders.

(f) If a corporation has issued shares, an amendment to the articles of incorporation shall be adopted in the following manner:

(i) The proposed amendment shall be adopted by the board of directors;

(ii) Except as provided in W.S. 17-16-1002, 17-16-1007 and 17-16-1008, after adopting the proposed amendment the board of directors shall submit the amendment to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the amendment, unless the board of directors makes a determination that because of conflict of interest or other special circumstances it should not make such a recommendation in which case the board of directors shall transmit the basis for that determination to the shareholders;

(iii) The board of directors may condition its submission of the amendment to the shareholders on any basis;

(iv) If the amendment is required to be approved by the shareholders and the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the shareholders' meeting at which the amendment is to be submitted for approval. The notice shall state that the purpose, or one (1) of the purposes, of the meeting is to consider the amendment and shall contain or be accompanied by a copy of the amendment;

(v) Unless the articles of incorporation, or the board of directors acting pursuant to subsection (c) of this section require a greater vote or a greater number of shares to be present, approval of the amendment requires the approval of the shareholders at a meeting at which a quorum exists, and, if any class or series of shares is entitled to vote as a separate group on the amendment, except as provided in W.S. 17-16-1004(c), the approval of each such separate voting group at a meeting at which a quorum of the voting group exists.

17-16-1004. Voting on amendments by voting groups.

(a) If a corporation has more than one (1) class of shares outstanding, the holders of the outstanding shares of a class are entitled to vote as a separate voting group, if shareholder voting is otherwise required by

this act, on a proposed amendment to the articles of incorporation if the amendment would:

(iv) Change the ~~designation,~~ rights, preferences, or limitations of all or part of the shares of the class;

(vi) Create a new class of shares having rights or preferences with respect to distributions or to dissolution that are prior, or superior, ~~or substantially equal~~ to the shares of the class;

(vii) Increase the rights, preferences, or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to distributions or to dissolution that are prior, or superior, ~~or substantially equal~~ to the shares of the class;

(ix) Cancel or otherwise affect rights to distributions ~~or dividends~~ that have accumulated but not yet been ~~declared~~ authorized on all or part of the shares of the class.

(b) If a proposed amendment would affect a series of a class of shares in one (1) or more of the ways described in subsection (a) of this section, the holders of shares of that series are entitled to vote as a separate voting group on the proposed amendment.

(c) If a proposed amendment that entitles two (2) or more classes or series of shares to vote as separate voting groups under this section would affect those two (2) or more classes or series in the same or a substantially similar way, the holders of shares of all the classes or series so affected shall vote together as a single voting group on the proposed amendment, unless otherwise provided in the articles of incorporation or required by the board of directors.

17-16-1005. Amendment before issuance of shares.

If a corporation has not yet issued shares, its ~~incorporators or~~ board of directors, or its incorporators if it has no board of directors, may adopt one (1) or more amendments to the corporation's articles of incorporation.

17-16-1006. Articles of amendment.

(a) ~~A~~ After an amendment to the articles of incorporation has been adopted and approved in the manner required by this act and by the articles of incorporation, the corporation amending its articles of incorporation shall deliver to the secretary of state for filing articles of amendment setting forth:

(iii) If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself which may be made dependent upon facts objectively ascertainable outside the articles of amendment;

(iv) The date of each amendment's adoption; and

(v) If an amendment:

(A) Was adopted by the incorporators or board of directors without shareholder ~~action approval~~, a statement ~~to that effect that the amendment was duly approved by the incorporators or by the board of directors as the case may be~~ and that shareholder ~~action approval~~ was not required; ~~and~~ or

(B) Required approval by the shareholders, a statement that the amendment was duly approved by the shareholders in the manner required by this act and by the articles of incorporation.

17-16-1007. Restated articles of incorporation.

(a) A corporation's board of directors may restate its articles of incorporation at any time with or without shareholder ~~action approval~~, to consolidate all amendments into a single document.

(b) ~~The restatement may include one (1) or more amendments to the articles.—If the restatement includes an amendment restated articles include one (1) or more new amendments requiring shareholder approval, it—the amendments shall be adopted and approved as provided in W.S. 17-16-1003.~~

(d) A corporation restating its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate ~~setting forth: which states that the restated articles consolidate all amendments into a single document and, if a new amendment is included in the restated articles, which also includes the statements required under W.S. 17-16-1006.~~

17-16-1008. Amendment pursuant to court-ordered reorganization.

(a) A corporation's articles of incorporation may be amended without action by the board of directors or shareholders to carry out a plan of reorganization ordered or decreed by a court of competent jurisdiction under federal statute ~~if the articles of incorporation after amendment contain only provisions required or permitted by W.S. 17-16-202 the authority of a law of the United States.~~

17-16-1020. Amendment by board of directors or shareholders.

(a) A corporation's board of directors may amend or repeal the corporation's bylaws unless:

(i) The articles of incorporation, W.S. 17-16-1022 or this act if applicable W.S. 17-16-1023 reserve this power exclusively to the shareholders in whole

or part; or

(ii) The shareholders in amending, ~~or repealing or adopting~~ a particular bylaw provide expressly that the board of directors may not amend, ~~or repeal or reinstate~~ that bylaw.

(b) A corporation's shareholders may amend or repeal the corporation's bylaws, ~~even though the bylaws may also be amended or repealed by its board of directors.~~

17-16-1022. Bylaw increasing quorum or voting requirement for directors.

(a) A bylaw that ~~fixes a greater~~ increases a quorum or voting requirement for the board of directors may be amended or repealed:

(i) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides;

(ii) If ~~originally~~ adopted by the board of directors, either by the shareholders or by the board of directors.

(b) A bylaw adopted or amended by the shareholders that ~~fixes a greater~~ increases a quorum or voting requirement for the board of directors may provide that it may be amended or repealed only by a specified vote of either the shareholders or the board of directors.

(c) Action by the board of directors under ~~paragraph (a)(ii) subsection (a)~~ of this section to ~~adopt or amend or repeal~~ a bylaw that changes the quorum or voting requirement for the board of directors shall meet the same quorum requirement and be adopted by the same vote required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

17-16-1101. Merger.

(a) One (1) or more domestic business corporations may merge ~~into another corporation if the board of directors of each corporation adopts and, if required by W.S. 17-16-1103, its shareholders approve a plan of merger with one (1) or more domestic or foreign business corporations or eligible entities pursuant to a plan of merger, or two (2) or more foreign business corporations or domestic or foreign eligible entities may merge into a new domestic business corporation to be created in the merger in the manner provided in this chapter.~~

(b) The plan of merger shall ~~set forth~~ include:

(i) The name of each domestic or foreign business corporation planning to merge and the name of the surviving corporation into which each other corporation plans to merge or eligible entity that will merge and the name

of the domestic or foreign business corporation or eligible entity that will be the survivor of the merger;

(ii) The terms and conditions of the merger; and

(iii) The manner and basis of converting the disposition, if any, of the shares of each domestic or foreign business corporation into shares, obligations or other securities of the surviving or any other corporation or into cash or other property in whole or part, and eligible interests of each domestic or foreign eligible entity;

(iv) The articles of incorporation of any domestic or foreign business or nonprofit corporation, or the organic documents of any domestic or foreign unincorporated entity, to be created by the merger, or if a new domestic or foreign business or nonprofit corporation or unincorporated entity is not to be created by the merger, any amendments to the survivor's articles of incorporation or organic documents; and

(v) Any other provisions required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of incorporation or organic document of any party to the merger.

(c) The terms of the plan of merger may set forth: be made dependent on facts objectively ascertainable outside the plan.

(d) A foreign business corporation, or a foreign eligible entity, may be a party to a merger with a domestic business corporation, or may be created by the terms of the plan of merger, only if the merger is permitted by the foreign business corporation or eligible entity. If Wyoming law does not otherwise provide procedures for the approval of a merger, a plan of merger may be adopted and approved, the merger effectuated, and appraisal rights exercised in accordance with the procedures in this article and article 13 of this chapter. For the purposes of applying this article and article 13 of this chapter:

(i) The eligible entity, its members or interest holders, eligible interests and organic documents taken together shall be deemed to be a domestic business corporation, shareholders, shares and articles of incorporation, respectively and vice versa as the context may require; and

(ii) If the business and affairs of the eligible entity are managed by a group of persons that is not identical to the members or interest holders, that group shall be deemed to be the board of directors.

(e) The plan of merger may also include a provision that the plan may be amended prior to filing articles of merger, but if the shareholders of a domestic corporation that is a party to the merger are required or permitted to vote on the plan, the plan must provide that subsequent to approval of the plan by the shareholders the plan may not be amended to

change:

(i) The disposition of shares or other securities, eligible interests, obligations, rights to acquire shares, other securities or eligible interests, cash, or other property, if any, to be received under the plan by the shareholders of or owners of eligible interests in any party to the merger;

(ii) The articles of incorporation of any corporation, or the organic documents of any unincorporated entity, that will survive or be created as a result of the merger, except for changes permitted by W.S. 17-16-1002 or by comparable provisions of the organic laws of any such foreign corporation or domestic or foreign unincorporated entity; or

(iii) Any of the other terms or conditions of the plan if the change would adversely affect such shareholders in any material respect.

(f) Property held in trust or for charitable purposes under the laws of this state by a domestic or foreign eligible entity shall not be diverted by a merger from the objects for which it was donated, granted or devised, unless and until the eligible entity obtains an order of the district court specifying the disposition of the property to the extent required by and pursuant to the laws of this state.

17-16-1102. Share exchange.

(a) Through a share exchange:

(i) A domestic corporation may acquire all of the ~~outstanding~~ shares of one (1) or more classes or series of shares of another domestic or foreign corporation, if the board of directors of each corporation adopts and, if required by W.S. 17-16-1103, its shareholders approve the exchange, or all of the interests of one (1) or more classes or series of interests of a domestic or foreign other entity, in exchange for shares or other securities, interests, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing, pursuant to a plan of share exchange; or

(ii) All of the shares of one (1) or more classes or series of shares of a domestic corporation may be acquired by another domestic or foreign corporation or other entity, in exchange for shares or other securities, interests, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing, pursuant to a plan of share exchange.

(b) The plan of exchange shall ~~set forth~~ include:

(i) The name of ~~the each~~ corporation or other entity whose shares or interests will be acquired and the name of the acquiring corporation or other entity that will acquire those shares or interests;

(ii) The terms and conditions of the share exchange; and

(iii) The manner and basis of exchanging the shares to of a corporation or interests in any other entity whose shares or interests will be acquired for under the share exchange into shares or other securities, interests, obligations, or rights to acquire shares, other securities of the acquiring or any other corporation or for cash or other property in whole or part. or interests, cash, other property or any combination of the foregoing; and

(iv) Any other provisions required by the laws under which any party to the share exchange is organized or by the articles of incorporation or organic document of any party to the share exchange.

(c) The Terms of a plan of share exchange may set forth other provisions relating to the exchange be made dependent on facts objectively ascertainable outside the plan.

(d) This section does not limit the power of a domestic corporation to acquire all or part of the shares of one (1) or more classes or series of another corporation through a voluntary exchange or otherwise or interests in another entity in a transaction other than a share exchange.

(e) A foreign corporation or eligible entity, may be a party to a share exchange only if the share exchange is permitted by the organic law under which the corporation or other entity is organized or by which it is governed. If Wyoming law does not otherwise provide procedures for the approval of a share exchange, a plan of share exchange may be adopted and approved, and the share exchange effectuated, in accordance with the procedures, if any, for a merger. If Wyoming law does not otherwise provide procedures for the approval of either a share exchange or a merger, a plan of share exchange may be adopted and approved, the share exchange effectuated, and appraisal rights exercised, in accordance with the procedures in this article and article 13 of this chapter. For the purposes of applying this article and article 13 of this chapter:

(i) The other entity, its interest holders, interests and organic documents taken together shall be deemed to be a domestic business corporation, shareholders, shares and articles of incorporation, respectively and vice versa as the context may require; and

(ii) If the business and affairs of the other entity are managed by a group of persons that is not identical to the interest holders, that group shall be deemed to be the board of directors.

(f) The plan of share exchange may also include a provision that the plan may be amended prior to filing articles of share exchange, but if the shareholders of a domestic corporation that is a party to the share exchange are required or permitted to vote on the plan, the plan shall

provide that subsequent to approval of the plan by the shareholders the plan may not be amended to change:

(i) The amount or kind of shares or other securities, interests, obligations, rights to acquire shares, other securities or interests, cash, or other property to be issued by the corporation or to be received under the plan by the shareholders of or owners of interests in any party to the share exchange; or

(ii) Any of the other terms or conditions of the plan if the change would adversely affect the shareholders of the domestic corporation in any material respect.

17-16-1103. Action on plan of merger or share exchange.

(a) In the case of a domestic corporation that is a party to a merger or share exchange, the plan of merger or share exchange shall be adopted by the board of directors. After adopting a plan of merger or share exchange, the board of directors of each corporation party to the merger, and the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger, except as provided in subsection (g) of this section and W.S. 17-16-1105, or share exchange for approval by its shall submit the plan to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the plan, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the shareholders the basis for that determination.

(c) The board of directors may condition its submission of the proposed merger or share exchange to the shareholders on any basis.

(d) If the plan of merger or share exchange is required to be approved by the shareholders and if the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with W.S. 17-16-705 at which the plan is to be submitted for approval. The notice shall also state that the purpose, or one (1) of the purposes, of the meeting is to consider the plan of merger or share exchange and contain or be accompanied by a copy or summary of the plan. If the corporation is to be merged into an existing corporation or other entity, the notice shall also include or be accompanied by a copy or summary of the articles of incorporation or organizational documents of that corporation or other entity. If the corporation is to be merged into a corporation or other entity that is to be created pursuant to the merger, the notice shall include or be accompanied by a copy or a summary of the articles of incorporation or organizational documents of the new corporation or other entity.

~~(e) Unless this act, the articles of incorporation or the board of directors acting pursuant to subsection (c) of this section require a greater vote or a vote by voting groups greater number of votes to be present, approval of the plan of merger or share exchange to be authorized shall be approved by each voting group entitled to vote separately on the plan by a majority of all the votes entitled to be cast on the plan by that voting group requires the approval of the shareholders at a meeting at which a quorum exists, and, if any class or series of shares is entitled to vote as a separate group on the plan of merger or share exchange, the approval of each such separate voting group at a meeting at which a quorum of the voting group is present.~~

(f) Separate voting by voting groups is required:

~~(i) On a plan of merger if the plan contains a provision that, if contained in a proposed amendment to articles of incorporation, would require action by one (1) or more separate voting groups on the proposed amendment under W.S. 17-16-1004; or by each class or series of shares that:~~

~~(A) Are to be converted under the plan of merger into other securities, interests, obligations, rights to acquire shares, other securities or interests, cash, other property, or any combination of the foregoing; or~~

~~(B) Would be entitled to vote as a separate group on a provision in the plan that, if contained in a proposed amendment to articles of incorporation, would require action by separate voting groups under W.S. 17-16-1004;~~

~~(ii) On a plan of share exchange by each class or series of shares included in the exchange, with each class or series constituting a separate voting group; and~~

~~(iii) On a plan of merger or share exchange, if the voting group is entitled under the articles of incorporation to vote as a voting group to approve a plan of merger or share exchange.~~

~~(g) Action by the Unless the articles of incorporation otherwise provide, approval by the corporation's shareholders of the surviving corporation on of a plan of merger or share exchange is not required if:~~

~~(v) The corporation will survive the merger or is the acquiring corporation in a share exchange;~~

~~(vi) Except for amendments permitted by W.S. 17-16-1002, its articles of incorporation will not be changed;~~

~~(vii) Each shareholder of the corporation whose shares were outstanding immediately before the effective date of the merger or share exchange will hold the same number of shares, with identical preferences, limitations, and relative rights, immediately after the effective date of~~

change; and

(viii) The issuance in the merger or share exchange of shares or other securities convertible into or rights exercisable for shares does not require a vote under W.S. 17-16-621(f).

(k) If as a result of a merger or share exchange one (1) or more shareholders of a domestic corporation would become subject to owner liability for the debts, obligations or liabilities of any other person or entity, approval of the plan of merger or share exchange shall require the execution, by each shareholder of the domestic corporation, of a separate written consent to become subject to owner liability.

17-16-1104. Merger between parent and subsidiary.

(a) A domestic parent corporation ~~owning that~~ owns shares of a domestic or foreign subsidiary corporation that carry at least eighty percent (80%) of the outstanding shares ~~voting power~~ of each class and series of the outstanding shares of a subsidiary corporation ~~that have voting power~~ may merge the subsidiary into itself or into another such subsidiary, or merge itself into the subsidiary, without approval of the board of directors or shareholders of the parent or subsidiary, unless the articles of incorporation of any of the corporations otherwise provide, and unless, in the case of a foreign subsidiary, approval by the subsidiary's board of directors or shareholders is required by the laws under which the subsidiary is organized.

(f) If under subsection (a) of this section approval of a merger by the subsidiary's shareholders is not required, the parent corporation shall, within ten (10) days after the effective date of the merger, notify each of the subsidiary's shareholders that the merger has become effective.

(g) Except as provided in subsections (a) and (b) of this section, a merger between a parent and a subsidiary shall be governed by the provisions of this article applicable to mergers generally.

17-16-1105. Articles of merger or share exchange.

(a) After a plan of merger or share exchange ~~is approved by the shareholders, or adopted by the board of directors if shareholder approval is not required,~~ the surviving or acquiring corporation shall deliver to the secretary of state for filing articles of merger or share exchange ~~setting has been adopted and approved as required by this act,~~ articles of merger or share exchange shall be executed on behalf of the surviving or acquiring corporation by any officer or other duly authorized representative. The articles shall set forth:

(iv) The names of the parties to the merger or share exchange;

(v) If the articles of incorporation of the survivor of a merger are amended, or if a new corporation is created as a result of a merger, the amendments to the survivor's articles of incorporation or the articles of incorporation of the new corporation;

(vi) If the plan of merger or share exchange required approval by the shareholders of a domestic corporation that was a party to the merger or share exchange, a statement that the plan was duly approved by the shareholders and, if voting by any separate voting group was required, by each such separate voting group, in the manner required by this act and the articles of incorporation;

(vii) If the plan of merger or share exchange did not require approval by the shareholders of a domestic corporation that was a party to the merger or share exchange, a statement to that effect; and

(viii) As to each foreign corporation or eligible entity that was a party to the merger or share exchange, a statement that the participation of the foreign corporation or eligible entity was duly authorized as required by the organic law of the corporation or eligible entity.

(b) ~~A~~Articles of merger or share exchange ~~takes~~ shall be delivered to the secretary of state for filing by the survivor of the merger or the acquiring corporation in a share exchange, and shall take effect upon the effective date of the articles of merger or share exchange time provided in W.S. 17-16-123. Articles of merger or share exchange filed under this section may be combined with any filing required under any other provision of Wyoming law if the combined filing satisfies the requirements of both this section and any other provision of Wyoming law.

17-16-1106. Effect of merger or share exchange.

(a) When a merger ~~takes effect~~ becomes effective:

(i) Every other corporation party to the merger merges into the surviving corporation and the separate existence of every corporation except the surviving corporation ~~The corporation or eligible entity that is designated in the plan of merger as the survivor continues or comes into existence, as the case may be and the separate existence of every corporation or eligible entity that is merged into the survivor ceases;~~

(ii) ~~The title to all real estate and other~~ All property owned by, ~~and every contract right possessed by,~~ each corporation party to the merger or eligible entity that merges into the survivor is vested in the surviving corporation ~~survivor~~ without reversion or impairment;

(iii) ~~The surviving corporation has~~ All liabilities of each corporation party to the merger or eligible entity that is merged into the survivor are

vested in the survivor;

(iv) A proceeding pending against any corporation party to the merger may be continued as if the merger did not occur or the surviving corporation. The name of the survivor may, but need not be, substituted in the any pending proceeding for the corporation name of any party to the merger whose separate existence ceased in the merger;

(v) The articles of incorporation or organic documents of the surviving corporation survivor are amended to the extent provided in the plan of merger; and

(vi) The shares of each corporation that is a party to the merger, and the interests in an eligible entity that is a party to a merger, that are to be converted under the plan of merger into shares, eligible interests, obligations, or other securities of the surviving or any other corporation or into cash or other property rights to acquire securities, other securities, or eligible interests, cash, other property, or any combination of the foregoing, are converted, and the former holders of the shares or eligible interests are entitled only to the rights provided in the articles-plan of merger or to their any rights they may have under article 13: of this chapter or the organic law of the eligible entity; and

(vii) The articles of incorporation or organic documents of a survivor that is created by the merger become effective.

(b) When a share exchange takes effect becomes effective, the shares of each acquired domestic corporation that are to be exchanged as provided in the plan, and the former holders of the shares for shares or other securities, interests, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing, are entitled only to the exchange rights provided to them in the articles-plan of share exchange or to their any rights they may have under article 13 of this chapter.

(c) A person who becomes subject to owner liability for some or all of the debts, obligations or liabilities of any entity as a result of a merger or share exchange shall have owner liability only to the extent provided in the organic law of the entity and only for those debts, obligations and liabilities that arise after the effective time of the articles of merger or share exchange.

(d) Upon a merger becoming effective, a foreign corporation, or a foreign eligible entity, that is the survivor of the merger is deemed to:

(i) Appoint the secretary of state as its agent for service of process in a proceeding to enforce the rights of shareholders of each domestic corporation that is a party to the merger who exercise appraisal rights; and

(ii) Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under article 13.

(e) The effect of a merger or share exchange on the owner liability of a person who had owner liability for some or all of the debts, obligations or liabilities of a party to the merger or share exchange shall be as follows:

(i) The merger or share exchange does not discharge any owner liability under the organic law of the entity in which the person was a shareholder or interest holder to the extent any owner liability arose before the effective time of the articles of merger or share exchange;

(ii) The person shall not have owner liability under the organic law of the entity in which the person was a shareholder or interest holder prior to the merger or share exchange for any debt, obligation or liability that arises after the effective time of the articles of merger or share exchange;

(iii) The provisions of the organic law of any entity for which the person had owner liability before the merger or share exchange shall continue to apply to the collection or discharge of any owner liability preserved by paragraph (i) of this subsection, as if the merger or share exchange had not occurred;

(iv) The person shall have whatever rights of contribution from other persons are provided by the organic law of the entity for which the person had owner liability with respect to any owner liability preserved by paragraph (i) of this subsection, as if the merger or share exchange had not occurred.

17-16-1115. Conversion of corporation to limited liability company.

(a) A domestic corporation may be converted to a domestic limited liability company pursuant to ~~this section~~ chapter 26 of this title.

(b) A foreign corporation may be converted to a domestic limited liability company pursuant to ~~this section~~ chapter 26 of this title.

17-16-1201. Disposition of assets not requiring shareholder approval.

(a) ~~No approval of the shareholders of a corporation may, on the terms and conditions and for the consideration determined by the board of directors is required unless the articles of incorporation otherwise provide:~~

~~(i) To sell, lease, exchange, or otherwise dispose of any or all, or substantially all, of its property~~ the corporation's assets in the usual and regular course of business;

~~(ii) To mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of its property~~ the corporation's assets whether or not in the usual and regular

course of business; or

(iii) To transfer any or all of its property the corporation's assets to a corporation one (1) or more corporations or other entities all of the shares or interests of which are owned by the corporation; or

(iv) To distribute assets pro rata to the holders of one (1) or more classes or series of the corporation's shares.

17-16-1202. Shareholder approval of certain dispositions.

(a) A corporation may sell sale, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without the good will, otherwise than in the usual and regular course of business, on the terms and conditions and for the consideration determined by the corporation's board of directors, if the board of directors proposes and its shareholders approve the proposed transaction other disposition of assets, other than a disposition described in W.S. 17-16-1201, requires approval of the corporation's shareholders if the disposition would leave the corporation without a significant continuing business activity. If a significant business activity of the corporation prior to any such disposition of assets was the active or passive holding, maintenance or management of investments, then such holding, maintenance or management of investments shall be considered a significant continuing business activity. If a corporation retains a business activity that represented at least twenty-five percent (25%) of total assets at the end of the most recently completed fiscal year, and twenty-five percent (25%) of either income from continuing operations before taxes or revenues from continuing operations for that fiscal year, in each case of the corporation and its subsidiaries on a consolidated basis, the corporation will conclusively be deemed to have retained a significant continuing business activity.

(b) For A transaction to be authorized: disposition that requires approval of the shareholders under subsection (a) of this section shall be initiated by a resolution by the board of directors authorizing the disposition. After adoption of such a resolution, the board of directors shall submit the proposed disposition to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the proposed disposition, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the shareholders the basis for that determination.

(c) The board of directors may condition its submission of the proposed transaction a disposition to the shareholders under subsection (b) of this section on any basis.

(d) If a disposition is required to be approved by the shareholders under

subsection (a) of this section and if the approval is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with W.S. 17-16-705 of shareholders at which the disposition is to be submitted for approval. The notice shall also state that the purpose, or one (1) of the purposes, of the meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property of the corporation and shall contain or be accompanied by a description of the transaction disposition, including the terms and conditions thereof and the consideration to be received by the corporation.

(e) Unless the articles of incorporation or the board of directors, acting pursuant to subsection (c) of this section, require a greater vote or a vote by voting groups, the transaction to be authorized shall be approved by a majority of all the votes entitled to be cast on the transaction greater number of votes to be present, the approval of a disposition by the shareholders shall require the approval of the shareholders at a meeting at which a quorum exists.

(f) After a sale, lease, exchange or other disposition of property is authorized, the transaction disposition has been approved by the shareholders under subsection (b) of this section and at any time before the disposition has been consummated, it may be abandoned, subject to any contractual rights, by the corporation without further shareholder action by the shareholders, subject to any contractual rights of other parties to the disposition.

(g) A transaction that constitutes a distribution disposition of assets in the course of dissolution under article 14 is not governed by W.S. 17-16-640 and not by this section.

(h) For purposes of this section, the ownership interests of a parent corporation in its subsidiaries, whether owned directly by the parent corporation or indirectly through other subsidiaries shall be valued at the net asset values of such subsidiaries, without application of any discount to the valuation of such ownership interests because of a lack of marketability or otherwise.

ARTICLE 13 APPRAISAL RIGHTS

17-16-1301. Definitions.

(a) As used in this article:

(i) "Beneficial shareholder" means the person who is ~~a~~ the beneficial owner of shares held in a voting trust or by a nominee ~~as the record shareholder on the beneficial owner's behalf~~;

(ii) "Corporation" means the issuer of the shares held by a ~~dissenter before the corporate action, or the surviving, new, or acquiring corporation by merger, consolidation, or share exchange of that issuer~~ shareholder

demanding appraisal and, for matters covered in W.S. 17-16-1322 through 17-16-1331, includes the surviving entity in a merger;

(iv) “Fair value;” with respect to a dissenter’s shares, means the value of the corporation’s shares determined;

(A) Immediately before the effectuation of the corporate action to which the dissenter shareholder objects; excluding any appreciation or depreciation in anticipation of the corporate action unless exclusion would be inequitable;

(B) Using customary and current valuation concepts and techniques generally employed for similar businesses in the context of the transaction requiring appraisal; and

(C) Without discounting for lack of marketability or minority status except, if appropriate, for amendments to the articles pursuant to W.S 17-16-1302(a)(vi).

(viii) “Affiliate” means a person that directly or indirectly through one (1) or more intermediaries controls, is controlled by, or is under common control with another person or is a senior executive thereof;

(ix) “Beneficial owner” means any person who, directly or indirectly, through any contract, arrangement, or understanding, other than a revocable proxy, has or shares the power to vote, or to direct the voting of, shares; except that a member of a national securities exchange is not deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because the member is the record holder of the securities if the member is precluded by the rules of the exchange from voting without instruction on contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted. When two (2) or more persons agree to act together for the purpose of voting their shares of the corporation, each member of the group formed thereby is deemed to have acquired beneficial ownership, as of the date of the agreement, of all voting shares of the corporation beneficially owned by any member of the group;

(x) “Preferred shares” means a class or series of shares whose holders have preference over any other class or series with respect to distributions.

17-16-1302. Right to appraisal.

(a) A shareholder is entitled to ~~dissent from appraisal rights~~, and to obtain payment of the fair value of his shares in the event of, any of the following corporate actions:

(i) Consummation of a plan of merger or consolidation to which the corporation is a party if:

(A) Shareholder approval is required for the merger or the consolidation by W.S. 17-16-1103 or 17-16-1111 ~~or the articles of incorporation and the shareholder is entitled to vote on the merger or consolidation, except that appraisal rights shall not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger; or~~

(ii) Consummation of a ~~plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;~~

(iii) Consummation of a ~~sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, disposition of assets pursuant to W.S. 17-16-1202 if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one (1) year after the date of sale disposition;~~

(iv) An amendment of the articles of incorporation ~~that materially and adversely affects rights in respect of a dissenter's shares because it with respect to a class or series of shares that:~~

(E) Reduces the number of shares ~~of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created, is to be acquired for cash under W.S. 17-16-604.~~

(vi) ~~Any other amendment to the articles of incorporation, merger, share exchange or disposition of assets if specifically provided in the articles of incorporation, bylaws or a resolution of the board of directors;~~

(vii) ~~Consummation of a transfer or domestication if the shareholder does not receive shares in the foreign corporation resulting from the transfer or domestication that have terms as favorable to the shareholder in all material respects, and represent at least the same percentage interest of the total voting rights of the outstanding shares of the corporation, as the shares held by the shareholder before the transfer or domestication;~~

(viii) ~~Consummation of a conversion of the corporation to nonprofit status; or~~

(ix) ~~Consummation of a conversion of the corporation to an unincorporated entity.~~

(c) Notwithstanding subsection (a) of this section, the availability of

appraisal rights under paragraphs (a)(i), (ii), (iii), (iv), (vii) and (ix) of this section shall be limited in accordance with the following provisions:

(i) Appraisal rights shall not be available for the holders of shares of any class or series of shares which is:

(A) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, as amended; or

(B) Traded in an organized market and has at least two thousand (2,000) shareholders and a market value of at least twenty million dollars (\$20,000,000.00), exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial shareholders owning more than ten percent (10%) of such shares; or

(C) Issued by an open end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and may be redeemed at the option of the holder at net asset value.

(ii) The applicability of paragraph (i) of this subsection shall be determined as of:

(A) The record date fixed to determine the shareholders entitled to receive notice of, and to vote at, the meeting of shareholders to act upon the corporate action requiring appraisal rights; or

(B) The day before the effective date of such corporate action if there is no meeting of shareholders.

(iii) Paragraph (i) of this subsection shall not be applicable and appraisal rights shall be available pursuant to subsection (a) of this section for the holders of any class or series of shares who are required by the terms of the corporate action requiring appraisal rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in paragraph (i) of this subsection at the time the corporate action becomes effective.

17-16-1303. Assertion of rights by nominees and beneficial owners.

(a) A record shareholder may assert ~~dissenters'~~ appraisal rights as to fewer than all the shares registered in ~~his~~ the record shareholder's name but owned by a beneficial shareholder only if ~~he~~ dissents ~~the record shareholder objects~~ with respect to all shares ~~beneficially owned by any one~~ (1) person asserted of the class or series owned by the beneficial shareholder and notifies the corporation in writing of the name and address of each

~~person beneficial shareholder on whose behalf he asserts dissenters' rights appraisal rights are being asserted. The rights of a partial dissenter under this subsection are record shareholder who asserts appraisal rights for only part of the shares held of record in the record shareholder's name under this subsection shall be determined as if the shares as to which he dissents the record shareholder objects and his the record shareholder's other shares were registered in the names of different record shareholders.~~

(b) A beneficial shareholder may assert ~~dissenters'~~ appraisal rights as to shares of any class or series held on his behalf of the shareholder only if the shareholder:

(i) ~~He~~ Submits to the corporation the record shareholder's written consent to the ~~dissent assertion of those rights~~ not later than the time the beneficial shareholder asserts dissenters' rights ~~date provided in W.S. 17-16-1322(b)(ii)(B); and~~

(ii) ~~He~~ Does so with respect to all shares of which he is the class or series that are beneficially owned by the beneficial shareholder, ~~or over which he has power to direct the vote.~~

17-16-1320. Notice of appraisal rights.

(a) If proposed corporate action ~~creating dissenters' rights under described in~~ W.S. 17-16-1302 is ~~to be~~ submitted to a vote at a shareholders' meeting, the meeting notice shall state that ~~corporation has concluded that shareholders are, are not or may be entitled to assert dissenters' appraisal rights under this article, and be accompanied by a copy of this article If the corporation concludes that appraisal rights are or may be available, a copy of this article shall accompany the meeting notice sent to those record shareholders entitled to exercise appraisal rights.~~

(b) ~~If corporate action creating dissenters' rights under W.S. 17-16-1302 is taken without a vote of shareholders In a merger pursuant to W.S. 17-16-1104, the parent corporation shall notify in writing all record shareholders of the subsidiary who are entitled to assert dissenters' appraisal rights that the corporate action was taken and send them the dissenters' notice described in W.S. 17-16-1322 became effective. The notice shall be sent within ten (10) days after the corporate action became effective and include the materials described in W.S. 17-16-1322.~~

(c) ~~Where any corporate action specified in W.S. 17-16-1302(a) is to be approved by written consent of the shareholders pursuant to W.S. 17-16-704:~~

(i) ~~Written notice that appraisal rights are, are not or may be available shall be given to each record shareholder from whom a consent is solicited at the time consent of such shareholder is first solicited and, if the corporation has concluded that appraisal rights are or may be available, shall be accompanied by a copy of this article; and~~

(ii) Written notice that appraisal rights are, are not or may be available shall be delivered together with the notice to nonconsenting and nonvoting shareholders required by W.S. 17-16-704(e) and (f), may include the materials described in W.S. 17-16-1322 and, if the corporation has concluded that appraisal rights are or may be available, shall be accompanied by a copy of this article.

(d) Where corporate action described in W.S. 17-16-1302(a) is proposed, or a merger pursuant to W.S. 17-16-1105 is effected, the notice referred to in subsection (a) or (c) of this section, if the corporation concludes that appraisal rights are or may be available, and in subsection (b) of this section shall be accompanied by:

(i) The annual financial statements specified in W.S. 17-16-1620(a) of the corporation that issued the shares that may be subject to appraisal, which shall be as of a date ending not more than sixteen (16) months before the date of the notice and shall comply with W.S. 17-16-1620(b); provided that, if the annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information; and

(ii) The latest available quarterly financial statements of such corporation, if any.

(e) The right to receive the information described in subsection (d) of this section may be waived in writing by a shareholder before or after the corporate action.

17-16-1321. Notice of intent to demand payment.

(a) If proposed corporate action ~~creating dissenters' rights requiring appraisal~~ under W.S. 17-16-1302 is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert ~~dissenters' appraisal~~ rights with respect to any class or series of shares:

(i) Shall deliver to the corporation before the vote is taken written notice of ~~his the shareholder's~~ intent to demand payment for ~~his shares~~ if the proposed action is effectuated; and

(ii) Shall not vote ~~his or cause or permit to be voted~~ any shares of the class or series in favor of the proposed action.

(b) A shareholder who does not satisfy the requirements of subsection (a) or (c) of this section is not entitled to payment for his shares under this article.

(c) If a corporate action specified in W.S. 17-16-1302(a) is to be approved by written consent, a shareholder who wishes to assert appraisal rights with respect to any class or series of shares shall not execute a consent in

favor of the proposed action with respect to that class or series of shares.

17-16-1322. Appraisal notice and form.

(a) If proposed corporate action creating dissenters' rights under W.S. 17-16-1302 is authorized at a shareholders' meeting requiring appraisal under W.S. 17-16-1302(a) becomes effective, the corporation shall deliver a written dissenters' appraisal notice to all shareholders who satisfied the requirements of W.S. 17-16-1321 17-16-1321(a) or (b). In the case of a merger under W.S. 17-16-1104, the parent shall deliver a written appraisal notice and form to all record shareholders who may be entitled to assert appraisal rights.

(b) The dissenters' appraisal notice shall be sent no later than ten (10) days after the corporate action was taken specified in W.S. 17-16-1302(a) became effective, and shall:

(iii) Supply a form for demanding payment that includes

(A) Specifies the first date of the first any announcement to news media or to shareholders made prior to the date the corporate action became effective of the principal terms of the proposed corporate action; and

(B) If such announcement was made, requires that the person shareholder asserting dissenters' appraisal rights certify whether or not he acquired beneficial ownership of the shares for which appraisal rights are asserted was acquired before that date; and

(C) Requires the shareholder asserting appraisal rights to certify that such shareholder did not vote for or consent to the transaction.

(v) Be accompanied by a copy of this article; and

(vi) State:

(A) Where the form shall be sent and where certificates for certificated shares shall be deposited and the date by which those certificates shall be deposited, which date may not be earlier than the date for receiving the required form under subparagraph (B) of this paragraph;

(B) Date by which the corporation shall receive the form, which date may not be fewer than forty (40) nor more than sixty (60) days after the date the appraisal notice and form are sent pursuant to subsection (a) of this section, and state that the shareholder shall have waived the right to demand appraisal with respect to the shares unless the form is received by the corporation by such specified date;

(C) The corporation's estimate of the fair value of the shares;

(D) That, if requested in writing, the corporation will provide, to the

shareholder so requesting, within ten (10) days after the date specified in subparagraph (B) of this paragraph the number of shareholders who return the forms by the specified date and the total number of shares owned by them; and

(E) The date by which the notice to withdraw under W.S. 17-16-1323 must be received, which date shall be within twenty (20) days after the date specified in subparagraph (B) of this paragraph.

17-16-1323. Duty to demand payment.

(a) A shareholder sent a dissenters' who receives notice described in pursuant to W.S. 17-16-1322 shall demand payment, certify whether he acquired beneficial ownership of the shares before the date required to be set forth in the dissenters' notice pursuant to W.S. 17-16-1322(b)(iii), and who wishes to exercise appraisal rights shall sign and return the form sent by the corporation and, in the case of certificated shares, deposit his certificates in accordance with the terms of the notice by the date referred to in the notice pursuant to W.S. 17-16-1322(b)(ii)(B). In addition, if applicable, the shareholder shall certify on the form whether the beneficial owner of such shares acquired beneficial ownership of the shares before the date required to be set forth in the notice pursuant to W.S. 17-16-1322(b)(i). If a shareholder fails to make this certification, the corporation may elect to treat the shareholder's shares as after acquired shares under W.S. 17-16-1325. Once a shareholder deposits that shareholder's certificates or, in the case of uncertificated shares, returns the signed forms, that shareholder loses all rights as a shareholder, unless the shareholder withdraws pursuant to subsection (b) of this section.

(b) The shareholder who demands payment and deposits his share certificates under subsection (a) of this section retains all other rights of a shareholder until these rights are cancelled or modified by the taking of the proposed corporate action has complied with subsection (a) of this section may nevertheless decline to exercise appraisal rights and withdraw from the appraisal process by so notifying the corporation in writing by the date set forth in the appraisal notice pursuant to W.S. 17-16-1322(b)(ii)(E). A shareholder who fails to so withdraw from the appraisal process may not thereafter withdraw without the corporation's written consent.

(c) A shareholder who does not demand payment or sign and return the form and, in the case of certificated shares, deposit his share certificates where required, each by the date set forth in the dissenters' notice described in W.S. 17-16-1322(b), is not entitled to payment for his shares under this article.

17-16-1325. Payment.

(a) Except as provided in W.S. 17-16-1327, as soon as the proposed

~~corporate action is taken, or upon receipt of a payment demand within one hundred twenty (120) days after the form required by W.S. 17-16-1322(b)(ii)(B) is due, the corporation shall pay each dissenter in cash or other agreed upon consideration to those shareholders who complied with W.S. 17-16-1323 the amount the corporation estimates to be the fair value of his shares, plus accrued interest.~~

(b) ~~The payment to each shareholder pursuant to subsection (a) of this section shall be accompanied by:~~

~~(i) The corporation's balance sheet as of the end of a fiscal year annual financial statements specified in W.S. 17-16-1620(a) of the corporation that issued the shares to be appraised, which shall be of a date ending not more than sixteen (16) months before the date of payment and shall comply with W.S. 17-16-1620(b), an income statement for that year, a statement of changes in shareholders' equity for that year, and provided that if such annual financial statements are not reasonably available, the corporation shall provide reasonably equivalent financial information. The corporation shall also provide the latest available interim-quarterly financial statements, if any;~~

~~(ii) A statement of the corporation's estimate of the fair value of the shares which estimate shall equal or exceed the corporation's estimate given pursuant to W.S. 17-16-1322(b)(ii)(C);~~

~~(iv) A statement of the dissenter's that shareholders described in subsection (a) of this section have the right to demand further payment under W.S. 17-16-1328; and that if any shareholder does not do so within the time period specified therein, the shareholder shall be deemed to have accepted such payment in full satisfaction of the corporation's obligations under this article.~~

17-16-1327. After acquired shares.

(a) ~~A corporation may elect to withhold payment required by W.S. 17-16-1325 from a dissenter unless he was the beneficial owner of the shares before the date set forth in the dissenters' notice as the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action any shareholder who was required to, but did not certify that beneficial ownership of all of the shareholder's shares for which appraisal rights are asserted was acquired before the date set forth in the appraisal notice sent pursuant to W.S. 17-16-1322(b)(i).~~

~~(b) To the extent If the corporation elects-elected to withhold payment under subsection (a) of this section, after taking the proposed corporate action, it shall estimate the fair value of the shares, plus accrued interest, and shall pay this amount to each dissenter who agrees to accept it in full satisfaction of his demand. The corporation shall send with its offer a statement of its estimate of the fair value of the shares, an explanation of how the interest was calculated, and a statement of the dissenter's right to demand payment under W.S. 17-16-1328. it shall, within thirty (30)~~

days after the form required by W.S. 17-16-1322(b)(ii)(B) is due, notify all shareholders described in subsection (a) of this section:

(i) Of the information required by W.S. 17-16-1325(b)(i);

(ii) Of the corporation's estimate of fair value pursuant to W.S. 17-16-1325(b)(ii);

(iii) That they may accept the corporation's estimate of fair value, plus interest, in full satisfaction of their demands or demand appraisal under W.S. 17-16-1328;

(iv) That those shareholders who wish to accept the offer shall so notify the corporation of their acceptance of the corporation's offer within thirty (30) days after receiving the offer; and

(v) That those shareholders who do not satisfy the requirements for demanding appraisal under W.S. 17-16-1328 shall be deemed to have accepted the corporation's offer.

(c) Within ten (10) days after receiving the shareholder's acceptance pursuant to subsection (b) of this section, the corporation shall pay in cash or other agreed upon consideration the amount it offered under paragraph (b)(ii) of this section to each shareholder who agreed to accept the corporation's offer in full satisfaction of the shareholder's demand.

(d) Within one hundred thirty (130) days after sending the notice described in subsection (b) of this section, the corporation shall pay in cash the amount it offered to pay under paragraph (b)(ii) of this section to each shareholder described in paragraph (b)(v) of this section.

17-16-1328. Procedure if shareholder dissatisfied with payment or offer.

(a) A dissenter shareholder paid pursuant to W.S. 17-16-1325 who is dissatisfied with the amount of the payment may notify the corporation in writing of his own that shareholder's estimate of the fair value of his shares and amount of interest due, and demand payment of his estimate plus interest, less any payment under W.S. 17-16-1325, or reject the corporation's offer under W.S. 17-16-1327 and demand payment of the fair value of his shares and interest due, if: A shareholder offered payment under W.S. 17-16-1327 who is dissatisfied with that offer shall reject the offer and demand payment of the shareholder's stated estimate of the fair value of the shares plus interest.

(b) A dissenter waives his right to demand payment under this section unless he notifies A shareholder who fails to notify the corporation of his demand in writing of that shareholder's demand to be paid the shareholder's

stated estimate of the fair value plus interest under subsection (a) of this section within thirty (30) days after the corporation made or offered payment for his shares receiving the corporation's payment or offer of payment under W.S. 17-16-1325 or 17-16-1327, respectively, waives the right to demand payment under this section and shall be entitled only to the payment made or offered pursuant to those respective sections.

17-16-1330. Court action.

(a) If a shareholder makes a demand for payment under W.S. 17-16-1328 which remains unsettled, the corporation shall commence a proceeding within sixty (60) days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the sixty (60) day period, it shall pay each dissenter-shareholder demanding appraisal rights whose demand remains unsettled the amount demanded pursuant to W.S. 17-16-1328 plus interest.

(b) The corporation shall commence the proceeding in the district court of the county where a corporation's principal office, or if none in this state, its registered office, is located. If the corporation is a foreign corporation without a registered office in this state, it shall commence the proceeding in the county in this state where the principal office or registered office of the domestic corporation merged with or whose shares were acquired by the foreign corporation was located at the time of the transaction.

(c) The corporation shall make all dissenters-shareholders, whether or not residents of this state, whose demands remain unsettled parties to the proceeding as in an action against their shares and all parties shall be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

(d) The jurisdiction of the court in which the proceeding is commenced under subsection (b) of this section is plenary and exclusive. The court may appoint one (1) or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the powers described in the order appointing them, or in the amendment to it. The dissenters-shareholders demanding appraisal rights are entitled to the same discovery rights as parties in other civil proceedings.

(e) Each dissenter-shareholder made a party to the proceeding is entitled to judgment for:

(i) The amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the corporation to the shareholder for those shares; or

17-16-1331. Court costs and counsel fees.

(a) The court in an appraisal proceeding commenced under W.S. 17-16-1330 shall determine all costs of the proceeding, including the

reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the ~~dissenters~~ shareholders demanding appraisal, in amounts the court finds equitable, to the extent the court finds the ~~dissenters~~ shareholders demanding appraisal rights acted arbitrarily, vexatiously, or not in good faith ~~in demanding payment under W.S. 17-16-1328 with respect to the rights provided by this article.~~

(b) The court in an appraisal proceeding may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(i) Against the corporation and in favor of any or all ~~dissenters~~ shareholders demanding appraisal if the court finds the corporation did not substantially comply with the requirements of W.S. 17-16-1320 through 17-16-1328; or

(ii) Against either the corporation or a ~~dissenter~~ shareholder demanding appraisal, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this article.

(c) If the court in an appraisal proceeding finds that the services of counsel and any other expenses incurred for any dissenter ~~shareholder demanding appraisal~~ were of substantial benefit to other ~~dissenters~~ shareholders similarly situated, and that the fees for those services and other expenses should not be assessed against the corporation, the court may ~~award to these counsel reasonable fees to direct that those fees and expenses be paid out of the amounts awarded the~~ dissenters ~~shareholders~~ who were benefited.

(d) To the extent the corporation fails to make a required payment pursuant to W.S. 17-16-1325, 17-16-1327 or 17-16-1328, the shareholder may sue directly for the amount owed, and to the extent successful, shall be entitled to recover from the corporation all expenses of the suit.

17-16-1402. Dissolution by board of directors and shareholders.

(e) Unless the articles of incorporation or the board of directors, acting pursuant to subsection (c) of this section, require a greater vote or a vote by voting groups, adoption of the proposal to dissolve to be adopted shall be approved by require the approval of the shareholders at a meeting at which a quorum consisting of at least a majority of all the votes entitled to be cast on that proposal exists.

17-16-1403. Articles of dissolution.

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

(iii) If dissolution was approved by the shareholders: a statement that the proposal to dissolve was duly approved by the shareholders in the manner required by this act and by the articles of incorporation.

(c) For purposes of this article, "dissolved corporation" means a corporation whose articles of dissolution have become effective and includes a successor entity to which the remaining assets of the corporation are transferred subject to its liabilities for purposes of liquidation.

17-16-1404. Revocation of dissolution.

(c) After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

(vi) If shareholder action was required to revoke the dissolution, the information required by W.S. 17-16-1403(a)(iii), ~~or (iv)~~.

17-16-1406. Known claims against dissolved corporation.

(a) A dissolved corporation may dispose of the known claims against it by ~~following the procedure described in this section notifying its known claimants in writing of the dissolution at any time after its effective date.~~

~~(b) The dissolved corporation shall notify its known claimants in writing, by mail or private carrier or by personal delivery, of the dissolution at any time after its effective date. The written notice shall:~~

~~(e) A claim that is not barred by this section may be enforced in accordance with W.S. 17-16-1407(d).~~

17-16-1407. Unknown claims against dissolved corporation.

(b) The notice shall:

(iii) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within ~~four (4) three (3)~~ years or the applicable statute of limitations, whichever is less, after the publication of the notice.

(c) If the dissolved corporation publishes a newspaper notice in accordance with subsection (b) of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within ~~four (4) three (3)~~ years after the publication date of the newspaper notice:

~~(d) A claim that is not barred by W.S. 17-16-1406(c) or subsection (c) of this section may be enforced; under this section:~~

(ii) Except as provided in W.S. 17-16-1408(d), if the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of his pro rata share of the claim or the corporate assets distributed to him in liquidation, whichever is less, but a shareholder's total liability for all claims under this section may not exceed the total amount of assets distributed to him~~the shareholder~~.

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:

(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; ~~or~~

(viii) The corporation is in violation of W.S. 17-16-401(d)(v) or 17-16-1506(d)(v).

17-16-1422. Reinstatement following administrative dissolution.

(a) An officer or other person with proper authority at the time a corporation was 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:

(e) A person who files any document under this section without proper corporate authority to do so is in violation of W.S. 6-5-308.

17-16-1430. Grounds for judicial dissolution.

(a) The district court may dissolve a corporation:

(v) In a proceeding by a shareholder, if the corporation has abandoned its business and has failed within a reasonable time to liquidate and distribute its assets and dissolve.

17-16-1503. Application for certificate of authority.

(a) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application shall set forth:

(vi) The names and usual business addresses of its current directors and officers; and

(viii) A statement that the corporation accepts the constitution of the state of Wyoming in compliance with the requirement of article 10, section 5 of the Wyoming constitution; and

17-16-1506. Corporate name of foreign corporation.

(c) A foreign corporation may apply to the secretary of state for authorization to use a in this state the name of another corporation, incorporated or authorized to do business in this state, that is not distinguishable in accordance with the provisions of W.S. 17-16-401(c).

(d) A foreign corporation may use in this state the name, including the fictitious name, of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the foreign corporation has:

(iii) Acquired all or substantially all of the assets, including the corporate name, of the other corporation; or

(v) Has received the written consent of the other corporation, which written consent also sets forth a description of a proposed merger, consolidation, dissolution, amendment to articles of incorporation or other intended corporate action which establishes to the reasonable satisfaction of the secretary of state that the coexistence of two (2) corporations using the same name will not continue for more than one hundred twenty (120) days.

17-16-1602. Inspection of records by shareholders.

(a) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in W.S. 17-16-1601(e) if he the shareholder gives the corporation written notice of his the shareholder's demand at least five (5) business days before the date on which he the shareholder wishes to inspect and copy.

(b) A shareholder who has been of record for at least six (6) months immediately preceding his demand and who shall be the holder of record of at least five percent (5%) of all the outstanding shares of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection (c) of this section and gives the corporation written notice of his the shareholder's demand at least five (5) business days before the date on which he the shareholder wishes to inspect and copy:

(c) A shareholder may inspect and copy the records described in subsection (b) of this section only if:

(i) ~~His~~ The shareholder's demand is made in good faith and for a proper purpose;

(ii) ~~He~~ The shareholder describes with reasonable particularity his purpose and the records he desires to inspect; and

(iii) The records are directly connected with ~~his~~ the shareholder's purpose.

17-16-1603. Scope of inspection right.

(b) The right to copy records under W.S. 17-16-1602 includes, if reasonable, the right to receive copies ~~made by photographic, xerographic, or other means, including copies through an~~ electronic transmission if available and so requested by the shareholder.

(c) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the shareholder. The charge may not exceed the estimated cost of production, ~~or reproduction or~~ transmission of the records.

(d) The corporation may comply with a shareholder's demand to inspect the record of shareholders under W.S. 17-16-1602(b)(iii) by providing ~~him~~ the shareholder with a list of its shareholders that was compiled no earlier than the date of the shareholder's demand.

17-16-1604. Court ordered inspection.

(c) If the court orders inspection and copying of the records demanded, it shall also order the corporation to pay the shareholder's ~~costs~~ expenses, including reasonable counsel fees, incurred to obtain the order unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

17-16-1620. Financial statements for shareholders.

(c) A corporation shall mail, upon request, the annual financial statements to each shareholder within one hundred twenty (120) days after the close of each fiscal year. Thereafter, on written request from a shareholder who was not mailed the statements, the corporation shall mail ~~him~~ the shareholder the latest financial statements.

17-16-1720. Transfer of a Wyoming corporation to another jurisdiction.

(a) A corporation incorporated, domesticated or continued under this act may, if authorized by resolution duly adopted ~~by a vote of two-thirds (2/3)~~ of the holders of the issued shares of each class of stock of the corporation,

whether or not entitled to vote on any other issue as set forth in subsection (g) of this section, and by the laws of any other jurisdiction, within or without the United States, apply to the proper officer of the other jurisdiction for a certificate of registration, and to the secretary of state of this state for a certificate of transfer. The application for certificate of transfer shall set forth the following:

(i) The name of the corporation immediately prior to the transfer, and if that name is unavailable for use in the foreign jurisdiction or the corporation desires to change its name in connection with the transfer, the name by which the corporation will be known in the foreign jurisdiction;

(ii) A statement of the jurisdiction to which the corporation is to be transferred;

(iii) A statement that the corporation shall surrender its certificate of incorporation under this act upon the effectiveness of the transfer;

(iv) A statement that the transfer was duly approved by the directors and the shareholders in the manner required under subsection (g) of this section; and

(v) Any other terms and conditions of the transfer, including any desired amendments to the articles of incorporation of the corporation following its transfer.

(e) Every corporation organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge equal to the percentage of the net actual value of its assets, wherever located, as follows, but in no case shall any special toll charge be less than one thousand dollars (\$1,000.00) of fifty dollars (\$50.00):

(g) A resolution to transfer the corporation to another jurisdiction shall be adopted by the board of directors, and shall thereafter be submitted to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the resolution, unless the board of directors makes a determination that because of conflicts of interest or other special circumstances it should not make such a recommendation, in which case the board of directors shall transmit to the shareholders the basis for that determination. The board of directors may condition its submission of the resolution to the shareholders on any basis. If the approval of the shareholders is to be given at a meeting, the corporation shall notify each shareholder, whether or not entitled to vote, of the meeting of shareholders at which the resolution for transfer is to be submitted for approval. The notice shall contain or be accompanied by a copy or summary of the resolution and of the articles of incorporation of the corporation as they will be in effect in the new jurisdiction immediately

after the transfer. Unless the articles of incorporation or the board of directors requires a greater vote or a greater number of votes to be present, approval of the resolution requires the affirmative vote of a majority of the shareholders at a meeting at which a quorum, consisting of a majority of the votes entitled to be cast, is present, and, if any class or series of shares is entitled to vote as a separate group on the resolution, the approval of each such separate voting group at a meeting at which a quorum of the voting group consisting of at least a majority of the votes entitled to be cast on the resolution by that voting group exists. Separate voting by voting groups is required to the extent the same would be required for a proposed amendment to the articles of incorporation.

(h) The corporation may represent to the proper officer of the jurisdiction to which the corporation is transferred that the laws of the state of Wyoming permit such transfer, and may describe the permission extended by this section as authorizing the domestication, continuance or other transfer of domicile as may be required by the laws of the foreign jurisdiction in order for the corporation to be accepted in that jurisdiction, provided that the corporation may not misrepresent the requirements or effects of the provisions of this section.

17-18-102. Definitions.

(b) As used in this act:

(xiii) "Stockholder" means "shareholder" as defined by W.S. ~~17-16-140(a)(xxii)~~ 17-16-140(a)(xxxix);

26-24-102. Applicability of general corporation statutes; exceptions.

(b) Domestic stock insurers and domestic mutual insurers are exempt from the provisions of W.S. 17-16-1630 and 17-16-1720(e) ~~and (f)~~.

Section 3. W.S. 17-16-120(j)(i) through (iii), 17-16-602(a)(i) and (ii), (c) and (d)(i) through (iv), 17-16-631(c)(i) through (iii), 17-16-825(e)(iv) and (vi) through (viii), 17-16-830(a)(ii), (c) and (d), 17-16-831, 17-16-832, 17-16-842(c), 17-16-850(a)(iii), (iv), (vi) and (vii), 17-16-1003(a) through (e), 17-16-1004(a)(i), 17-16-1007(c), (d)(i) and (ii), 17-16-1008(c), 17-16-1021, 17-16-1101(c)(i) and (ii), 17-16-1103(b), (g)(i) through (iv) and (h), 17-16-1104(b) through (e), 17-16-1105(a)(i) through (iii), 17-16-1107, 17-16-1115(c), 17-16-1201(b), 17-16-1202(b)(i) and (ii), 17-16-1301(a)(iii), 17-16-1302(a)(v) and (b), 17-16-1322(b)(i), (ii) and (iv), 17-16-1324, 17-16-1325(b)(iii) and (v), 17-16-1326, 17-16-1328(a)(i) through (iii), 17-16-1403(a)(iii)(A) and (B) and (iv), 17-16-1503(a)(vii) and (ix) and 17-16-1720(e)(i) through (x) and (f) are repealed.

Section 4.

(a) In exercising the authority granted under W.S. 28-8-105(a)(v) the legislative service office is directed to renumber the provisions of the Wyoming Business Corporation Act to correspond as nearly as possible to the numbering of the Model Corporations Act of 2007 in accordance with the following:

(i) The renumbering shall conform with the provisions of W.S. 8-1-105;

(ii) Provisions of the Wyoming Business Corporations Act shall be renumbered regardless of whether the provisions are contained within this act;

(iii) Internal citations within the Wyoming Business Corporations Act and within other provisions of Wyoming statutes shall be conformed;

(iv) No action taken pursuant to this section shall alter the meaning;

(v) Where it is not feasible to follow the numbering of the Model Corporations Act of 2007 for sections and subsections, reference to the Model Corporations Act numbers shall be provided either in the section headings or in annotations following the section or subsection as appropriate.

Section 5. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 116

PROPERTY TAX ASSESSMENT RULES

Original Senate File No. 144

AN ACT relating to taxation and revenue; providing for rules and regulations for the assessment of property for taxation purposes; and providing for an effective date.

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

Section 1. W.S. 39-11-102(c)(xxiii), (xxiv) and by creating a new paragraph (xxv) is amended to read:

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

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

(xxiii) Review boundaries for proposed special districts pursuant to W.S. 22-29-109(a); ~~and~~

(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; and

(xxv) Promulgate rules and regulations as provided by the Wyoming Administrative Procedure Act to be followed by all county assessors to ensure the statistical quality and fairness of assessed values of residential properties, improved and unimproved, computed using sales comparison methods, and which require county assessors to provide statistical parameter data annually to the state board of equalization to demonstrate compliance with the rules. The rules shall specifically address any adjustments made by a county assessor in input data to, or assessed values obtained from, the county's computer assisted mass appraisal system, the method of establishing strata for sales ratio studies, the adequacy of the number of arms-length sales to be used in any sales comparison analyses, and the use of appropriate statistical tests to protect against the statistical likelihood that any property in any stratum is over assessed. The rules shall include requirements for the format and quality of a written explanation of the county assessor's residential assessment methodology, including an explanation and description of the parameters used to develop any stratification applied to a class of property as well as any market adjustment factors utilized to arrive at a fair market value for a property. The written explanations required to be maintained by the county assessor shall be public records available to a taxpayer upon request.

Section 2. In preparing the rules required by section 1 of this act, the department of revenue shall consider the published rules and procedures in other states employing a computer assisted mass appraisal system. The rules shall comply with generally accepted statistical methods and the International Association of Appraisal Officers standards.

Section 3. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 117**TAX EXEMPTION FOR RENEWABLE RESOURCES**

Original House Bill No. 215

AN ACT relating to taxation and revenue; changing the date of repeal for and specifying the applicability of the tax exemption for equipment used to generate energy from renewable resources; and providing for an effective date.

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

Section 1. W.S. 39-15-105(a)(viii)(N) and 39-16-105(a)(viii)(C) are amended to read:

39-15-105. Exemptions.

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(N) Sales of equipment used to generate electricity from renewable resources. As used in this subparagraph, "renewable resources" includes wind generation, solar, biomass, landfill gas, hydro, hydrogen and geothermal energy. The exemption provided by this subparagraph shall be limited to the acquisition of equipment used in a project to make it operational up to the point of interconnection with an existing transmission grid including wind turbines, generating equipment, control and monitoring systems, power lines, substation equipment, lighting, fencing, pipes and other equipment for locating power lines and poles. The exemption shall not apply to tools and other equipment used in construction of a new facility, contracted services required for construction and routine maintenance activities and equipment utilized or acquired after the project is operational. This subparagraph is ~~repealed effective June 30, 2012; applicable as follows:~~

(I) On and after January 1, 2010, the exemption shall apply to sales of equipment for projects where either the project developer is the landowner for the project prior to January 1, 2010, or where the project developer has, prior to January 1, 2010, entered into a written contract with a landowner that describes the project with specificity, including a description of equipment to be purchased and placed on the landowner's land and has made payment to the landowner under terms of the contract. To be eligible for the exemption, the project developer shall have received all required permits and approvals from all governmental agencies for the development and construction of the project. Evidence of compliance with this subparagraph shall be submitted to the department with the request for an exemption. Equipment eligible for the exemption shall be purchased and delivered within the state of Wyoming on or before December 31, 2011

for storage, use or consumption by the developer to qualify for the exemption. The exemption provided under this subdivision of this subparagraph is repealed effective December 31, 2011;

(II) On and after January 1, 2010, the exemption shall apply to sales of equipment used to generate electricity from renewable resources with a total net rating capacity of not more than twenty-five (25) kilowatts, or where the entire renewable energy system is to be for off-grid use. The exemption provided under this subdivision of this subparagraph is repealed effective June 30, 2012.

39-16-105. Exemptions.

(a) The following purchases or leases are exempt from the excise tax imposed by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(C) Sales of equipment used to generate electricity from renewable resources. As used in this subparagraph, "renewable resources" includes wind generation, solar, biomass, landfill gas, hydro, hydrogen and geothermal energy. The exemption provided by this subparagraph shall be limited to the acquisition of equipment used in a project to make it operational up to the point of interconnection with an existing transmission grid including wind turbines, generating equipment, control and monitoring systems, power lines, substation equipment, lighting, fencing, pipes and other equipment for locating power lines and poles. The exemption shall not apply to tools and other equipment used in construction of a new facility, contracted services required for construction and routine maintenance activities and equipment utilized or acquired after the project is operational. ~~This subparagraph is repealed effective June 30, 2012; applicable as follows:~~

(I) On and after January 1, 2010, the exemption shall apply to sales of equipment for projects where either the project developer is the landowner for the project prior to January 1, 2010, or where the project developer has, prior to January 1, 2010, entered into a written contract with a landowner that describes the project with specificity, including a description of equipment to be purchased and placed on the landowner's land and has made payment to the landowner under terms of the contract. To be eligible for the exemption, the project developer shall have received all required permits and approvals from all governmental agencies for the development and construction of the project. Evidence of compliance with this subparagraph shall be submitted to the department with the request for an exemption. Equipment eligible for the exemption shall be purchased and delivered within the state of Wyoming on or before December 31, 2011 for storage, use or consumption by the developer to qualify for the exemption. The exemption provided under this subdivision of this subparagraph is repealed effective December 31, 2011;

(II) On and after January 1, 2010, the exemption shall apply to sales of equipment used to generate electricity from renewable resources with a total net rating capacity of not more than twenty-five (25) kilowatts, or where the entire renewable energy system is to be for off-grid use. The exemption provided under this subdivision of this subparagraph is repealed effective June 30, 2012.

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, 2009.

Chapter 118

SHED ANTLER COLLECTION

Original Senate File No. 13

AN ACT relating to game and fish; authorizing regulation of the collection of shed antlers and horns of big game animals as specified; and providing for an effective date.

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

Section 1. W.S. 23-1-302(a) by creating a new paragraph (xxx) is amended to read:

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxx) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of the Continental Divide any time between January 1 and May 1 of each year.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 119**GAME AND FISH-LANDOWNER COUPON REDEMPTION PERIOD**

Original Senate File No. 48

AN ACT relating to game and fish; extending deadline for submission of landowner coupons; and providing for an effective date.

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

Section 1. W.S. 23-3-105(b) is amended to read:

23-3-105. Antelope, deer and elk coupons; payment to landowner; kill on federal or state land.

(b) The landowner's coupon shall promptly be detached, dated, signed and delivered to the landowner. The landowner, on or before ~~February~~ March 1 following the year for which the license was ~~valid-issued~~, shall deliver to the department the coupon and an affidavit that the antelope, deer or elk for which the coupon was delivered was killed on his land. Upon receipt of the coupon and affidavit the department shall pay the landowner sixteen dollars (\$16.00) for each coupon from an antelope, deer or elk license. Landowner's coupons are not transferable. Any unauthorized person attempting to collect any sum for any landowner's coupon is guilty of a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii). Effective January 1, 2000, the department shall provide a checkoff box on each landowner coupon affidavit claim form that offers the claimant the opportunity to designate the animal damage management board to receive his payment amount for landowner coupons claimed on that form. For each claim made where the landowner has designated his payment to the animal damage management board, the department shall transfer that amount to the animal damage management account created by W.S. 11-6-306 and the department shall retain the fees related to those administrative costs of the transfer.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 120**WYOMING LIVESTOCK HEALTH AND EMERGENCY DISEASE PROGRAM**

Original Senate File No. 32

AN ACT relating to livestock; providing for a livestock health and emergency disease response program; authorizing positions; funding contract services; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 11-18-103(a)(v), (vi), (vii) and by creating new paragraphs (viii) and (ix) is amended to read:

11-18-103. Livestock board; powers generally.

(a) In addition to powers and duties hereinafter provided, the Wyoming livestock board shall:

(v) Promulgate and enforce rules, regulations and orders it deems necessary for the importation of domestic animals, excluding those animals covered in W.S. 23-3-301(a), recording and inspection of livestock brands, inspection, testing, brucellosis vaccination or quarantining of any livestock including brucellosis vaccination requirements for resident cattle and cattle imported into Wyoming and to develop a livestock health and emergency disease response program, including prevention, surveillance and investigation of livestock diseases through naturally occurring events or acts of agroterrorism. "Agroterrorism" for the purpose of this section means an intentional release of a biological or chemical agent that causes disease to livestock or crops or renders the food products of livestock or crops unsafe for human consumption;

(vi) Exercise the power and authority conferred upon it by this act, either directly or through its agency;~~and~~

(vii) Designate an agency to act as its representative as provided by W.S. 11-20-201, recorded in its minutes, and transmit the name of the agency to the auditor and treasurer of Wyoming;:

(viii) Develop a comprehensive livestock health and emergency disease response program for reportable diseases as identified in W.S. 11-19-102;

(ix) Promote the prevention, surveillance, investigation and elimination of diseases of concern and the protection of the overall health of Wyoming livestock by maintaining science based import regulations and quarantines and providing instruction to the ports of entry, veterinarians and law enforcement.

Section 2.

(a) There is appropriated one hundred sixty thousand dollars (\$160,000.00) from the general fund to the Wyoming livestock board as follows:

(i) One hundred thousand dollars (\$100,000.00) for one (1) full-time position for a field veterinary medical officer for salary and benefits. This position is to assist the state veterinarian in animal trace back, risk assessment, epidemiology, affected area owners and science based decisions;

(ii) Forty-five thousand dollars (\$45,000.00) for a contractor to develop a comprehensive technology plan and business analysis needed to assess and deploy a state-wide electronic system for ownership verification for the livestock brand program and the essential disease trace back and ownership for the livestock health and emergency disease response program that:

(A) Includes integration and interfaces with new and existing databases, programs and applications;

(B) Ensures system and data security and integrity;

(C) Defines initial and on-going training and information technology maintenance resources; and

(D) Is designed for user friendliness as well as accurate and efficient reporting.

(iii) Fifteen thousand dollars (\$15,000.00) for the vehicle, field office support and expenses for the additional positions authorized in this act.

(b) The appropriations under subsection (a) of this section shall be for the period beginning with the effective date of this act and ending June 30, 2010. Notwithstanding any other provision of law, these appropriations shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2010.

Section 3. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 121**TEACHER SHORTAGE LOAN REPAYMENT PROGRAM**

Original House Bill No. 173

AN ACT relating to the Wyoming teacher shortage loan repayment program; expanding loan program to specified additional teaching endorsements; excluding federal financial assistance as loan eligibility requirement for specified programs; specifying loan amount; and providing for an effective date.

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

Section 1. W.S. 21-7-601(b)(i) through (iii), (c) through (e) and (j) by creating a new paragraph (iv) is amended to read:

21-7-601. Wyoming teacher shortage loan repayment program; eligibility criteria; procedures; program reporting.

(b) To qualify for a loan under this section, the applicant shall first:

(i) Be enrolled in good standing in a teacher education program at the University of Wyoming leading to:

(A) Certification as a special education, math, science or foreign language teacher; or

(B) Eligibility for an additional endorsement to teach reading or English as a second language.

(ii) If in a program leading to certification under subparagraph (i)(A) under this subsection, have class standing of at least a junior for the first semester for which application for a loan under this program is made;

(iii) If in a program leading to certification under subparagraph (i)(A) of this subsection, apply for federal financial assistance.

(c) Subject to the availability of funds appropriated for this program, loans under this section may be granted to qualified applicants to pay:

(i) The unmet financial need, as determined by the Wyoming community college commission, of attendance at the teacher education program specified under ~~paragraph (b)(i)~~ subparagraph (b)(i)(A) of this section; or

(ii) The cost of attendance at the teacher education program specified under subparagraph (b)(i)(B) of this section.

(d) Except for a loan for teacher education programs specified under subparagraph (b)(i)(B) of this section, a loan provided under this section shall not exceed the cost of attendance for the approved program, reduced

by the amount of any Pell or other federal grant and any employer based financial assistance received by the applicant.

(e) A recipient of a loan under this section may repay the loan without cash payment by teaching at least fifty percent (50%) of his working hours as a teacher in special education, math, science, ~~or foreign language,~~ reading or English as a second language as a certified teacher in a Wyoming public school as provided in subsection (f) of this section. To qualify as repayment under this subsection, work shall be performed within the minimum amount of time necessary to repay the loan, plus two (2) years, which shall begin with the calendar month following the month in which the student completed the academic program.

(j) The Wyoming community college commission shall have the powers and duties specified under W.S. 21-18-202(c) to implement this section and shall establish terms and conditions of loans issued under this section, including:

(iv) Criteria for determining the cost of attendance as used in establishing the loan amount for teacher education programs specified under paragraph (b)(i)(B) of this section, based upon each semester or summer school session of full or part-time program attendance.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 122

SNOW PLOWS-EMERGENCY LIGHTS

Original Senate File No. 76

AN ACT relating to motor vehicles; authorizing lights of a conspicuous color to be used on snow plows; and providing for an effective date.

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

Section 1. W.S. 31-5-928(d) is amended to read:

31-5-928. General lighting restrictions; authorized emergency vehicles.

(d) Every authorized emergency vehicle, except police vehicles and as otherwise specified in this subsection, shall, in addition to any other equipment required by law, be equipped with at least one (1) red lamp visible from five hundred (500) feet in front of the vehicle. Except as otherwise provided in this subsection, every authorized emergency vehicle, may be equipped with one (1) or more blue, white or amber lights. Vehicles used by

the department to clear snow from public highways may be equipped with one (1) or more lights of a conspicuous color as specified by rules adopted by the department. Privately-owned vehicles used by members of a fire department or emergency service organization in performing or traveling to perform assigned duties in those organizations shall display at least one (1) flashing white, red or amber light, but no blue lights, visible from five hundred (500) feet in front of the vehicle.

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, 2009.

Chapter 123

ENERGY PERFORMANCE CONTRACTING-2

Original House Bill No. 156

AN ACT relating to economic development; providing for the support, development and implementation of energy performance contract projects; providing for the use of energy efficient measures for local governmental entities; requiring a report; and providing for an effective date.

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

Section 1. W.S. 9-12-1201 through 9-12-1203 are created to read:

ARTICLE 12 WYOMING ENERGY PERFORMANCE PROGRAM

9-12-1201. Definitions.

(a) As used in this article:

(i) "Agency" means a branch, agency, department, board, instrumentality or institution of the state of Wyoming, a county, a municipal corporation, a school district, a community college district, the University of Wyoming, the joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes, the business council of the Eastern Shoshone Indian tribe, the business council of the Northern Arapaho Indian tribe, a joint powers board formed pursuant to this act or a special district specifically involved in providing facilities or functions enumerated in W.S. 16-1-104(c);

(ii) "Energy conservation measure" means an energy study, audit, improvement or equipment that is designed to provide energy, water and operational cost savings at least equivalent to the amount expended by a

facility owner for such energy study, audit, improvement or equipment over a period of not more than twenty (20) years after the date such improvement or equipment is installed or becomes operational;

(iii) “Energy performance contract” means the contract that allows a facility owner to accomplish energy or water efficiency projects without upfront capital costs or capital appropriations. An energy performance contract shall not be considered to be a contract for public improvement pursuant to W.S. 15-1-113;

(iv) “Energy services company” means the contractor not organized under the auspices of a utility regulated by the public service commission with demonstrated technical, operational, financial and managerial capabilities to design and implement energy conservation measures and the ability to secure necessary financial measures to ensure related guarantees for operational cost savings and who is responsible for the audit, design, implementation, measurement, verification and guarantee of savings for individual projects;

(v) “Facility owner” means an agency or group of agencies, a public hospital or other public entity responsible for an individual facility or group of facilities;

(vi) “Investment grade energy audit” means the detailed engineering investigation and report of a facility’s current energy and water consuming equipment inventory, condition, operation, maintenance and performance, energy baseline, potential energy and water efficiency upgrades, life cycle costs and risks for future performance that provides the justification for the energy performance contract project;

(vii) “Wyoming energy conservation improvement program” means the Wyoming business council state energy office program designed to enable and support development and implementation of energy performance contract projects.

9-12-1202. Energy performance contracting.

The council shall establish a Wyoming energy conservation improvement program which provides support development and implementation of energy performance contract projects to facility owners voluntarily participating in the program. In order to participate in the program, facility owners and energy services companies shall be subject to the provisions of this article and rules adopted pursuant to this article.

9-12-1203. Energy performance contracting.

(a) Upon receipt of a request from a facility owner, the Wyoming business council shall provide the facility owner with a list of energy service

companies interested in providing services to the facility owner and qualified by the Wyoming business council to participate in the Wyoming energy conservation improvement program.

(b) The energy services company participating in the Wyoming energy conservation improvement program shall provide an investment grade audit showing the estimated energy and operational cost savings that would result from the proposed energy conservation measures. Before executing any contract or lease purchase agreement under subsection (c) of this section, the energy services company shall provide the facility owner with plans for the proposed energy conservation measures prepared by an engineer licensed to practice in Wyoming.

(c) Notwithstanding W.S. 15-1-113 and subject to the provisions of subsection (e) of this section, a facility owner may enter into an installment payment contract or lease purchase agreement for an energy or water conservation measure which meets the criteria of this section. Any documents related to negotiations entered into pursuant to this section with individual energy services companies by an agency or facility owner shall be considered trade secrets pursuant to the provisions of the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205. After a contract has been executed by an agency, the contract and all proposals from energy service companies shall be open records available for public inspection in accordance with the Wyoming Public Records Act.

(d) Energy performance contracts entered into pursuant to the Wyoming energy conservation improvement program shall require the energy services company to provide to the facility owner an annual reconciliation of the guaranteed energy savings. If the reconciliation reveals a shortfall in annual energy savings, the energy services company shall be liable for compensation to the facility owner for such shortfall under the provisions of the energy performance contract. If the reconciliation reveals an excess in annual energy savings, the excess savings shall be retained by the facility owner and shall not be used to cover potential energy savings shortages in subsequent contract years.

(e) An energy performance contract entered into pursuant to the Wyoming energy conservation improvement program may provide for financing, including tax exempt financing, by a third party. The contract for third party financing may be separate from the energy performance contract. A separate contract for third party financing shall include a provision that the third party financier shall not be granted rights or privileges that exceed the rights and privileges available to the energy services company.

(f) The Wyoming business council may provide support under the Wyoming energy conservation improvement program as requested by facility owners for purposes of this section. The Wyoming business council state energy office may fix, charge and collect reasonable fees for any administrative

support and resources or other services provided by the Wyoming business council pursuant to this subsection.

(g) If the facility owner fails to appropriate or receive an appropriation of money for a periodic payment due for improvements made through an energy performance contract, any security interest in any property created pursuant to the energy performance contract, may be enforced by the holder of such a security interest against the property.

(h) The term of an energy performance contract shall not exceed twenty (20) years after the date on which the work required by the energy performance contract to implement all energy conservation measures is completed.

(j) The Wyoming business council shall submit to the joint minerals, business and economic development interim committee by October 1, an annual report on the energy performance contracting performed under the Wyoming energy conservation improvement program. The report shall include the number of applications submitted, the number of facility owners, the number of energy performance contracts, the results of the investment grade energy audits and the results of the energy performance contracts.

Section 2. W.S. 9-12-102(a)(viii) and 15-1-113 by creating a new subsection (s) are amended to read:

9-12-102. Definitions.

(a) As used in this act, the following terms have the following meanings, except where the context clearly indicates otherwise:

(viii) "This act" means W.S. 9-12-101 through ~~9-12-905~~ 9-12-1203.

15-1-113. Contracts for public improvements.

(s) As used in this section, a contract for public improvement shall not include an arrangement in which a municipality can accomplish an energy or water efficiency project without upfront capital costs or capital appropriations by compensating an energy or water efficiency contractor over time from guaranteed savings in energy or water costs that result from the project.

Section 3. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 124**SIMPLE ASSAULT**

Original House Bill No. 297

AN ACT relating to crimes and offenses; amending elements of simple battery to address the decision in *United States v. Hays*, 526 F.3d 674, (10th Cir., 2008); conforming provisions; providing legislative intent; and providing for an effective date.

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

Section 1. W.S. 6-2-501(b), (f)(i) and (ii) and by creating a new subsection (g) and 7-20-102(a) are amended to read:

6-2-501. Simple assault; battery; penalties.

(b) A person is guilty of battery if he ~~unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another by use of physical force.~~

(f) A household member as defined by W.S. 35-21-102 who commits a second or subsequent battery against any other household member shall be punished as follows:

(i) A person convicted upon a plea of guilty or no contest or found guilty of a second offense under this subsection against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) ~~or (f)~~ through (g), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member within the previous five (5) years 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. Notwithstanding any other provision of law, the term of probation imposed by a court under this paragraph may exceed the maximum term of imprisonment established for this offense under this paragraph provided the term of probation, together with any extension thereof, shall in no case exceed two (2) years;

(ii) A person convicted upon a plea of guilty or no contest or found guilty of a third or subsequent offense under this subsection against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) ~~or (f)~~ through (g), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member within the previous ten (10) years is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than two thousand dollars (\$2,000.00), or both.

(g) A person is guilty of unlawful contact if he:

(i) Touches another person in a rude, insolent or angry manner without intentionally using sufficient physical force to cause bodily injury to another; or

(ii) Recklessly causes bodily injury to another person.

(h) An unlawful contact under subsection (g) 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.

7-20-102. Arrests without warrant.

(a) In addition to arrests specified in W.S. 7-2-102, any peace officer who has probable cause to believe that a violation of W.S. 6-2-501(a), (b), (e) ~~or (f) through~~ (g), 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four (24) hours or is taking place and that the person who committed or is committing the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer.

Section 2. The Wyoming legislature, cognizant of the decision of the United State Court of Appeals for the 10th Circuit in *United States v. Hays*, 526 F.3d 674, (10th Cir., 2008), creates the offense of unlawful contact in W.S. 6-2-501(g), to clarify the elements of the offense of simple battery for purposes of federal law, as addressed in the court's decision.

Section 3. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 125**BURIAL ARRANGEMENTS**

Original House Bill No. 42

AN ACT relating to burials and cremations; specifying persons authorized to consent to burial or cremation; providing for immunity as specified; and providing for an effective date.

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

Section 1. W.S. 2-17-101 is created to read:

CHAPTER 17
BURIAL ARRANGEMENTS

2-17-101. Authority to authorize burial or cremation; immunity for funeral directors and undertakers.

(a) If a decedent leaves written instructions regarding his entombment, burial or cremation, the funeral director or undertaker to whom the body is entrusted shall proceed with the disposition of the body in accordance with those instructions. In the event a decedent does not leave written instructions regarding his entombment, burial or cremation, the funeral director or undertaker to whom the body is entrusted shall obtain a signed consent before the entombment, burial or cremation proceeds.

(b) Any of the following persons, in order of priority as stated, may consent to the entombment, burial or cremation of the decedent, provided no written instructions were left by the decedent:

- (i) The decedent's spouse at the time of death;
- (ii) An adult child of the decedent;
- (iii) Either parent of the decedent;
- (iv) An adult sibling of the decedent;
- (v) A grandparent of the decedent;
- (vi) A stepchild of the decedent;

(vii) A guardian of the decedent in accordance with W.S. 3-2-201(a)(x).

(c) If a funeral director or undertaker receives written consent from a person specified in subsection (b) of this section, he may act in accordance with the consent, unless a person with a higher or equal priority provides

the funeral director or undertaker a contrary written consent within three (3) days. If the funeral director or undertaker has been provided contrary written consents from members of the same class with the highest priority as to the entombment, burial or cremation of the decedent, the director or undertaker shall act in accordance with the directive of the greatest number of consents received from members of the class. If that number is equal, the director or undertaker shall act in accordance with the earlier consent unless the person providing the later consent is granted an order from the district court for the county in which the funeral home or mortuary is located. The district court shall order disposition in accordance with the later consent only if it is shown by a preponderance of the evidence the disposition is in accordance with the decedent's wishes.

(d) If the decedent is not survived by any member of the classes listed or no member of those classes is competent to sign a consent, any person who comes forward and legitimately identifies himself as another level of relation or friend of the decedent is authorized to sign the consent. If no consent is received within seven (7) days of the decedent's death, the coroner for the county in which the funeral home or mortuary is located is authorized to sign the consent.

(e) A funeral director or undertaker acting in accordance with this section, or attempting in good faith to act in accordance with this section, shall be immune from civil liability.

(f) Nothing in this section abrogates or amends the intestate succession laws of W.S. 2-4-101 through 2-4-214.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 126**SPECIAL DISTRICT ELECTIONS-POLLING PLACE REQUIREMENT**

Original House Bill No. 104

AN ACT relating to elections; providing that polling places in special district mail ballot elections may be located in the election official's office or the county clerk's office; and providing for an effective date.

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

Section 1. W.S. 22-29-116(b) is amended to read:

22-29-116. Procedures for mail ballot elections.

(b) The election official responsible for conducting the election shall provide a minimum of one (1) polling place on the day of election which may be the election official's office or the county clerk's office and shall be open for not less than five (5) consecutive hours at any time between the hours of 9:00 a.m. and 7:00 p.m. as set forth in the notice of election.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 127**CHILD PROTECTION HEARINGS**

Original House Bill No. 289

AN ACT relating to child protection cases; providing for a decision by the office of administrative hearings in child protection cases; providing that a local child protective agency may appeal a decision by the office of administrative hearings; and providing for an effective date.

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

Section 1. W.S. 14-3-204(a)(v) and by creating a new subsection (b) is amended to read:

14-3-204. Duties of local child protective agency.

(a) The local child protective agency shall:

(v) If the child protective agency is able through investigation to substantiate a case of abuse or neglect, it shall notify the person suspected of causing the abuse or neglect by first class mail to his last known address of his right to request a hearing on the agency's determination for a final

determination before the office of administrative hearings pursuant to the Wyoming Administrative Procedure Act;

(b) The local child protective agency may appeal an adverse determination of the office of administrative hearings.

Section 2. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 128

RENTAL VEHICLES

Original Senate File No. 57

AN ACT relating to rental vehicle agencies; amending definitions, registration requirements and surcharge provisions; consolidating rental vehicle statutes; providing new regulation and enforcement provisions; creating bonding requirements; declaring unlawful acts; granting rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 31-19-101 through 31-19-104, 31-19-106 and 31-19-107 are created to read:

CHAPTER 19 RENTAL VEHICLE AGENCIES

ARTICLE 1 RENTAL AGENCY CERTIFICATE; REGISTRATION; SURCHARGE FEES; ENFORCEMENT

31-19-101. Definitions.

(a) Except as otherwise provided, as used in this chapter:

(i) "Rental vehicle" means as defined in W.S. 31-1-101(a)(xx) and includes u-drive-it rental vehicles;

(ii) "Rental vehicle agency" means any person who rents or offers for rental any vehicle, including a u-drive-it vehicle, without a driver for a period of thirty-one (31) days or less;

(iii) "Rental vehicle fleet" means one (1) or more rental vehicles rented or offered for rental in Wyoming without a driver for a period of thirty-one (31) days or less and includes both rental vehicles and u-drive-it vehicles;

(iv) "U-drive-it vehicle" means as defined in W.S. 31-1-101(a)(xxviii).

31-19-102. Required application; rental agency certificate.

Before commencing business and annually thereafter, any person who engages in the business of renting rental vehicles in Wyoming shall apply to the department for a certificate or a renewal of a certificate to operate as a rental vehicle agency. A certificate or renewal certificate is valid for one (1) year. Applications shall be accompanied by a fee of one hundred dollars (\$100.00) and contain information with respect to the applicant's name and established place of business address. The applicant shall list the physical address of each location in Wyoming where vehicles will be rented or offered for rental without a driver. A rental vehicle agency certificate including certificate number will be printed for each location with the physical address of that location indicated and shall be conspicuously displayed within the place of business for that location. Failure of the certificate holder to comply with any applicable rules and regulations or any provisions of this chapter shall result in cancellation of the certificate and subject the certificate holder to other penalties as provided by law.

31-19-103. Established place of business.

(a) The department shall not issue a rental agency certificate to any applicant without an established place of business. If a rental vehicle agency changes the location of its established place of business, the rental vehicle agency shall immediately notify the department. A new rental vehicle agency certificate shall be granted if the new location meets all the requirements of an established place of business. If a rental vehicle agency ceases to have an established place of business, the rental vehicle agency shall immediately surrender its rental vehicle agency certificate to the department until the rental vehicle agency obtains an established place of business. The rental vehicle agency certificate shall be reissued without charge if a place of business is established. Nothing in this act shall be construed to prevent a rental vehicle agency from conducting its business at one (1) or more licensed supplemental lots or locations not contiguous but operated and maintained in conjunction with the rental vehicle agency's place of business.

(b) The established place of business shall be a permanent commercial building:

(i) Which is located within the state of Wyoming at which place the business of a rental vehicle agency, its facilities, and a sign may be carried on or displayed in accordance with the terms of all applicable building codes, zoning, and other land-use regulatory ordinances prescribed by the municipality or county in which it is located;

(ii) Which is not primarily used or attached directly to a residence and

which is sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site to indicate the nature of the business;

(iii) Which maintains a permanent, published telephone number;

(iv) At which building the public may contact the rental vehicle agency or employees thereof at all reasonable times; and

(v) At which shall be kept and maintained, physically or electronically, the books, records and files as required by W.S. 31-19-106(c) as necessary to conduct the business.

31-19-104. Registration of rental vehicles.

(a) All rental vehicles shall be registered pursuant to chapter 2, article 2 of this title, subject to the exemption provisions set forth in W.S. 31-2-201(d)(xi) and (xii).

(b) U-drive-it vehicles may be registered under the international registration plan pursuant to W.S. 31-18-201 through 31-18-209.

(c) A rental vehicle transaction occurs in the jurisdiction in which the rental vehicle first comes into the possession of the user. Thereafter, all rental vehicles rented by the owner and displaying valid registration in any jurisdiction may operate in Wyoming on an interstate and intrastate basis.

31-19-106. Unlawful acts.

(a) No rental vehicle agency, employee thereof, or other person required to be licensed under this chapter shall:

(i) Rent or offer to rent rental vehicles unless the person holds a valid rental vehicle agency certificate;

(ii) Engage in the business for which a rental vehicle agency certificate is issued without maintaining an established place of business as required by this chapter;

(iii) Violate this chapter or any of the rules and regulations promulgated under it;

(iv) Knowingly purchase, sell, acquire, rent, offer to rent or dispose of a stolen vehicle;

(v) Knowingly rent or offer to rent a vehicle which has an altered or removed vehicle identification number or alter or remove a vehicle

identification number;

(vi) Violate any law of this state respecting commerce in vehicles or any related state agency rule or regulation;

(vii) Violate any provision of the federal motor vehicle safety standards;

(viii) Knowingly publish or circulate any misleading or inaccurate advertisement which misrepresents any of the products or services offered by a rental vehicle agency or use any false or misleading advertisement in the conduct of its business;

(ix) Make a false report to the department with the intent to misrepresent the amount of registration fees paid on rental vehicles or the amount of surcharge fees collected.

(b) Any statement, threats, promises, acts, contracts or offers of contracts which lessen or eliminate competition or tend to create a monopoly are unfair trade practices, unfair methods of competition and are prohibited.

(c) No rental vehicle agency or employee thereof shall attempt to nullify any of the provisions of this chapter, whether by written instrument, agreement, release or waiver. Any such attempt, agreement, written instrument, release or waiver is null and void.

31-19-107. Enforcement.

(a) Any person who knowingly or intentionally violates any provision of this chapter or who knowingly or intentionally procures, aids, or abets any person in violation or noncompliance, is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each rental vehicle transaction occurring while in violation of the provisions of this chapter constitutes a separate offense. In addition, the department may revoke any rental agency certificate for violation of this chapter and deny issuance of any subsequent rental vehicle agency certificate for a period not to exceed ten (10) years.

(b) The highway patrol division, any other enforcement officers designated by the department, and any peace officer of any county or municipality, are charged with the duty of policing and enforcing the provisions of this chapter. All such persons shall have the authority to issue citations for violations of any of the provisions of this chapter.

(c) The department may promulgate rules and regulations necessary to implement the provisions of this chapter and shall provide the forms necessary to meet the filing requirements of this chapter.

Section 2. W.S. 31-1-101(a)(xx) and (xxviii), 31-2-201(d)(xi) and by creating a new paragraph (xii) and 31-3-103(g)(intro) are amended to read:

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

(xx) "Rental vehicle" means a vehicle which is rented or offered for rental without a driver for a period of thirty-one (31) days or less;

(xxviii) "U-Drive-It ~~motor-vehicle~~" means a ~~motor-vehicle~~ which is rented or offered for rental without a driver ~~and is designed to carry ten (10) persons for a period of thirty-one (31) days or less, including consumer rental trucks and trailers used to transport personal property and effects, but not including;~~

(A) Trucks and trailers used to transport commercial freight;

(B) Trailers rented from an agency that does not also offer motor vehicles for rental.

31-2-201. Required applications; contents; weight certificate; exemptions; fees; certificate of title as precondition.

(d) The following vehicles are exempt from the provisions of this section:

(xi) Rental vehicles; rented in another state or country and validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country, ~~provided the surcharge is paid pursuant to W.S. 31-3-104 if the vehicle is rented and not being operated for gain or profit in Wyoming nor used for daily transportation to or from employment in Wyoming. for a continuous period of more than fourteen (14) days;~~

(xii) Rental vehicles rented in Wyoming from a licensed rental vehicle agency, provided the surcharge is paid pursuant to W.S. 31-19-105 and the vehicle is validly registered in another jurisdiction and displays valid registration or license plates in accordance with the laws of that jurisdiction.

31-3-103. Distribution of fees; refunds.

(g) Fees collected by U-Drive-It ~~motor-vehicle~~ or ~~car-rental companies~~ vehicle agencies pursuant to W.S. ~~31-3-104~~ 31-19-106 in excess of registration fees paid on ~~trucks or passenger rental~~ vehicles in Wyoming

shall be distributed as follows:

Section 3. W.S. 31-3-104 is amended and renumbered as 31-19-105 to read:

31-3-104 31-19-105. Surcharge fees; penalty and interest.

(a) Rental companies engaged in the business of renting ~~passenger or U-Drive-It motor~~ rental vehicles for periods of ~~twenty-nine (29)~~ thirty-one (31) days or less shall collect, at the time the vehicle is rented in Wyoming, a four percent (4%) surcharge on each rental vehicle contract. For purposes of this ~~section~~ chapter, a vehicle is rented in Wyoming if possession is obtained by the renter in Wyoming. The surcharge shall be computed on the total dollar amount stated in the rental contract, except that taxes imposed by chapters 15 and 16 of title 39 shall not be used in computing the surcharge. The surcharge paid under this section shall not be subject to the taxes imposed by chapters 15 and 16 of title 39.

(b) The surcharge shall be noted in the rental contract and collected in accordance with the terms of the contract. Except as provided in subsection (c) of this section, the surcharge shall be retained by the rental vehicle owner or the rental company engaged in the business of renting ~~passenger or U-Drive-It motor~~ vehicles agency as reimbursement for any registration fees paid under W.S. 31-3-101.

(c) ~~On February 15 of each year, all~~ Every rental companies vehicle agency which ~~collect~~ collects surcharges pursuant to this section shall file a report with the department on a semiannual basis stating the total amount of registration fees paid in Wyoming on its ~~passenger or U-Drive-It motor vehicles~~ rental vehicle fleet for the ~~preceding calendar year~~ report period, the total amount of ~~passenger or U-Drive-It motor vehicle~~ rental revenues earned on rentals in Wyoming for the ~~preceding calendar year~~ report period and the amount by which the total amount of the surcharges collected for the ~~preceding calendar year~~ report period exceeds the total amount of Wyoming registration fees ~~on passenger or U-Drive-It motor vehicles~~ paid on the rental vehicle fleet for the ~~preceding calendar year~~ reporting period. ~~All surcharge revenues collected in excess of the total amount of Wyoming registration fees paid on passenger or U-Drive-It motor vehicles shall be remitted to the department for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this subsection:~~ The surcharge report for the report period of January through June shall be filed no later than July 31, and the surcharge report for the report period of July through December shall be filed no later than January 31 of the following calendar year.

(i) ~~The rental company shall retain copies of rental contracts;~~

(ii) ~~The department may require rental companies to furnish copies of~~

rental contracts for purposes of ensuring compliance with this section.

~~(d) Any rental company which makes a false report to the department with the intent to misrepresent the amount of registration fees paid on passenger or U-Drive-It motor vehicles or the amount of surcharges collected is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation constitutes a separate offense. Every rental vehicle agency shall include a detailed report of all Wyoming registrations purchased for their rental vehicle fleet which shall include the make, model, year, vehicle identification number, name to which registration was issued, registration number and Wyoming registration fees paid. With each surcharge report, u-drive-it rental vehicle agencies with apportioned registration in another state shall file a detailed report stating the international registration plan account number and dollar amount of registration fees paid to the state of Wyoming.~~

~~(e) The department may promulgate rules and regulations necessary to implement the provisions of this section and shall provide the forms necessary to meet the filing requirements of this section. All surcharge revenues collected during the preceding calendar year in excess of the total amount of Wyoming registration fees paid on the rental vehicle fleet shall be remitted to the department with the July through December surcharge report, no later than January 31 of the following calendar year, for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this section:~~

~~(i) The rental vehicle agency shall retain copies of all rental contracts;~~

~~(ii) The department may require rental vehicle agencies to furnish copies of rental contracts for purposes of ensuring compliance with this section; and~~

~~(iii) The rental vehicle agency shall provide other information as required by the department for enforcement of this chapter.~~

~~(f) If any person fails or refuses to file a four percent (4%) surcharge remittance report or remit the required surcharge fees, a penalty of ten percent (10%) of the surcharge fees due or ten dollars (\$10.00) for each month delinquent up to a maximum penalty of one hundred percent (100%) of the surcharge fees due or one hundred dollars (\$100.00), whichever is greater, shall be added to the amount due for the delinquent reporting period. The department shall notify the delinquent rental vehicle agency of the total amount due by providing written notice to the agency's established place of business, as shown on the records of the department, either by hand delivery or by United States mail. The rental vehicle agency shall have thirty (30) days from receipt of the notice to submit any delinquent~~

four percent (4%) surcharge remittal report and remit any surcharge fees, interest and penalties due. If the delinquent rental vehicle agency proves to the department that the delinquency was due to a reasonable cause, the department shall waive the penalty provided in this subsection.

(g) All delinquent surcharge fees shall be subject to a one percent (1%) per month interest charge which shall be disclosed to the rental vehicle agency in the written notice required by subsection (f) of this section.

(h) The department may require bonds under this chapter as follows:

(i) A bond equal to the greater of the sum of twenty-five thousand dollars (\$25,000.00) or one hundred fifty percent (150%) of the dollar amount in which the agency is delinquent in submitting surcharges, whichever is greater, when a rental vehicle agency:

(A) Operates without a valid rental vehicle agency certificate;

(B) Is delinquent in filing any four percent (4%) surcharge remittal report;

(C) Is delinquent in remitting any surcharge fees;

(D) Applies for reissuance of a rental agency certificate after the rental agency certificate has been revoked; or

(E) Applies for a new or renewal rental agency certificate after violating any provision of this chapter.

(ii) The bond shall be executed with a corporate surety duly licensed to do business in this state. In lieu of a corporate surety bond, the department may accept a cash bond made payable to the department. Any interest earned on a cash bond shall accrue to the rental vehicle agency. The bond shall comply with all of the following requirements:

(A) Be approved as to form by the Wyoming attorney general;

(B) Be made payable to the department;

(C) Guarantee payment of delinquent surcharge fees due under this article and the return of the rental vehicle agency certificates issued under this article.

(iii) The department shall require a bond from any rental vehicle agency whose certificate has been revoked or who violates any provision of this chapter, as a condition of future licensing. The department may waive any bond requirement imposed when a rental vehicle agency complies with all requirements of this chapter for three (3) consecutive years;

(iv) Failure to post a bond required by the department under this section shall result in the denial of a rental vehicle agency certificate.

(j) Any person failing to remit the four percent (4%) surcharge fee required by this section is liable for double the amount due, plus interest, penalties and attorney's fees. Upon application made by the state and without requiring a bond, an injunction may be issued against the defendants enjoining and restraining them from renting or offering for rent any rental vehicles in the state until all amounts due are paid. Upon application made by the state, a receiver of the property and business of the defendant may be appointed to impound the same as security for all amounts due.

Section 4. W.S. 31-18-201(f) is repealed.

Section 5. This act is effective January 1, 2010.

Approved March 3, 2009.

Chapter 129

STATE EMPLOYEE COMPENSATION

Original Senate File No. 125

AN ACT relating to administration of government; modifying the state employee classification and compensation plan; modifying duties of the department of administration and information relating to the state employee classification and compensation plan; authorizing compensation for moving expenses for gubernatorial appointees as specified; authorizing expenditures for staff transitions for state elected officials as specified; 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)(xi), 9-2-1005(b)(iv), 9-2-1022(a)(ii), (vi), (xi)(A), (D), (b)(intro), (i) through (iii), (c)(i) through (iii), (v) and (vi), 9-3-104 and 11-20-405(a) 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:

(xi) "Contract employee" means an employee who is hired by any agency for a limited period of time, pursuant to rules promulgated by the human resources division in W.S. ~~9-2-1022(a)(xi)(E)~~ 9-2-1022(a)(xi)(F);

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

(b) Subject to subsection (c) of this section, the governor may:

(iv) Authorize the implementation of the personnel classification and compensation plan consistent with W.S. 9-2-1022(b). ~~This plan shall reflect a legislative pay policy to support a combination of salaries and benefits at equitable levels recognizing the relative internal value of each position as determined by job content, and the labor market in this geographic area for similar work, with due consideration of the need to attract, retain and motivate qualified employees and to recognize the state's financial position.~~

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:

(ii) Establish and administer a ~~uniform and consistent~~, equitable and flexible compensation plan covering all agency employees; ~~specifying the minimum, intermediate and maximum levels of pay for positions within each classification;~~

(vi) Initiate and administer recruitment programs designed to attract a sufficient quantity of suitable and qualified employees to the service of the state as needed to fulfill service commitments to its citizens;

(xi) Promulgate reasonable rules:

(A) Which are necessary to administer the classification plan; and the compensation plan; ~~and the system of service ratings;~~

(D) Necessary to administer a program whereby ~~two (2) employees may share one (1) position or three (3) employees may share two (2) positions~~ as set forth in subsection (f) of this section;

(b) The ~~current~~ state compensation plan shall apply to all state executive branch employees except those employees of the University of Wyoming and community colleges. The compensation and classification plan shall be designed to attract and retain a sufficient quantity of quality employees with competitive compensation based on relevant labor markets for each class of employment. The plan shall be based upon principles of fairness and equity and be administered with sound fiscal discipline. The plan shall utilize both fixed and variable compensation as well as noncash reward and recognition programs. All variable compensation benefits under the plan shall be administered by the department as a separately designated and appropriated budget item. ~~It~~ The plan shall consist of:

(i) Current job descriptions. These shall describe job content including the nature and level of work performed, responsibilities, requirements to possess professional licenses, certifications or registrations, and assist in job evaluation and classification, pay comparisons with other entities, recruitment, selection and performance appraisal;

(ii) ~~Job evaluation content~~ and classification. This process shall formally assign positions to classifications and determine pay grades in one (1) or more pay systems based on an evaluation of the content of jobs using quantitative point factors. At a minimum, these factors shall include knowledge, experience, skill, effort, responsibility, including requirements to possess professional licenses, certifications or registrations, problem solving, accountability and working conditions. These factors and their weights shall be established by the human resources division and reflect the relative importance of job content to the state and to the appropriate local, regional, national market or a combination of these markets as determined by the division. Establishing the value of compensation shall be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot readily be identified, the value of compensation shall be based on a fair and defensible method. Total compensation, including base salary, benefits, lump sum payments, allowances and other variable elements of compensation shall be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens. The human resources division shall periodically audit and update the system to ensure that it reflects current labor market conditions and at the request of the state employee compensation commission shall review applicable department rules and regulations, or through assessing employee complaints analyze hiring difficulties and turnover statistics;

(iii) Pay data collection and analysis. Data collection shall be based on a defined and relevant labor market that is representative of public and private sector employers. The relevant labor market may be local, regional, national or a combination of these markets as determined by the division to best reflect the relative importance of a job to the state. Data analysis shall identify salary ranges for each pay grade with minimum; ~~midpoint~~ and maximum dollar limits. The total compensation package for state employees shall be considered in the data collection and analysis;

(c) The state compensation plan shall provide for the following procedures to establish and change individual pay rates:

(i) Rates of pay shall be determined using knowledge, skills, abilities, experience, responsibilities, requirements to possess professional licenses, certifications or registrations, and labor market conditions giving consideration to salaries in the public and private sector in the relevant

labor market as determined by the division. Rates of pay shall be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further knowledge, skills and abilities;

(ii) ~~Except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998, General pay increases shall be only those approved by the legislature;~~

(iii) ~~Pay increases based on performance appraisals shall be approved after July 1, 1990, consistent with the performance appraisal system; and appropriations for this purpose;~~

(v) ~~Longevity pay increases shall be approved at a rate of thirty dollars (\$30.00) forty dollars (\$40.00) per month for each five (5) years of service. Longevity pay increases shall not be considered as part of base pay;~~

(vi) ~~Special pay increases may be approved by the governor using available funds, appropriated in the personnel services category in the agencies' budgets or using the authority granted in 1988 Wyoming Session Laws, Chapter 89, Section 209.~~

9-3-104. Moving expenses.

(a) When any state officer or employee is transferred from one (1) official station to another within the state of Wyoming for permanent duty, when the transfer is made at the request of and for the benefit of the state of Wyoming, the employing agency shall pay the actual expenses of transporting the household goods and effects of the officer or employee.

(b) The governor may expend up to twenty thousand dollars (\$20,000.00) in any term of office, from any appropriation to the governor's office not otherwise specifically restricted, for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne. Not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) appointee. Any funds expended for this purpose shall be reimbursed to the state by the appointee if the appointee is employed by the state for less than twelve (12) months.

(c) If there is a change in governor as a result of a general election, the governor may expend up to thirty-five thousand dollars (\$35,000.00) from any appropriation to the governor's office not otherwise specifically restricted, for transition staff salaries, travel and other related office expenses. If there is a change of any other elected state official as a result of a general election, the elected official may expend up to fifteen thousand dollars (\$15,000.00) from any appropriation to the official's office not otherwise specifically restricted, for the same purposes.

11-20-405. Collection and disposition.

(a) Any funds appropriated by the legislature and all fees collected pursuant to W.S. 11-20-101 through 11-20-124, 11-20-201 through 11-20-230, 11-20-401 and 11-20-402 shall be remitted to the state treasurer for deposit in the inspection account. Interest earned by the account shall be retained in the account. Monies within the account are subject to legislative review and appropriation for use and expenditure by the board. Itemized vouchers shall be submitted to the chief executive officer of the board for approval. Upon approval, a warrant for the payment of each voucher shall be issued by the state auditor for payment from the inspection account. ~~Notwithstanding W.S. 9-2-1022(a)(xi)(E),~~ The board shall expend monies from the account created by this section only for the purposes authorized by W.S. 11-20-201 through 11-20-230, and 11-20-101 through 11-20-124.

Section 2. W.S. 9-2-1022(a)(xi)(E), (xii) and (k) is repealed.

Section 3. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 130**ANTIFREEZE AND PETROLEUM PRODUCTS**

Original Senate File No. 37

AN ACT relating to standards for antifreeze and petroleum products; modifying definitions; requiring disclosure of engine fuels and fuel blends included in gasoline or diesel when sold to a wholesaler, retailer or consumer; modifying rulemaking authority; providing enforcement 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. 40-7-101, 40-7-102(a)(v), (vi), (viii) through (x), (xii), (xv), by creating new paragraphs (xxv) through (xxxvii) and by renumbering (xxv) as (xxxviii), 40-7-103(a)(intro), (v)(intro), by creating a new subparagraph (D) and (vi), 40-7-105, 40-7-106 and 40-7-107(a) are amended to read:

40-7-101. Products must conform to standards.

No antifreeze product, engine fuel or petroleum product shall be sold or offered for sale in the state of Wyoming, unless it conforms to the standards of quality prescribed in this act or rules promulgated under it.

40-7-102. Definitions.

(a) As used in this act:

(v) “Director” means the director of the department of agriculture or his duly authorized representative;

(vi) “Dealer” means any person in the business of delivering or distributing to a consumer or selling, offering for sale, refining or manufacturing any petroleum products, liquefied petroleum gas, engine fuel or antifreeze products in this state;

(viii) “Diesel fuel” means a refined petroleum product suitable as a fuel for in compression ignition diesel engines, both fixed and mobile, including all grades and qualities;

(ix) “Fuel oil” means a refined petroleum product, commonly known as heating oil, furnace oil, domestic oil or distillates, used for heating, power generation and cooking purposes, including all grades and qualities;

(x) “Gasoline” means a volatile substance produced, manufactured, blended, distilled or compounded from petroleum, natural gas, oil, shale oils or coal and other volatile flammable liquids which can be used as a fuel for an in a spark ignition internal combustion engine, and which meets the standards and specifications of this act. “Gasoline” includes all grades and qualities, leaded or unleaded, but excludes diesel fuel;

(xii) “Kerosene” means a refined petroleum product, also known as ~~kerosene~~ kerosine, used as heating or illuminating oil that includes all grades and qualities;

(xv) “Petroleum products” means all illuminating, fuel and power oils, which are products of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent, and includes but is not limited to gasoline, kerosene, diesel fuel, fuel oil, gasohol, gasoline alcohol blends, biodiesel blends, engine fuels and liquefied petroleum gas. Any petroleum product sold at retail shall have a designation and meet specifications provided by the ASTM;

(xxv) “Biodiesel blend” means a fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the “XX” represents the volume percentage of biodiesel fuel in the blend;

(xxvi) “E85 fuel ethanol” means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally seventy-five percent (75%) to eighty-five percent (85%) volume denatured fuel ethanol;

(xxvii) “Engine fuel” means any liquid or gaseous matter used for the generation of power in an internal combustion engine. “Engine fuel” includes but is not limited to fuels derived from petroleum, biomass and vegetable oils, new or used. Any engine fuel sold at retail must have a designation and meet specifications provided by the ASTM;

(xxviii) “Ethanol” or “denatured fuel ethanol” means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of United States bureau of alcohol, tobacco, and firearms approved substances before blending with gasoline;

(xxix) “Gasoline alcohol blend” means a fuel consisting primarily of gasoline and a substantial amount (more than thirty-five hundredths percent (0.35%) mass of oxygen or more than fifteen hundredths percent (0.15%) mass of oxygen if methanol is the only oxygenate) of one (1) or more alcohols;

(xxx) “Low sulfur” means low sulfur diesel fuel that meets ASTM D 975 standards, including grade low sulfur no. 1-D S500 or grade low sulfur no. 2-D S500. Diesel fuel containing higher amounts of sulfur for off-road use is defined by United States environmental protection agency regulations;

(xxxi) “M100 fuel methanol” means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition internal combustion engine;

(xxxii) “M85 fuel methanol” means a blend of methanol and hydrocarbons of which the methanol portion is nominally seventy percent (70%) to eighty-five percent (85%) volume;

(xxxiii) “Oxygen content of gasoline” means the percentage of oxygen by mass contained in a gasoline;

(xxxiv) “Substantially similar” means the United States environmental protection agency’s substantially similar rule, section 211(f)(1) of the Clean Air Act, 42 U.S.C. 7545(f)(1);

(xxxv) “Total alcohol” means the aggregate total percentage by volume of all alcohol contained in any fuel defined in this chapter;

(xxxvi) “Total oxygenate” means the aggregate total percentage by volume of all oxygenates contained in any fuel defined in this chapter;

(xxxvii) “Ultra low sulfur diesel” means ultra low sulfur diesel fuel that meets ASTM D 975 standards and contains no more than fifteen (15) parts per million (1,000,000) sulfur, including grade ultra low sulfur no. 1-D S15 or grade ultra low sulfur no. 2-D S15;

~~(xxv)~~(xxxviii) “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 including the adoption of ASTM or other appropriate standards as adopted by the board or specifications and definitions for products not defined in this chapter,~~ subject to the following:

(v) ~~Kerosine~~ Kerosene shall:

(D) Meet the standards set forth in ASTM D3699.

(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~~ maximum percentage by volume of any ethanol or other oxygenate, biofuel or nonrefined product.

40-7-105. Enforcement.

The director shall enforce this act and ~~may~~ shall periodically collect, ~~either by himself or his deputies,~~ samples of petroleum, engine fuel and antifreeze products for analysis from every storage tank directly supplying these products to retail dispensing devices located at a retail sales facility. At least one (1) sample per year shall be taken from each storage tank by a dispenser located at a retail sales facility. The sample shall be acquired after allowing at least one (1) gallon of product to flow from the dispenser. The director may collect samples from pipelines, storage tanks and transport tanks at refineries and intermediate storage and dispensing facilities as he deems necessary.

40-7-106. Seizure and sale.

Any product sold, stored, transported or offered for sale as a petroleum product, engine fuel or antifreeze in this state which does not conform to the provisions of this act or rules promulgated under it shall be seized by the director ~~of the department of agriculture and sold by him~~ in accordance with state law. The proceeds of the sale shall be applied on payment of court costs or other necessary expenses incurred in making the seizure and condemnation.

40-7-107. Analysis by state chemist; ASTM standards to apply.

(a) The state chemist shall make, or cause to be made under his direction, analysis and examinations of the petroleum and antifreeze products furnished to him by the ~~commissioner~~ director, or his deputies, to determine whether the products conform ~~with~~ to this act and rules promulgated under it and shall certify examination results to the ~~commissioner~~ director following applicable ASTM methods designated in the ASTM standards required for each product.

Section 2. W.S. 40-7-103(a)(i), (ii), (v)(A) and (B) is repealed.

Section 3.

(a) There is appropriated two hundred five thousand six hundred dollars (\$205,600.00) from the general fund to the department of agriculture 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 only be expended as follows:

(i) One hundred eighty thousand six hundred dollars (\$180,600.00) to purchase equipment and instruments necessary for the analytical testing program;

(ii) Twenty-five thousand dollars (\$25,000.00) for consumable supplies and contractual testing of octane in selected samples by an external laboratory.

Section 4. This act is effective July 1, 2009.

Approved March 3, 2009.

Chapter 131**MILITARY TUITION ASSISTANCE**

Original House Bill No. 183

AN ACT relating to educational assistance for national guard members; expanding post secondary education institutions for which program assistance may be applied; and providing for an effective date.

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

Section 1. W.S. 19-9-502(a)(vi) is amended to read:

19-9-502. Definitions.

(a) As used in this article:

(vi) "Wyoming institution of higher education" or "institution" means a public or private educational institution located within this state and approved for payment of Montgomery GI Bill benefits. "Institution" includes a public or private educational institution offering an accredited degree program in Wyoming through distance education under a partnership

agreement with any branch of the United States armed forces;

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 132

NATURAL RESOURCE LARGE PROJECT FUNDING

Original House Bill No. 134

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 2009; amending funding for specified previously approved large projects; providing appropriations; providing for reversion of funds; requiring conservation easements to include the state of Wyoming as a third party beneficiary as specified; and providing for an effective date.

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

Section 1. W.S. 9-15-401 through 9-15-410 are created to read:

ARTICLE 4 2009 LARGE PROJECT FUNDING

9-15-401. Hovendick Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Hovendick Easement:

(i) Project sponsor: Wyoming Stock Growers Agricultural Land Trust;

(ii) Project purpose: Conservation easement on approximately seven hundred (700) acres in Fremont county in order to:

(A) Preclude loss of habitat for moose, mule deer, antelope, waterfowl, amphibians, fisheries, songbirds and other species;

(B) Maintain essential migration routes for mule deer; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million two hundred fifty thousand

dollars (\$1,250,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred seventy thousand dollars (\$270,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred seventy thousand dollars (\$270,000.00) 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, 2011.

9-15-402. Cottonwood-North Bench Easements.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Cottonwood-North Bench Easements:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Conservation easement on approximately seven thousand one hundred twenty-eight (7,128) 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; and

(B) Maintain essential migration routes for moose, elk and mule deer.

(iii) Project description: Conservation easement;

(iv) Total project budget: Three million one hundred twenty-four thousand nine hundred dollars (\$3,124,900.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred ninety thousand dollars (\$390,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred ninety-five thousand dollars (\$195,000.00) 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, 2011.

9-15-403. Sommers-Grindstone Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Sommers-Grindstone Easement:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Conservation easement on approximately seven thousand six hundred ninety-five (7,695) 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; and

(B) Maintain essential migration routes for moose, elk and mule deer.

(iii) Project description: Conservation easement;

(iv) Total project budget: Twenty-two million dollars (\$22,000,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor one million dollars (\$1,000,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one million dollars (\$1,000,000.00) 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, 2011.

9-15-404. Duke Place Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Duke Place Easement:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Conservation easement on approximately eleven thousand three hundred four (11,304) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, cutthroat trout, amphibians, songbirds and other species;

(B) Maintain essential migration routes for moose, elk and mule deer; and

(C) Maintain agricultural production.

(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 five hundred thousand dollars (\$500,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board five hundred thousand dollars (\$500,000.00) 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, 2011.

9-15-405. Sublette Wildlife Fence Initiative.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Sublette Wildlife Fence Initiative:

(i) Project sponsor: Green River Valley Land Trust;

(ii) Project purpose: Promote the seasonal migration of mule deer and antelope on approximately thirty-seven thousand five hundred (37,500) acres in southwest Wyoming to reduce or eliminate loss of wildlife;

(iii) Project description: Modify fences that are impeding migration route to meet standards that allow wildlife passage;

(iv) Total project budget: Two million four hundred six thousand one hundred eighty dollars (\$2,406,180.00) 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. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2012.

9-15-406. Cottonwood/Grass Creek Invasives.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Cottonwood/Grass Creek Invasives:

(i) Project sponsor: Cottonwood/Grass Creek Watershed Improvement District;

(ii) Project purpose: Removal of invasive Russian olive and saltcedar in proximity to Cottonwood Creek and Grass Creek 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 function of the watershed; and

(C) Improve water quality and quantity.

(iii) Project description: Remove invasive species through mechanical means and treat necessary areas with chemical agents to prevent resprouting or regrowth;

(iv) Total project budget: Eight hundred ninety-five thousand dollars (\$895,000.00) 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 sponsor two hundred twenty-five thousand dollars (\$225,000.00) 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 twenty-five thousand dollars (\$225,000.00) 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, 2012.

9-15-407. Ring Lake Ranch Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Ring Lake Ranch Easement:

(i) Project sponsor: Jackson Hole Land Trust;

(ii) Project purpose: Conservation easement on approximately four hundred nineteen (419) acres in Fremont county in order to:

(A) Preclude loss of habitat for big horn sheep, mule deer, elk, waterfowl, fisheries and other species; and

(B) Maintain essential migration routes for big horn sheep and mule deer.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million two hundred thousand dollars (\$1,200,000.00);

(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, 2012.

9-15-408. Kendrick Dam Bypass.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Kendrick Dam Bypass:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: To allow spawning migration of native warm-water fishes through the construction of a channel that will allow fish to by-pass Kendrick Dam;

(iii) Project description: Construction of a by-pass channel on Clear Creek to allow fish migration;

(iv) Total project budget: Seven hundred seven thousand two hundred ninety dollars (\$707,290.00) 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. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2012.

9-15-409. Kusel Ranch Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Kusel Ranch Easement:

(i) Project sponsor: Wyoming stock growers agricultural land trust;

(ii) Project purpose: Conservation easement on approximately one thousand forty (1,040) acres in Sheridan county in order to:

(A) Preclude loss of habitat for mule deer, turkey, sharp-tailed grouse, songbirds and other species; and

(B) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Eight hundred twenty-five thousand dollars (\$825,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred fifty thousand dollars (\$250,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred fifty thousand dollars (\$250,000.00) 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, 2012.

9-15-410. Baggs Deer Crossing.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Baggs Deer Crossing:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: To eliminate or reduce vehicle/wildlife collisions in order to:

(A) Reduce or eliminate loss of life and property due to vehicle/wildlife collisions;

(B) Reduce or eliminate loss of wildlife resources that result from vehicle/wildlife collisions; and

(C) Maintain traditional wildlife migration corridors.

(iii) Project description: Construction of a highway underpass structure and associated fencing to allow mule deer passage;

(iv) Total project budget: One million three hundred fifty-two thousand dollars (\$1,352,000.00) 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 sponsor two hundred fifty thousand dollars (\$250,000.00) 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 fifty thousand dollars (\$250,000.00) 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, 2012.

Section 2. W.S. 9-15-201(b)(v), (vi), (c)(v) and (vi), 9-15-302(b)(iv) through (vi), 9-15-305(b)(ii)(intro) and (iv) through (vi) and 9-15-306(b)(iv) through (vi) are amended to read:

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 ~~three hundred thousand dollars (\$300,000.00)~~ five hundred sixty-seven thousand two hundred ninety-three dollars (\$567,293.00) 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. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board two hundred sixty-seven thousand two hundred ninety-three dollars (\$267,293.00) 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, ~~2011~~ 2012.

(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)~~ four hundred four thousand three hundred eighty-eight dollars (\$404,388.00) 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 thousand dollars (\$230,000.00) or as much

thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board one hundred seventy-four thousand three hundred eighty-eight dollars (\$174,388.00) 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, ~~2011~~ 2012.

9-15-302. Wyoming Range Aspen Enhancement.

(b) Project – Wyoming Range Aspen Enhancement:

(iv) Total project budget: ~~Seven hundred sixty thousand dollars (\$760,000.00)~~ One million ninety thousand dollars (\$1,090,000.00) 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)~~ four hundred ten thousand dollars (\$410,000.00) 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. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board one hundred fifty thousand dollars (\$150,000.00) 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~~ 2012.

9-15-305. Carney Ranch Easement.

(b) Project – Carney Ranch Easement:

(ii) Project purpose: ~~Permanent use restriction~~ Conservation easement on approximately ~~twelve thousand one hundred eighty-six (12,186)~~ three thousand nine hundred forty-six (3,946) acres in Sublette county in order to:

(iv) Total project budget: ~~Five million six hundred ninety-five thousand dollars (\$5,695,000.00)~~ Eight million nine hundred ninety thousand dollars (\$8,990,000.00);

(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)~~ 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 two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2009, 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~~ 2011.

9-15-306. North Laramie Range Restoration.

(b) Project – North Laramie Range Restoration:

(iv) Total project budget: ~~Six hundred sixty-six thousand nine hundred forty dollars (\$666,940.00)~~ One million one hundred thirty-one thousand nine hundred sixty dollars (\$1,131,960.00) 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)~~ five hundred forty thousand twenty dollars (\$540,020.00) 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. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board three hundred forty thousand twenty dollars (\$340,020.00) 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~~ 2012.

Section 3. Each conservation easement authorized under this act shall include the state of Wyoming as a third party beneficiary with the right to enforce the terms of the agreement and, if the easement is transferred or extinguished, the right to recover the state's pro rata share of funds provided for the creation of the easement up to one hundred percent (100%) of the funds granted by the state for the creation of the easement.

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 4, 2009.

Chapter 133**MARKING STRUCTURES THAT OBSTRUCT FLIGHT**

Original Senate File No. 143

AN ACT relating to safety; requiring the visibility of specified structures; requiring the reporting of specified information on certain structures; requiring the disclosure of reported information; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 10-4-305 is created to read:

10-4-305. Marking obstructions.

(a) All structures located outside the exterior boundaries of any incorporated city, town or recorded subdivision, whose appearance is not otherwise mandated by state or federal law, rule or regulation, shall be lighted, marked, painted, flagged or otherwise constructed to be recognizable in clear air during daylight hours from a distance of not less than two thousand (2,000) feet if the structure meets all of the following criteria:

(i) Is fifty (50) feet in height above the ground or higher;

(ii) Is a structure associated with the development or study of wind powered electric generation, commonly known as a meteorological tower or "met tower";

(iii) Was erected, raised after being lowered, purchased or leased on or after the effective date of this act.

(b) Every person owning or leasing a structure which meets the requirements of paragraphs (a)(i) and (ii) of this section shall report to the Wyoming department of transportation the structure's exact location, height above the ground, owner, the method used to make the structure visible and other information the department may deem necessary for the safety of flight. Reports shall be filed on or before April 30, 2009 for every structure erected prior to April 30, 2009, to which this subsection applies. After April 30, 2009, a report shall be filed not less than ten (10) days prior to raising or erecting any structure subject to this subsection.

(c) Any person removing a structure subject to the reporting requirements of this section shall report such removal within ten (10) days to the Wyoming department of transportation.

(d) Within five (5) days of receiving data reported under subsection (b) or (c) of this section, the department of transportation shall make the data, other than the ownership of a structure, available to the public. Data

concerning the ownership of a structure shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.

(e) The Wyoming department of transportation shall promulgate rules and regulations necessary to carry out the purposes of this section.

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, 2009.

Chapter 134

PHYSICAL THERAPIST LICENSURE

Original Senate File No. 54

AN ACT relating to physical therapists; providing for criminal background checks of physical therapist applicants; amending the physical therapist practice act; providing exemptions to licensing requirements; amending qualifications for board membership and board powers as specified; amending application requirements for physical therapists, physical therapist assistants and foreign trained applicants; providing for licensure or certification by endorsement; amending the types of discipline and grounds for discipline as specified; amending permissible practices of specified physical therapists; providing civil immunity for board members and board investigations as specified; revising and providing definitions; authorizing injunctive relief; granting rulemaking authority; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 33-25-116 is created to read:

33-25-116. Injunctive relief; grounds.

(a) The board may petition in its own name for an injunction to an appropriate court to enjoin:

(i) Any person violating W.S. 33-25-102(a), unless specifically exempt from licensure or certification pursuant to W.S. 33-25-102(f);

(ii) Any license or certificate holder who is in violation of this act from practicing physical therapy;

(iii) Any person, firm, corporation, institution, association, business or other entity from employing any individual to practice physical therapy who is not licensed or certified as required by this act.

Section 2. W.S. 7-19-106(a) by creating a new paragraph (xx), 7-19-201(a) by creating a new paragraph (xiii), 33-25-101(a)(i), (iv), (v), (vi), by creating

new paragraphs (vii) through (xi) and by amending and renumbering (vii) as (xii), 33-25-102(a)(intro), (b), (c)(intro), (d), (e)(ii) and by creating a new subsection (f), 33-25-103(a)(i), (ii), (iii), (b) and (c), 33-25-104(a)(i), (ii), (iii)(intro) and by creating new paragraphs (vi) through (ix), 33-25-105(a)(intro), (ii), (iii), by creating a new paragraph (iv), (b) and by creating a new subsection (c), 33-25-106(a) and by creating new subsections (e) through (g), 33-25-107, 33-25-108, 33-25-110, 33-25-111(a)(intro), (ii) through (v), (vii), (ix), (xi), (xii) and by creating new paragraphs (xiii) through (xxii), 33-25-112(a), 33-25-113(a), 33-25-114 and 33-25-115 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:

(xx) The board of physical therapy for purposes of obtaining background information on applicants for licensure or certification by the board.

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:

(xiii) All persons applying for licensure or certification to the Wyoming board of physical therapy on or after July 1, 2009.

33-25-101. Definitions.

(a) As used in this act:

(i) ~~“Physical therapy” or “physiotherapy” means the evaluation, instruction or treatment of a human being to prevent, correct, alleviate or limit physical disability due to injury, disease or any other physical or mental condition by the utilization of physical measures such as exercise, massage, heat, cold, air, light, water, electricity or sound, and rehabilitative procedures including training in functional activities and the performance and interpretation of tests and measurements of bodily functions as an aid in the examination, evaluation or treatment of any human conditions for the purpose of correcting or alleviating an individual’s physical or mental disability. Physical therapy also includes the supervision of physical therapy activities, physical therapy consultation and the establishment and modification of physical therapy programs, but physical therapy shall not include radiology or electro-surgery or authorize the diagnosis of disease. Treatment by physical therapy shall be rendered subject to W.S. 33-25-102; the care and services provided by or under the direction and supervision of a physical therapist or physiotherapist who is licensed pursuant to this act.~~

The practice of physical therapy includes:

(A) Examining, evaluating and testing persons with mechanical, physiological or developmental impairments, functional limitations, disabilities or other health or movement related conditions to determine a physical therapy diagnosis, prognosis or plan of treatment and assessing the ongoing effects of intervention;

(B) Alleviating impairments, functional limitations or disabilities by designing, implementing or modifying treatment interventions that may include but are not limited to:

(I) Therapeutic exercise;

(II) Functional activities in the home;

(III) Community or work integration or reintegration;

(IV) Manual therapy, which includes mobilization and grades I through IV manipulation of joints and soft tissue but does not include grade V manipulations without completion of advanced training requirements as determined by the board;

(V) Therapeutic massage;

(VI) Prescription, application or fabrication of appropriate assistive, adaptive, protective or supportive devices or equipment;

(VII) Airway clearance techniques;

(VIII) Integumentary protection or repair techniques;

(IX) Wound care;

(X) Application of physical agents or modalities;

(XI) Mechanical modalities;

(XII) Patient related instruction.

(C) Reducing the risk of injury, impairment, functional limitation or disability, including the promotion and maintenance of fitness, health and wellness.

(ii) "Physical therapist" or "physiotherapist" means a person who is licensed to practice physical therapy pursuant to this act;

(iv) "Applicant" means any individual who ~~has applied~~ submits a completed application to the board for licensure as issuance of a physical therapist license or registration as a physical therapist assistant and whose application is pending, awaiting decision by the board certificate;

(v) “Physical therapist assistant” means an individual who is certified pursuant to this act and who assists a licensed physical therapist in lawfully delegated components of physical therapy subject to the provisions of this act and rules and regulations adopted pursuant thereto, and who has met all the requirements of this act of the board;

(vi) “Physical therapy services” means the care and services provided by a licensed physical therapist or a certified physical therapist assistant licensed pursuant to this act;

(vii) “Consultation using telecommunication” means the provision of professional or expert opinion or advice to a physical therapist or other health care provider using telecommunication or computer technology from a distant location. It includes the review or transfer of patient records or related information using audio, video or data communications;

(viii) “Jurisdiction” means the states, districts, territories or possessions of the United States;

(ix) “On site supervision” means the supervising physical therapist or physical therapist assistant is continuously present in the facility where the supervised services are provided, is immediately available to the person being supervised and maintains continued involvement in each treatment session;

(x) “Physical therapy aide” means a person trained under the direction of a licensed physical therapist who performs designated and supervised components of care related to physical therapy;

(xi) “Physical therapy diagnosis” means a systematic examination process that culminates in assigning a diagnostic label identifying the primary dysfunction towards which physical therapy treatment will be directed, but shall not include a medical diagnosis or a diagnosis of disease;

~~(vii)~~(xii) “This act” means W.S. 33-25-101 through ~~33-25-115~~ 33-25-116.

33-25-102. Practice of physical therapy; license or certificate required; exceptions; false representations.

(a) ~~From and after January 1, 1962, No individual shall provide~~ engage in the practice of physical therapy services nor hold himself out as being able to practice physical therapy in the state of Wyoming unless he is licensed or certified in accordance with the provisions of this act and such license or certificate is in good standing and has not been suspended or revoked, except nothing in this act shall:

(b) ~~No person~~ individual or business entity shall use in connection with his name or business, the words physical therapy, physical therapist, physiotherapy, physiotherapist, registered physical therapist, licensed

physical therapist, doctor of physical therapy or the letters P.T., L.P.T., R.P.T., D.P.T., M.P.T., M.S.P.T. or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied in any manner when unless the person is not a physical therapist or physical therapist assistant licensed to practice in accordance with this act. No individual or business entity shall use the title physical therapist assistant, the letters P.T.A. or any other words, abbreviations or insignia in connection with his name to indicate or imply that the person is a physical therapist assistant unless the person is certified as a physical therapist assistant in accordance with this act.

(c) Except as provided in this subsection, a physical therapist with a master's degree, or a bachelor's degree with five (5) years of clinical experience may initiate physical therapy treatment for a new or recurring injury with or without a prescription from a licensed physician including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant. Nothing in this subsection shall be construed to preclude a physical therapist from treating a chronic or recurring injury or condition without a prescription, provided that the patient or client was previously diagnosed and prescribed physical therapy treatment within the previous year by a health care provider identified in this subsection and the treatment is directly related to the original prescribed care. ~~Without a prescription~~ Except in an emergency, a physical therapist, without a prescription, is prohibited from initiating physical therapy treatment for children under the age of twelve (12) years, unless the child is to receive physical therapy treatment under an individualized education program or an individualized family services plan. A physical therapist shall refer the patient or client to a licensed physician including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant, as appropriate, when:

(d) ~~Assistive personnel~~ Physical therapy aides may perform patient care activities as defined by the board under the on-site supervision of a licensed physical therapist or a ~~registered~~ certified physical therapist assistant.

(e) Prior to any physical therapy service, the patient or client shall be directed to posted information and delivered a handout explaining:

(ii) That coverage may not be available through governmental or worker's compensation programs unless prescribed by a physician, physician's assistant, dentist, chiropractor, podiatrist or nurse practitioner; and

(f) The following persons are exempt from the licensure and certification requirements of this act:

(i) A person in a professional education program approved by the board who is satisfying supervised clinical education requirements related to the person's physical therapist education while under on-site supervision of a licensed physical therapist;

(ii) A physical therapist who is practicing exclusively through the United States armed services, public health service or veterans administration;

(iii) A physical therapist licensed to practice physical therapy in another jurisdiction while teaching, demonstrating, providing physical therapy in connection with teaching or participating in an educational seminar in Wyoming. An exemption under this paragraph shall not exceed sixty (60) days cumulatively in a calendar year;

(iv) A physical therapist licensed in another jurisdiction who provides consultation using telecommunication;

(v) A physical therapist licensed in another jurisdiction or credentialed in another country who provides therapy to individuals affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the state. An exemption under this paragraph shall not exceed sixty (60) days cumulatively in a calendar year;

(vi) A physical therapist licensed in another jurisdiction who enters this state to provide physical therapy during a public health emergency as declared by the governor pursuant to W.S. 35-4-115(a)(i). Any physical therapist practicing pursuant to this paragraph shall notify the board of the therapist's intent to practice and supply additional information as provided by rules of the board;

(vii) A physical therapist licensed in another jurisdiction who is forced to leave his residence or place of employment due to a declared local, state or national disaster or emergency and who seeks to practice physical therapy in Wyoming. An exemption under this paragraph shall be limited to sixty (60) days following the declaration of disaster or emergency. Any physical therapist practicing pursuant to this paragraph shall notify the board of the therapist's intent to practice and supply additional information as provided by rules of the board.

33-25-103. Board of physical therapy; established; members; terms; removal; compensation.

(a) There is established the Wyoming board of physical therapy which shall consist of three (3) physical therapists licensed pursuant to this act, one (1) public representative and one (1) medical doctor, appointed as follows:

(i) The physical therapist members shall be appointed by the governor, from a list of five (5) qualified physical therapists submitted by the Wyoming chapter of American Physical Therapy Association. All shall be residents of Wyoming, and practitioners of possess unrestricted licenses to practice physical therapy. They shall meet all requirements established by the American Physical Therapy Association for registry of members and shall have practiced a minimum of three (3) years in Wyoming in this state

and have been practicing in this state for not less than three (3) years before appointment;

(ii) A medical doctor shall be appointed to the board by the governor, ~~from a list of five (5) medical doctors, recommended on the basis of interest in physical therapy, by the Wyoming chapter of the American Physical Therapy Association. Those recommended~~ The medical doctor shall be a practicing physicians-physician who have has practiced in Wyoming for a period of at least five (5) years immediately preceding the appointment;

(iii) ~~The public member shall be appointed by the governor, shall be a resident of Wyoming and shall have resided in the state for not less than three (3) years.~~

(b) ~~Terms of office for board members shall be for three (3) four (4) years, with initial terms for the physical therapist members being staggered so the term of one (1) physical therapist expires each year except that the expiring term of a member shall continue until a successor member has been appointed. Board members shall serve no more than two (2) consecutive terms.~~ The governor may remove any member as provided in W.S. 9-1-202.

(c) ~~Members of the board shall each receive, from the physical therapy account fifty dollars (\$50.00) compensation at the salary rate provided in W.S. 28-5-101(d) for each day actually spent in the performance of their board duties along with per diem and mileage allowance as allowed to state employees. Board members shall serve without compensation where there are insufficient monies in the account to pay the compensation.~~

33-25-104. Board of physical therapy; powers and duties generally.

(a) The board shall have the following powers and duties:

(i) ~~Pass upon~~ Evaluate the qualifications of applicants for license as a physical therapist and registration as a physical therapist assistant ~~licensure and certification~~, conduct examinations for applicants, issue license or registration certificates to those who meet the requirements established by the board;

(ii) ~~Have authority to Revoke, suspend, or deny~~ restrict, condition, reprimand, refuse to renew or refuse to issue the license of any physical therapist or the ~~registration certificate~~ of any physical therapy assistant or applicant pursuant to W.S. 33-25-111;

(iii) ~~Maintain current records listing the name of every licensed physical therapist and certified physical therapist assistant licensed or registered in this state, his business and home address, the date and number of his license or registration certification and, if known, his area or expertise, professional interest or credentials;:~~

(vi) Establish procedures for assessing the continuing professional competence of physical therapists and physical therapist assistants, including continuing education requirements that ensure that licensees' knowledge and abilities reflect current practices and technology;

(vii) Conduct investigations, hearings and proceedings concerning alleged violations of this act and board rules and regulations;

(viii) Inspect or duplicate patient medical records which relate to any alleged acts of misconduct, documented in the form of a formal complaint filed with the board, against any license or certificate holder and as authorized by the Health Insurance Portability and Accountability Act for regulatory bodies;

(ix) Report final disciplinary action taken against a license or certificate holder to the extent authorized or required by other state and federal laws.

33-25-105. License and certification requirements; foreign trained applicants.

(a) Application for licensure ~~or registration as a physical therapist~~ shall be made on forms prescribed by the board, presenting to the satisfaction of the board the following:

(i) Evidence of ~~successful completion of a board approved graduation from an accredited~~ program of physical therapy or physical therapy assistant ~~education~~ as set forth in rules and regulations;

(iii) A personal interview ~~may be required if requested by~~ the board; ~~deems it necessary.~~

(iv) ~~If not exempted under W.S. 33-25-108, receipt of a passing score on a physical therapy examination as set forth in board rules and regulations.~~

(b) A physical therapist applicant whose application is based on a diploma issued to him by a physical therapy school outside the United States shall:

(i) Complete the application forms and pay the application fee prescribed by rules of the board;

(ii) Furnish evidence satisfactory to the board of the completion of a physical therapy school resident course of professional instruction substantially equivalent to that required in paragraph (a)(ii) of this section. Foreign applicants shall satisfactorily complete a period of service not to exceed one (1) year under the continuous direction and immediate supervision of a licensed physical therapist in a physical therapy setting or in an institution either of which have been approved by the board for providing such a period of service. The board may waive all or any portion

of the required period of service based on criteria set forth by the board in rules and regulations. Before a license may be issued, each foreign applicant shall pass a written examination prior to commencing a period of service and may be required to pass an oral examination at the completion of the period of service if the period of service has not been completed to the satisfaction of the supervising physical therapist. A professional education program accredited by the same accrediting agency approved by the board for programs within the United States shall be deemed substantially equivalent. In all other instances, "substantially equivalent" means a program that:

(A) Prepares the applicant to engage in the practice of physical therapy without restriction;

(B) Is recognized by the ministry of education of the country in which it is located.

(iii) Undergo a credentials evaluation directed by the board which determines the applicant has met the uniform criteria for educational requirements prescribed by board rules;

(iv) Complete any additional education required by the board;

(v) Pass a board approved English proficiency examination if the applicant's native language is not English;

(vi) If not exempted under W.S. 33-25-108, receive a passing score on an examination approved by the board and prescribed by board rules;

(vii) Attend a personal interview if requested by the board.

(c) An applicant for certification as a physical therapist assistant shall:

(i) Complete the application process including payment of fees;

(ii) Submit proof of graduation from a physical therapist assistant education program accredited by a national accreditation agency approved by the board;

(iii) If not exempted under W.S. 33-25-108, receive a passing score on an examination approved by the board and prescribed by board rules;

(iv) Meet with the board or a subcommittee of the board if requested.

33-25-106. Examinations.

(a) All applicants shall be required to pass an examination prior to their being licensed or ~~registered-certified~~ as provided ~~herein in this article~~ unless otherwise exempted from examination pursuant to W.S. 33-25-108. The ~~examination-examinations~~ shall be approved and administered by the board, and shall include a written examination which shall test each applicant's knowledge of basic and clinical sciences as they relate to physical

therapy and physical therapy theory and physical therapy procedures along with such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy or to act as physical therapy assistant. The board shall define passing and failing examination grades.

(e) The physical therapist examination shall be a national examination which tests entry level competence related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention and consultation.

(f) The physical therapy assistant examination shall test for requisite knowledge and skills in the technical application of physical therapy.

(g) If the board determines that an applicant has engaged in or attempted to engage in conduct that subverts or undermines the integrity of the examination process, the board may disqualify the applicant from taking or retaking the examination for a specified period of time.

33-25-107. License; certificate of registration.

(a) The board shall issue a license or certificate of registration to each applicant who meets the requirements for licensure or registration certification without examination or who passes the examination and meets the standards established herein for licensure or registration certification.

(b) Each individual licensed as a physical therapist in this state is authorized to use the letters "L.P.T." or "P.T." after his name, and may represent himself to the public as a licensed physical therapist.

(c) Each individual registered-certified as a physical therapist assistant shall be entitled to use the letters "R.P.T.A." or "P.T.A." after his name, and may represent himself to the public as a registered-certified physical therapist assistant.

33-25-108. Licensure or certification by endorsement.

(a) The board shall license as a physical therapist or register-certify as a physical therapist assistant without examination those applicants-an applicant who; meet the requirements set forth in W.S. 33-25-108 and who are

(i) Submits a complete application for licensure or certification by endorsement including payment of all applicable fees;

(ii) Provides verification that the applicant is licensed or registered without restriction as a physical therapist or licensed, registered or certified without restriction as a physical therapist assistant by another state or territory of the United States or the District of Columbia if the jurisdiction;

(iii) Demonstrates that the requirements for license, registration or certification in the state, territory or district other jurisdiction were, at the

date of licensure or registration, substantially equal to the requirements for licensing or ~~registration set forth~~ certification in this act; ~~However, if the applicant has not taken a physical therapy examination given by the professional examination service, or has failed the examination one (1) or more times, issuance of a license or registration under this section is at the discretion of the board.~~

~~(iv) Has not had any professional discipline and is not subject to any investigation or pending disciplinary action in any other jurisdiction;~~

~~(v) Meets with the board or a subcommittee of the board if requested.~~

33-25-110. License or certificate expiration and reissuance.

~~(a) All permanent licenses and certificates of registration issued pursuant to this act shall expire on January-October 1 of the year next succeeding their issuance.~~

~~(b) A license or certificate of registration may be renewed by making submitting a timely, sufficient and complete application, and upon payment of the required fee and verification of continuing competence.~~

~~(c) A license or certificate of registration which has expired may be renewed within five (5) years of its expiration by the payment of renewal fees for each year or part thereof during which the license or registration was ineffective, and the payment of the required restoration fee. No renewal shall be permitted of a license or certificate of registration which has expired and has not been renewed for five (5) years from its expiration date, without full compliance with all requirements of this act reissued upon submission by the applicant of a completed application, payment of fees, demonstration that the applicant meets all current requirements for licensure or certification under this act and verification of continuing competence.~~

33-25-111. Discipline; denial or suspension of license or certificate; grounds.

~~(a) The board may limit the scope of practice allowed by the license or registration, or condition the retention of a license or registration upon successful completion of any reasonable requirement, or may refuse to license or register any applicant or may refuse to renew the license or registration of any person or may suspend or revoke, suspend, restrict, condition, reprimand, refuse to issue or refuse to renew the license or registration certification of any individual; who:~~

~~(ii) Has practiced or attempts to or obtains licensure or registration by practice fraud or misrepresentations; deceit in:~~

~~(A) Procuring or attempting to procure a license or certificate;~~

~~(B) Filing or reporting any health care information, including but~~

not limited to client documentation, agency records or other essential health documents;

(C) Signing any report or record as a physical therapist or physical therapist assistant;

(D) Representing authority to practice physical therapy;

(E) Submitting any information or record to the board.

(iii) Commits negligence or incompetence in the practice of physical therapy or engages in any act inconsistent with uniform and reasonable standards of physical therapy practice as defined by board rules and regulations, whether with or without injury to a patient;

(iv) Has been convicted of a felony or a misdemeanor that relates adversely to the practice of physical therapy or the ability to practice physical therapy, in the courts of this state, or any other state, territory another jurisdiction or another country. As used in this paragraph, conviction includes a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere or a plea agreement where the defendant has pled guilty yet not admitted to all the facts that comprise the crime;

(v) Habitually indulges in the use of Unlawfully uses or possesses controlled substances, or excessively indulges in the use of alcoholic liquors or malt beverages;

(vii) Has had his license to practice physical therapy or registration certification to act as a physical therapist assistant refused, revoked or suspended or has had other disciplinary action taken by the proper authorities of another state, territory in another jurisdiction or country;

(ix) Has been guilty of engaged in any conduct or practice contrary to recognized standards of ethics of the physical therapy profession where the conduct or practice might constitute a danger to the health, safety or welfare of the patient or the public;

(xi) Has been judged mentally incompetent by a court of competent jurisdiction;

(xii) Fails to refer a patient or client or post information as required by W.S. 33-25-102(c) and (e). 33-25-102(e);

(xiii) Has knowingly engaged in an act which the license or certificate holder knew was beyond the scope of the individual's license or certificate or performed acts without sufficient education, knowledge or ability to competently apply physical therapy principles and skills;

(xiv) Is unfit or incompetent to practice physical therapy by reason of negligence, habits or other causes including but not limited to inability to exercise reasonable skill and care for patients by reasons of physical disability, mental disability or the use of drugs, narcotics, alcohol, chemicals

or other substance that affects mental faculties;

(xv) Knowingly fails to report to the board any violation of this act or rules and regulations of the board;

(xvi) Violates any provisions of this act, rules and regulations of the board or lawfully issued disciplinary order of the board;

(xvii) Has engaged or attempted to engage in conduct that subverts or undermines the integrity of the examination or the examination process including but not limited to utilizing recalled or memorized examination questions, failing to comply with all test center security procedures, communicating with other examinees during the examination or copying or sharing examination questions or portions of questions;

(xviii) Has failed to maintain adequate patient records that include identification of the patient, evaluation of objective findings, a diagnosis, a plan of care, a treatment record and a discharge plan;

(xix) Has failed to properly supervise physical therapist assistants or physical therapy aides;

(xx) Has engaged in sexual misconduct as defined by the rules and regulations of the board;

(xxi) Has interfered with an investigation or disciplinary proceeding by:

(A) Failing to provide the board with requested information or documents, including patient medical records;

(B) Misrepresentation of material facts;

(C) Threatening, harassing or intimidating any patient, witness or board member during the course of an investigation.

(xxii) Has failed to maintain patient confidentiality, including confidentiality of records relating to consultation by telecommunication, without documented patient authorization or as otherwise required by law.

33-25-112. Hearing and appeal procedures.

(a) ~~The board shall notify any applicant of a decision to deny a license or registration for the applicant's failure to comply with the requirements of this act. The board shall notify any licensed physical therapist or registered physical therapy assistant of any complaint against him or of any revocation or suspension decision being considered by the board by registered mail sent to his last known address or by personal service of the notice. Except as provided by W.S. 33-25-111(b), within sixty (60) days of the mailing or delivery by personal service of the notice, the person may demand a hearing before the board. The board shall grant such demands.~~

~~The hearing~~ All disciplinary actions, denials of applications and hearings shall be conducted in accordance with the provisions of the Wyoming Administrative Procedure Act.

33-25-113. Fees.

(a) The board, pursuant to W.S. 33-1-201, shall establish fees for examination, licensure or ~~registration without examination, temporary licensure or registration certification, licensure or certification by endorsement, renewal and restoration reissuance.~~

33-25-114. Penalties.

Each violation of any provision of this act is a misdemeanor and is punishable by fine of not more than seven hundred fifty dollars (\$750.00) or by imprisonment for not more than six (6) months, or both.

33-25-115. Actions against board members; defense.

(a) Members, agents and employees of the board and any person reporting information to the board under oath shall be immune from personal liability with respect to acts done and actions taken in good faith without fraud or malice.

(b) The immunity provided by this section shall extend to the members of any professional review committee, investigators and witnesses appearing before the board.

(c) The state shall defend and hold harmless any member of the board from any action at law resulting from any action taken in good faith in the course of his official duties.

Section 3. W.S. 33-25-104(a)(iii)(A), 33-25-106(b) through (d) and 33-25-109 are repealed.

Section 4. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 135**SCHOOL FINANCE-INSTRUCTIONAL FACILITATOR PROGRAM**

Original House Bill No. 236

AN ACT relating to school finance; modifying required components of the instructional facilitator supplemental assistance program; accordingly modifying district and department of education reporting requirements; and providing for an effective date.

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

Section 1. W.S. 21-13-335(b)(intro), by creating new paragraphs (iii) through (v) and (f) is amended to read:

21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.

(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 regulation, with priority given to programs incorporating requirements specified under paragraphs (iv) and (v) of this subsection. At minimum, the application shall include documentation of the following program components:

(iii) Except for facilitators and teachers with at least five (5) years of classroom teaching experience employed on or before June 30, 2009, financial assistance available under this section will be used to employ facilitators with at least five (5) years of classroom teaching experience and hold either a masters degree or national certification by the national board for professional teaching standards;

(iv) A system by which school administrators prioritize use of instructional facilitators based upon student achievement gains measured over time;

(v) In addition to paragraph (b)(iv) of this section, a program under which the facilitator is:

(A) Recognized for instructional leader skills;

(B) Dedicated to improving teacher instructional skills;

(C) Delegated duties which are substantially associated with and devoted to improvement of instruction within their assigned school or grade configuration;

(D) Not delegated or assigned to primarily perform other duties or

responsibilities not related to instructional improvement;

(E) Not given responsibility for direct administrative supervision or for the evaluation of instructors for the purpose of making personnel decisions including contract renewal or termination.

(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, employment of facilitators meeting criteria specified under paragraph (b)(iii) of this section, the impact of facilitation on student performance and an evaluation of the effectiveness of the facilitation strategies employed by the recipient district as documented by data. The department shall compile the information reported by districts under this subsection and report the compilation to the joint education interim committee. Based upon this compilation and upon data substantiating the impact of facilitation strategies on instructor performance and student achievement, the department shall provide recommendations to the committee on future program structure and funding in sufficient time to guide recalibration of the education resource block grant model as required under W.S. 21-13-309(t) for consideration by the 2011 legislature.

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, 2009.

Chapter 136

SCHOOL DISTRICTS-KINDERGARTEN PROGRAMS

Original House Bill No. 255

AN ACT relating to school districts; requiring provision of full-day kindergarten programs as specified; 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)(xx) is amended to read:

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(xx) Establish and maintain kindergartens in connection with the public schools of the district with at least one (1) full-day kindergarten program available within the district;

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 137

TRONA UTILITY SHOT-FIRER CERTIFICATION

Original Senate File No. 101

AN ACT relating to mining operations; requiring certification of trona utility shot-firers; specifying certification requirements; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 30-2-501 by creating new subsections (d) through (f), 30-2-502(a) and 30-2-503(a) through (c) are amended to read:

30-2-501. Blasting to be done by certified shot-firers or certified trona utility shot-firers; qualifications and examinations; issuance of certificate; revocation of certificate; requirements when work being done.

(d) Blasting other than the extraction of an in-situ trona mineral for production purposes, including charging and tamping of holes, shall be done by or under the direct supervision of certified trona utility shot-firers or certified shot-firers.

(e) Each trona utility shot-firer applicant shall:

(i) Be at least twenty-three (23) years of age;

(ii) Have at least two (2) years mining or blasting experience before taking the trona utility shot-firer examination;

(iii) Complete and file an examination application with the state mine inspector;

(iv) Pass an oral and written examination prepared and administered by the inspector or his deputies testing knowledge of blasting and shot-firing operations and safety procedures;

(v) Provide verifiable documentation that he has completed the training required by paragraph (ii) of this subsection and any requirement included in the trona utility blasting training plan as approved by the state

mine inspector.

(f) Each mine operator shall submit for approval by the Wyoming state mine inspector, a trona utility blasting training plan outlining training requirements, safe blasting procedures and methods. The training plan shall include a record of a practical, "hands-on" demonstration of competency. The plan shall require that no single round shall exceed one hundred fifty (150) pounds of explosives.

30-2-502. Shots missed or not fired; report; search to recover undetonated explosive.

(a) The shot-firer or trona utility shot-firer shall immediately after the completion of his work, report in writing to the proper official, any shots missed or not fired, their location and the reason therefor.

30-2-503. Prohibited acts.

(a) No person shall alter or change any drill hole after it has been approved by the shot-firer or the trona utility shot-firer.

(b) No shot-firer or trona utility shot-firer, whether voluntarily or by command or request of any person, shall fire any unlawful shot, or any shot which is not a workmanlike, proper and practical shot.

(c) No person shall order, command or induce any shot-firer or trona utility shot-firer to fire any unlawful shot, or any shot which is not a workmanlike, proper and practical shot.

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 138**LICENSING OF ENTERTAINMENT ACTIVITIES**

Original Senate File No. 28

AN ACT relating to licensing of specified entertainment activities; repealing certain provisions related to the regulation of poolrooms, bowling alleys, tables kept for hire and dance halls; and providing for an effective date.

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

Section 1. W.S. 15-1-103(a)(xv) is amended to read:

15-1-103. General powers of governing bodies.

(a) The governing bodies of all cities and towns may:

(xv) Regulate, license, tax or prohibit saloons, ~~pool halls, any tables kept for hire, bowling alleys~~ and shooting galleries or places;

Section 2. W.S. 33-6-108 and 33-13-101 through 33-13-105 are repealed.

Section 3. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 139**VOTER REGISTRATION DEADLINE**

Original Senate File No. 26

AN ACT relating to elections; amending the voter registration deadline; clarifying when registration must occur in order to vote in an election; and providing for an effective date.

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

Section 1. W.S. 22-3-102(a)(intro) and 22-3-117(a) are amended to read:

22-3-102. Qualifications; temporary registration.

(a) A person may register to vote not less than thirty (30) days, and effective January 1, 2011 fourteen (14) days before an election, at any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:

22-3-117. Absentee registration generally; use of federal

postcard.

(a) Notwithstanding any other section or provision in this chapter, any citizen of the United States who is a resident of Wyoming may apply for registration by providing the information required by W.S. 22-3-103(a) and acceptable identification to and completing and subscribing, the form of voter registration oath prescribed by W.S. 22-3-103(b) before any person authorized by law to administer oaths. Each county clerk shall furnish the voter registration oath forms. The applicant shall mail or return the completed voter registration oath form to the county clerk in the county in which the applicant resides. In order to vote in the next election, the application must be received in the county clerk's office before the close of registration for that election, or:

(i) Be received by mail and processed by the county clerk during the closed period described in W.S. 22-3-102(a) if it is accompanied by an absentee ballot request for elections where a voter may register at the polls;

(ii) Be made at the county clerk's office during the closed period described in W.S. 22-3-102(a) if the voter simultaneously votes at the county clerk's office; or

(iii) Be made and processed at the absentee polling place during the closed period described in W.S. 22-3-102(a) if the voter simultaneously votes at the absentee polling place established for that purpose pursuant to W.S. 22-9-125.

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 140**TELEMEDICINE-STATE SYSTEM**

Original House Bill No. 281

AN ACT relating to the administration of government; providing that the duties of the office of rural health include facilitation of a telemedicine/telehealth network as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-117(a)(vi) and by creating new paragraphs (vii) and (viii) is amended to read:

9-2-117. Office of rural health care created; duties.

(a) The office of rural health care is created within the department of health. The office shall:

(vi) ~~In cooperation with the state telecommunications council established under W.S. 9-2-1026.2, coordinate and plan the development of collaboration with the state health officer and the state chief information officer, represent the department of health in a consortium of state agencies, private health organizations and professional and community organizations to facilitate the operations of a statewide interoperable telemedicine/telehealth capability network using existing telecommunications internet protocol based communication and videoconferencing infrastructure and telecommunication services to the extent possible. In accordance with W.S. 9-2-1026.2, the office and the council shall report plans and recommendations to the governor and the legislature. The consortium shall:~~

(A) Consist of members appointed by the director of the department of health, to include the Wyoming chief information officer or the officer's designee;

(B) Coordinate the development and promotion of statewide standards for an interoperable telemedicine/telehealth network and, where applicable, promote definitions and standards for statewide electronic health transactions;

(C) Promote and conduct education programs that inform network users that information communicated through the use of telemedicine/telehealth shall conform with state and federal privacy and security laws and information security programs established by the state chief information officer;

(D) Have the authority to seek funds for consortium operation and contract as needed to carry out its responsibilities.

(vii) In collaboration with the state health officer and the state chief information officer or their designees, coordinate with appropriate state agencies to establish incentives to implement, promote and facilitate the voluntary exchange of secure telemedicine/telehealth network information between and among individuals, entities and agencies that are providing and paying for services authorized under the Medicaid program, in conformity with rules adopted by the state chief information officer;

(viii) In collaboration with the state health officer and the state chief information officer or their designees, develop and promote a common direction for a statewide interoperable telemedicine/telehealth network among state agencies, in conformity with rules adopted by the state chief information officer.

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 141

STATEMENTS OF CONSIDERATION-REVIEW

Original House Bill No. 279

AN ACT relating to property; providing for review of specified statements of consideration for real property available to the county assessor when reviewing or contesting property tax assessments; and providing for an effective date.

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

Section 1. W.S. 34-1-142(g)(intro) is amended to read:

34-1-142. Instrument transferring title to real property; procedure; exceptions; confidentiality.

(g) Any person or his agent who wishes to review his property tax assessment or who contests his property tax assessment or valuation in a timely manner ~~as provided by law pursuant to W.S. 39-13-109(b)(i) is entitled to review statements of consideration and all other information used by for properties of like use and geographic area available to the county assessor in determining the value of the property at issue as provided under W.S. 39-13-109(b)(i).~~ During a review, the county assessor shall disclose information sufficient to permit identification of the real estate parcels used by the county assessor in determining the value of the property at issue and provide the person or his agent papers of all information, including statements of consideration, the assessor relied upon in determining the property value and including statements of consideration for properties

of like use and geographic area which were available to the assessor and are requested by the person or his agent. The county assessor and the contestant shall disclose those statements of consideration to the county board of equalization in conjunction with any hearing before the board with respect to the value or assessment of that property. As used in W.S. 34-1-142 through 34-1-144:

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 142

COUNTY OFFICIALS-SALARIES

Original Senate File No. 102

AN ACT relating to county officials; increasing county official's salaries; increasing district attorneys' salaries; and providing for an effective date.

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

Section 1. W.S. 9-1-802(d) and 18-3-107(a)(i) by creating a new subparagraph (C) are amended to read:

9-1-802. Election; term; qualifications; full-time; private practice prohibited; exception; salary; vacancies.

(d) Until January 3, 2011, each district attorney shall receive an annual salary of ninety-four thousand five hundred dollars (\$94,500.00). From and after January 3, 2011, each district attorney shall receive an annual salary of one hundred thousand dollars (\$100,000.00).

18-3-107. Annual salaries of certain officers; additional compensation prohibited; exception as to traveling and other expenses; compensation of county commissioner; appointment and salaries of deputies, clerks, stenographers and other assistants.

(a) County officers shall be paid as follows:

(i) The county assessor, part-time county and prosecuting attorneys, part-time county attorneys, county clerk, clerk of district court, county sheriff and county treasurer in their respective counties shall receive as annual salaries:

(C) From and after January 3, 2011, not less than ten thousand dollars (\$10,000.00) nor more than one hundred thousand dollars (\$100,000.00).

Section 2. W.S. 18-3-107(a)(i)(A) and (ii)(A) is repealed.

Section 3. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 143

ABANDONED MINE RECLAMATION-LIENS

Original Senate File No. 3

AN ACT relating to environmental quality; amending the lien requirement for abandoned mine reclamation on private property; and providing for an effective date.

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

Section 1. W.S. 35-11-1206(a) is amended to read:

35-11-1206. Liens for reclamation on private lands.

(a) Within six (6) months after the completion of projects to restore, reclaim, abate, control or prevent adverse effects of past coal or mineral mining practices on privately owned land, the director shall itemize the monies expended and may file a lien against the property with the appropriate county clerk. If the monies expended result in a significant increase in property value, a notarized appraisal by an independent appraiser shall be filed with the lien. The lien shall be the amount determined by the appraisal to be the increase in the fair market value of the land as a result of the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal or mineral mining practices. No lien shall be filed under this section against the property of any person ~~who owned the surface prior to May 2, 1977, and~~ who neither consented to, participated in, nor exercised control over the mining operation which necessitated the reclamation project.

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 144**PIPELINE INSPECTION AND SAFETY**

Original Senate File No. 44

AN ACT relating to public service commission; changing the name of the Natural Gas Pipeline Safety Act of 1968 to the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006; increasing penalties; eliminating an outdated definition no longer used regarding supplemental safety jurisdiction; providing for acceptance by the state of Wyoming of delegation of authority; modifying breadth of supplemental safety jurisdiction; and providing for an effective date.

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

Section 1. W.S. 37-2-128 and 37-2-131(a) are amended to read:

37-2-128. Civil penalty for violation of federal Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006; generally.

Where the commission has exercised authority under the provisions of the federal ~~Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1671 through 1687~~ Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, 49 U.S.C. § 60101, et seq., and amendments thereto, to regulate gas safety in the state of Wyoming, any person or persons as defined in that act who hereafter violate any provision of that act as made applicable to jurisdictional activities within the state of Wyoming ~~shall~~ may be subject to a civil penalty not to exceed ~~twenty-five thousand dollars (\$25,000.00)~~ one hundred thousand dollars (\$100,000.00) for violation for each day that the violation persists. However, the maximum civil penalty shall not exceed ~~five hundred thousand dollars (\$500,000.00)~~ one million dollars (\$1,000,000.00) for any related series of violations.

37-2-131. Supplemental safety jurisdiction of commission.

(a) The commission shall have regulatory safety jurisdiction over any "intrastate gas pipeline facility" as defined under the ~~Natural Gas Pipeline Safety Act of 1968; Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, 49 U.S.C. § 60101, et seq.~~, as amended, for the sole purpose of implementing the safety standards and practices of the federal act to such intrastate gas pipeline facility. This jurisdiction shall not apply to an "intrastate gas pipeline facility" which is otherwise subject to federal regulatory jurisdiction for safety purposes. The commission is authorized under this section to implement such safety standards and practices only to the extent the secretary of transportation is so authorized under the ~~Natural Gas Pipeline Safety Act~~ Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. The commission's jurisdiction under this section shall only apply where the secretary of transportation has delegated, or otherwise authorized, the state of Wyoming to act on his behalf. ~~The supplemental safety jurisdiction granted under this section~~

~~shall not include the gathering of gas by pipeline in any rural locations which lie outside the limits of any incorporated or unincorporated city, town, village or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similarly populated area and the state of Wyoming has formally accepted the delegation or other authorization prior to the exercise of the jurisdiction by the commission.~~

Section 2. This act is effective July 1, 2009.

Approved March 4, 2009.

Chapter 145

COURT SUPERVISED TREATMENT PROGRAMS ACT

Original Senate File No. 107

AN ACT relating to a Court Supervised Treatment Programs Act; creating a Court Supervised Treatment Programs Act; authorizing judges to participate in court supervised treatment programs as specified; authorizing rulemaking; providing for judicial immunity; providing definitions; repealing the existing drug court program; providing purposes; specifying requirements and procedures for creation and operation of court supervised treatment programs; specifying conditions for participation in court supervised treatment programs; requiring parents or guardians to participate in court supervised treatment programs under specified conditions; authorizing municipal courts to impose probation; increasing maximum extended probation period for participants in court supervised treatment programs; providing for confidentiality and release of records; specifying applicability of the act; providing for transition of programs and related funding; and providing for effective dates.

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

Section 1. W.S. 5-12-101 through 5-12-103 and 7-13-1601 through 7-13-1615 are created to read:

CHAPTER 12

COURT SUPERVISED TREATMENT PROGRAMS

5-12-101. Court supervised treatment.

Any district, juvenile, circuit, municipal or tribal court judge or circuit court magistrate may act as a participating judge in a court supervised treatment program established pursuant to W.S. 7-13-1601 through 7-13-1615.

5-12-102. Rules.

The Wyoming supreme court may promulgate rules of practice for the participation of judges in court supervised treatment programs.

5-12-103. Judicial immunity.

A judge participating in a court supervised treatment program shall be entitled to immunity for actions taken in a court supervised treatment program to the same extent the judge would be entitled to immunity for other actions performed in accordance with law.

ARTICLE 16
COURT SUPERVISED TREATMENT PROGRAMS ACT

7-13-1601. Short title.

This act shall be known and may be cited as the “Court Supervised Treatment Programs Act.”

7-13-1602. Definitions.

(a) As used in this act:

(i) “Account” means the court supervised treatment account created by W.S. 7-13-1605(a);

(ii) “Applicant” means the governing body of a city, town or county, a tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation or a nonprofit organization recognized under 26 U.S.C. 501(c)(3);

(iii) “Continuum of care” means a seamless and coordinated course of substance abuse education and treatment designed to meet the needs of drug offenders as they move through the criminal justice system and beyond, maximizing self-sufficiency;

(iv) “Department” means the Wyoming department of health;

(v) “Dual diagnosis” means substance abuse and a co-occurring mental health disorder;

(vi) “Participant” means a substance offender or any other person as provided in title 14 of the Wyoming statutes who has been referred to and accepted into a program;

(vii) “Participating judge” means the district, juvenile, circuit, municipal or tribal court judge or magistrate acting as part of a program team;

(viii) “Program” or “court supervised treatment program” means a local court supervised treatment program that complies with rules and regulations adopted by the department;

(ix) “Program coordinator” means the person responsible for coordinating the establishment, operation, evaluation and integrity of a

program;

(x) "Program team" means the team created pursuant to W.S. 7-13-1609(a);

(xi) "Recidivism" means any subsequent criminal charge;

(xii) "Referring judge" means the district, juvenile, circuit, municipal or tribal court judge or magistrate who refers a substance offender or any other person as provided in title 14 of the Wyoming statutes to a program;

(xiii) "Staffing" means the meeting of a program team before a participant's entry into the program, and during the participant's participation in the program, to plan a coordinated response to the participant's behaviors and needs;

(xiv) "Substance" means alcohol, any controlled substance as defined in W.S. 35-7-1002(a)(iv), any substance used for mind altering purpose or over-the-counter medications and inhalants which are used in a manner not intended by the manufacturer;

(xv) "Substance abuse assessment" means as defined in W.S. 7-13-1301(a)(v);

(xvi) "Substance abuse treatment" means treatment designed to provide education and therapy directed toward ending substance abuse and preventing its return;

(xvii) "Substance offender" means a person charged with a substance related offense or an offense in which substance abuse is determined from the evidence to have been a significant factor in the commission of the offense;

(xviii) "This act" means W.S. 7-13-1601 through 7-13-1615.

7-13-1603. Purposes and goals.

(a) The legislature recognizes the critical need in this state for treatment programs to break the cycle of substance abuse and the crimes committed as a result thereof. Court supervised treatment programs shall be facilitated for the purpose of providing sentencing options for the judicial system in cases stemming from substance abuse, by combining judicial supervision, probation, substance abuse assessment, substance abuse testing, monitoring, treatment, and aftercare for substance offenders.

(b) The goals of the programs funded under this act shall be:

(i) To reduce recidivism by participants;

(ii) To strive for program retention and graduation of participants;

(iii) To strive for sobriety of participants; and

- (iv) To monitor the services provided to participants.

7-13-1604. Standards for attorneys and judges.

(a) Attorneys, participating judges and referring judges shall adhere to the standards set forth in the Wyoming Rules of Professional Conduct for Attorneys at Law, the Wyoming Code of Judicial Conduct and any rules adopted by the supreme court governing program practices.

(b) The referring judge in a particular case may be the participating judge in that participant's treatment program, provided the participating judge shall not act upon any motion to revoke probation that may be filed in the original criminal or juvenile case, nor in sentencing or disposition.

7-13-1605. Establishment of court supervised program account; rules and regulations; panel created; program funding.

(a) There is created a court supervised treatment program account. All interest earned on funds within this account shall be deposited in the account. The department shall oversee and provide funding for programs from the court supervised treatment program account. Funds within the account shall be expended by the department for the purposes of this act upon legislative appropriation. Any expenses incurred by the department in implementing this act shall be paid from the account and shall not exceed ten percent (10%) of the amounts appropriated to the department for purposes of this act.

(b) The department shall determine whether an application for a program meets the qualifications specified in W.S. 7-13-1606(b) and the rules and regulations promulgated by the department pursuant to subsection (c) of this section.

(c) The department shall promulgate rules and regulations necessary to implement this act, including establishing standards consistent with the key components of drug courts defined by the United States department of justice or such similar rules as may be adopted by the department. The rules shall:

- (i) Specify funding formulas for funding from the account which formula shall include provisions requiring local contribution to the cost of a program;

- (ii) Require participants to contribute financially to their own program;

- (iii) Establish program requirements, operational standards and protocols for programs, program team and staff training requirements, program data collection and maintenance, certification requirements for treatment personnel, and incentive and sanction limitations.

(d) A panel, consisting of the attorney general, the directors of the department of health, department of family services and department of corrections, the chairman of the governor's advisory board on substance abuse and violent crimes and the state public defender, or their designees, shall make the final determination whether an application for a court supervised treatment program meets the qualifications of this act and shall determine the funding amount for each successful applicant. The panel may deny an application for a new program if the funding for the new program would substantially affect funding levels for existing programs.

(e) In addition to those funds deposited in the account created by this section, the department may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the department for the benefit of programs in Wyoming.

(f) Nothing in this act shall prohibit a program from obtaining or providing supplemental funding. All supplemental funds received by a program shall be reported to the department.

7-13-1606. Establishment of court supervised treatment programs.

(a) Any court supervised treatment program that meets the qualifications specified in this section and the department's rules and regulations may apply for funding from the account on a form developed by the department.

(b) The applicant shall be the contracting agent for all its program contracts. All program employees of a program shall be employees of the applicant that was awarded a grant under this section, but referring judges, participating judges, other judicial branch personnel and department of corrections personnel shall not be program employees. All program funds and grants shall be managed by the applicant to whom a grant is awarded pursuant to the provisions of a contract between the department and the applicant.

(c) All program billing shall be the responsibility of the applicant.

(d) The application shall identify participating judges and contain a plan for the participation of judges. The plan shall be consistent with rules adopted by the department and the supreme court.

(e) The application shall specify the treatment services to be provided by the program and shall identify the treatment providers.

(f) The application shall include other information that may be required by the department.

7-13-1607. Participation in court supervised treatment program; conditions; extended probation.

(a) No substance offender may participate in a program unless the substance offender, in a Wyoming district, juvenile, circuit, municipal or tribal court, has been charged with an offense; and:

(i) Has entered an admission, or a guilty or nolo contendere plea;

(ii) Has entered a guilty plea pursuant to W.S. 7-13-301;

(iii) Has signed a consent decree under title 14 of the Wyoming statutes; or

(iv) Is on parole under the provisions of W.S. 7-13-401 et seq.

(b) Any district, juvenile, circuit, municipal or tribal court judge, or magistrate, may refer substance offenders for participation in a program. The referring judge may act as a participating judge in a program as authorized by this act and by rules adopted by the supreme court. A substance offender who is a defendant in a criminal action or a respondent in a juvenile court action may be referred for participation in a program if:

(i) A substance abuse assessment reveals that the person is in need of treatment;

(ii) The referring judge has reason to believe that participation in a program will benefit the person by addressing his substance abuse;

(iii) In a juvenile court case, the referring judge has reason to believe that participation by the child's parent or guardian will be in the best interest of the child; or

(iv) The person's case is processed pursuant to subsection (a) of this section.

(c) Participation in a program shall only be with the consent of the referring judge, the participant and the prosecuting attorney, and acceptance of the participant by the program team in accordance with a written agreement between the participant and the program team. The agreement shall include the participant's consent to release of medical and other records relevant to his treatment history and assessment that meets the requirements of 42 U.S.C. 290dd-2(b), 42 C.F.R. part 2.31 or W.S. 35-2-607(c), as applicable. Prior to a participant's entry into a written agreement, the participating judge shall inform the participant that he may be subject to a term of probation that exceeds the maximum term of imprisonment established for the particular offense charged, as provided in W.S. 5-9-134 and 7-13-1614.

(d) Nothing in this act shall confer a right or an expectation of a right to participate in a program, nor does this act obligate a program team to accept any proposed participant. Neither the establishment of a program nor anything herein contained shall be construed as limiting the discretion of a prosecuting attorney in regard to the prosecution of any criminal or

juvenile case.

7-13-1608. Incentives and sanctions; extended probation.

(a) The participating judge may grant reasonable incentives under the written agreement under W.S. 7-13-1607(c) if he finds that since the last staffing, the participant:

- (i) Is performing satisfactorily in the program;
- (ii) Is benefiting from the program; and
- (iii) Has not violated any term or condition of the agreement.

(b) The participating judge may impose reasonable sanctions under the written agreement, including but not limited to, expulsion from the program, incarceration for a period not to exceed thirty (30) days if the participant is an adult, or detention for a period not to exceed thirty (30) days if the participant is a juvenile, if the participating judge finds that since the last staffing the participant:

- (i) Is not performing satisfactorily in the program;
- (ii) Is not benefiting from the program;
- (iii) Has engaged in conduct rendering the participant unsuitable for the program;
- (iv) Has otherwise violated any term or condition of the written agreement; or
- (v) Is unable to participate in the program.

(c) To ensure due process of law, expulsion from the program shall be at the discretion of the participating judge, following a hearing, based on the recommendation of the program team. Expulsion shall not occur without the participant first being notified of the reasons for the proposed expulsion and given an opportunity to be heard by the program team and the participating judge.

7-13-1609. Program team to be created; duties; program coordinator.

(a) Each applicant seeking to establish a program shall create a program team, consisting of the following members, all of whom shall be appointed by the governing body of the applicant, subject to the individual consent of each appointee:

- (i) A participating judge;
- (ii) A prosecuting attorney;

(iii) An attorney who practices criminal defense or serves as a guardian ad litem;

(iv) A representative of the treatment providers;

(v) The probation officer or other person who supervises participants;

(vi) The program coordinator; and

(vii) Other persons determined necessary and helpful by the participating judge.

(b) The program team shall, when practicable, conduct a staffing prior to each program session to discuss and provide updated information regarding participants scheduled to appear during the session. After determining the progress or lack thereof for each participant, the program team shall agree on the appropriate incentives or sanctions to be applied. If the program team cannot unanimously agree on the appropriate action to be taken, the participating judge shall make a decision based upon the information presented during the staffing.

(c) Each program shall have a program coordinator who shall be responsible for the general administration of the program.

7-13-1610. Confidentiality of treatment records.

Program staff shall be provided with access to all records of any state or local government relevant to the participant's treatment. The records and reports shall be maintained in a confidential file not available to the public and the contents thereof shall not be disclosed to any person outside the program without a court order. Program staff shall comply with the confidentiality rules contained in 42 U.S.C. 290dd-2, 42 C.F.R. part 2 and W.S. 35-2-606, as applicable.

7-13-1611. Treatment and support services.

(a) Each program shall strive to establish a system to ensure that participants are provided treatment services that have been certified by the department. Each program team shall strive to determine the type and duration of treatment service appropriate for the participant's individualized needs, based upon objective medical diagnostic criteria.

(b) The program team shall strive to establish an adequate continuum of care for each participant, including adequate support services and aftercare.

(c) The program team shall strive to provide appropriate treatment to participants who have a dual diagnosis.

(d) The relationship between each treatment provider and the program shall be governed by a memorandum of understanding, which shall include a requirement for the timely reporting of the participant's progress or lack

thereof in treatment.

7-13-1612. Substance abuse testing.

(a) The program team shall require accurate and reliable substance use testing of participants.

(b) Participants shall be required to submit to frequent, random and observed substance use testing.

(c) The results of all substance use tests shall be provided to the program team as soon as practicable.

7-13-1613. Participant information and progress statistics.

(a) Participants may be required to provide access to the following information, the collection and maintenance of which by the program team shall be in a standardized format pursuant to department rules and regulations:

(i) Gender, race, ethnicity, marital status and child custody and support obligations;

(ii) Criminal history;

(iii) Substance abuse history, including substances of choice and prior treatment;

(iv) Employment, education and income history;

(v) Number and health of children born to female participants;

(vi) Incidents of recidivism occurring before, during and after successful completion of a program, or failed participation in a program.

(b) Programs shall maintain and report to the department the following information pursuant to department rules and regulations, none of which shall identify the participants:

(i) The number of participants screened for eligibility, the number of eligible persons who were, and who were not, admitted to the program and their case dispositions;

(ii) The costs of operation and sources of funding of the program.

7-13-1614. Municipal courts.

A municipal judge may place a criminal defendant on probation pursuant to W.S. 7-13-301 through 7-13-307 and require the defendant as a probationary condition to participate in a program under this act. Notwithstanding any other provision of law, the probation period for a defendant whose disposition includes participation in a program or a court supervised treatment

program may exceed the maximum term of imprisonment established for the offense, but shall not exceed thirty-six (36) months.

7-13-1615. Program participation as a condition of parole.

(a) The state board of parole may, as a condition of parole, require a parolee to participate in a program established under this act, provided:

(i) The program team accepts the parolee for participation in the program; and

(ii) The parolee is subject to the rules and sanctioning powers of the program but remains under the authority of the board for all other matters related to the parole.

Section 2. W.S. 5-9-134, 7-13-304 by creating a new subsection (d), 7-19-106(a)(ix), 14-3-429(d) by creating a new paragraph (iv), 14-6-247(a) by creating a new paragraph (xiv) and 14-6-429(d) by creating a new paragraph (viii) are amended to read:

5-9-134. Probation; correction and reduction of sentence.

The circuit court may place a criminal defendant on probation pursuant to W.S. 7-13-301 through 7-13-307. Notwithstanding any other provision of law, the probation period for a defendant whose disposition includes participation in a substance abuse treatment program or a ~~drug-court supervised treatment program~~ may exceed the maximum term of imprisonment established for the offense, but shall not exceed ~~two (2) three (3)~~ years. The court shall conduct, on at least a monthly basis, a review on the progress of a defendant sentenced to treatment under this section. The review may be conducted in a manner the court deems appropriate, but shall include receiving regular progress reports from the treatment provider.

7-13-304. Imposition or modification of conditions; performance of work by defendant.

(d) As a condition of probation or suspension of sentence, the court may require a defendant to complete successfully a court supervised treatment program qualified under W.S. 7-13-1601 through 7-13-1615.

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:

(ix) ~~Drug-Court~~ supervised treatment program staff solely for the purposes of utilizing the information pursuant to the ~~drug-court act in title 5, chapter 10~~ Court Supervised Treatment Programs Act in title 7, chapter

13, article 6;

14-3-429. Decree where child adjudged neglected; dispositions; terms and conditions; legal custody.

(d) As a part of any order of disposition and the terms and conditions thereof, the court may:

(iv) Require the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. 7-13-1601 through 7-13-1615, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

14-6-247. Sanctions common to all levels.

(a) For a child at any sanction level, the juvenile court may:

(xiv) Require the child or the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. 7-13-1601 through 7-13-1615, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

14-6-429. Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody.

(d) As a part of any order of disposition and the terms and conditions thereof, the court may:

(viii) Require the child's parents or guardian and the child to participate in a court supervised treatment program qualified under W.S. 7-13-1601 through 7-13-1615, provided the court supervised treatment program accepts the child's parents or guardian and the child for participation in its program.

Section 3. W.S. 5-10-101 through 5-10-107 are repealed.

Section 4.

(a) Effective July 1, 2009, any funds remaining in the drug court account created by W.S. 5-10-103 shall be transferred to the court supervised treatment program account created by W.S. 7-13-1605.

(b) Any drug court program in existence and receiving funding from the department of health for its operations may continue to operate until the funding authorized for the drug court program prior to July 1, 2009, is exhausted, or until the end of the fiscal year ending June 30, 2009, whichever occurs earlier. Thereafter, the program may receive funding under this act only upon compliance with the requirements specified in W.S. 7-13-1605.

Section 5.

(a) W.S. 7-13-1605(c), created in section 1 of this act and the repeal of W.S. 5-10-102(b) in section 3 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.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 146**JUVENILE JUSTICE AMENDMENTS**

Original Senate File No. 129

AN ACT relating to juveniles; requiring criteria and procedures for determining jurisdiction; amending confidentiality of records provisions of the Juvenile Justice Act; and providing for an effective date.

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

Section 1. W.S. 14-6-203(f)(intro) and (g)(iv) is amended to read:

14-6-203. Jurisdiction; confidentiality of records.

(f) The district attorney shall establish objective criteria, screening and assessment procedures for determining the court for appropriate disposition in cooperation and coordination with each municipality in the jurisdiction of the district court. The district attorney shall serve as the single point of entry for all minors alleged to have committed a crime. Except as otherwise provided in this section, copies of all charging documents, reports or citations for cases provided in this subsection shall be forwarded to the district attorney prior to the filing of the charge, report or citation in municipal or city court. The following cases, excluding status offenses, may be originally commenced either in the juvenile court or in the district court or inferior court having jurisdiction:

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(iv) The disclosure results from the information being shared with or between designated employees of any court, any law enforcement agency, any prosecutor's office, any employee of the victim services division within the office of the attorney general, any probation office or any employee of the department of family services or the minor's past or present school district who has been designated to share the information by the department of family services or by the school district or anyone else designated by the district attorney in determining the appropriate court pursuant to a single point of entry assessment under this section;

Section 2. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 147

EMERGENCY MEDICAL SERVICES SUSTAINABILITY TRUST

Original House Bill No. 146

AN ACT relating to emergency medical services; creating an emergency medical services sustainability trust account and income account; providing for needs assessment grants as specified; providing for emergency medical services master plan implementation grants as specified; providing for a local match as specified; requiring reports; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 33-36-115 is created to read:

33-36-115. Emergency medical services sustainability trust account; account established; planning grants; implementation grants.

(a) A trust account is created to be known as the emergency medical services sustainability 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. 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. 9-4-715(a), (d) and (e) and in a manner to obtain the highest return possible consistent with preservation of the account corpus.

(b) The state treasurer shall credit annually to an emergency medical services sustainability trust income account earnings from investment of the trust account corpus. The legislature may, from time to time, appropriate

funds directly to the income account for distribution in accordance with the terms of this section. Such specially appropriated funds shall be credited directly by the state treasurer to the income account and are available to the division for award of grants as otherwise permitted by this section.

(c) Individuals and other entities may also grant, give, transfer, bequeath or donate funds to the trust account or the income account. These funds shall be credited by the state treasurer to either the trust account or the income account, as appropriate, in a manner consistent with the conditions attached to their receipt.

(d) Funds in the trust income account are continuously appropriated to the department for purposes of providing grants to improve the delivery and quality of emergency medical services as provided in this section.

(e) The department shall establish by rule and regulation a grant application calendar and procedure for needs assessment grants, which shall include the following provisions:

(i) An assessment of emergency medical services in a service area and an analysis of the current emergency medical services system including:

- (A) The level of volunteerism;
- (B) The level and period of certification;
- (C) Response times;
- (D) Billing practices;
- (E) Funding sources and budget sustainability; and
- (F) Call volume.

(ii) Needs assessment grants shall be for the purpose of assessing the provision of emergency medical services in a service area and preparing a master plan for an efficient, coordinated system of emergency medical service delivery, subject to the following:

(A) Grant applications may be submitted by persons, entities or groups interested in improving emergency medical services in a proposed service area which shall correspond to a rural urban commuting area as defined by the United States department of agriculture. The grant application shall be signed by authorized representatives of all involved political subdivisions within the proposed service area;

(B) The department shall review applications and, if it determines that further detailed assessment of emergency medical services in the

proposed service area is appropriate and following consultation with the affected entities described in subparagraph (A) of this paragraph, shall contract for an assessment in the service area of emergency medical services strengths, weaknesses and coverage gaps. The contractor conducting the assessment shall prepare a written report that shall include a master plan for a coordinated, efficient emergency medical service delivery system within the service area. The master plan shall identify the governmental or private entity that will oversee and coordinate implementation of the plan, the areas and entities included in the plan, an estimate of funds available to implement the plan and continuing revenue sources, the approximate number of volunteer and paid emergency medical technicians available to provide services in the area and include provision, if necessary, for transition from an all volunteer service model to one combining volunteer and paid technicians. The master plan shall identify major problems and opportunities concerning emergency medical services, and provide for a desired sequence of events for implementation of the plan;

(C) Any needs assessment shall include consultation with the affected entities described in subparagraph (A) of this paragraph, representatives of public, private and volunteer ambulance services in the proposed service area, county and local government organizations, hospitals furnishing emergency medical services and other appropriate stakeholders;

(D) Any needs assessment shall provide for the collection of data by service area using a common benchmark, indicator and scoring format on emergency medical service workforce shortfalls, strengths and weaknesses of current service delivery models. The needs assessment shall build upon but avoid duplication of the study completed by the rural policy research institute for the Wyoming health care commission in June, 2007;

(E) Grant applications shall include a commitment of local matching funds of at least five thousand dollars (\$5,000.00).

(iii) Following completion of a needs assessment as provided in paragraph (ii) of this subsection, a county, joint powers board or emergency medical services special district may apply for a grant to assist in the development and implementation of a master plan, subject to the following:

(A) Grants shall be documented in writing signed by the department and an authorized representative of the grantee. The document shall specify the intended use of the funds to improve emergency medical service delivery by assisting with the cost of implementing the master plan;

(B) Award of grants shall be based on demonstrable need. Those service areas demonstrating the greatest need, at the discretion of the department, shall be given the highest priority in receiving grants pursuant to this section;

(C) Implementation grant applications shall include a working budget to demonstrate how the grant will be used to address revenue gaps on a temporary basis while transitioning to a defined time when revenue is expected to be sufficient to sustain services in the master plan service area not to exceed two (2) years.

(f) The department is authorized to enter into contracts it deems appropriate to conduct and coordinate needs analyses and implementation grants authorized by this section, including contracts with local providers or other stakeholders to report on service needs in the respective service areas.

(g) The department shall provide a report by November 1 of each year on the emergency medical services trust account to the joint labor, health and social services interim committee. The reports shall include the status of the account, a description of all grants from the income account and any recommendations for providing more cost effective and accessible delivery of emergency medical services, including recommendations regarding regional approaches to providing those services, and any recommended statutory or rule changes.

Section 2. W.S. 33-36-102(a)(xi) is amended to read:

33-36-102. Definitions.

(a) As used in this act:

(xi) "This act" means W.S. 33-36-101 through ~~33-36-113~~ 33-36-115.

Section 3.

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the tobacco trust fund income account to the emergency medical services sustainability trust account. This appropriation shall be used only for the purposes of W.S. 33-36-115 created by this act. Notwithstanding any other provision of law, this appropriation shall not be expended and shall not be transferred for any other purpose.

(b) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the emergency medical services sustainability trust income account. This appropriation shall only be expended for the purposes of W.S. 33-36-115 created by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended monies in the income account shall not revert but shall remain in the account to be expended for the purposes specified in this act.

(c) None of the appropriations in this section shall be included in the department's 2011-2012 standard biennial budget request.

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, 2009.

Chapter 148

DOGS CHASING WILDLIFE

Original House Bill No. 11

AN ACT relating to game and fish; modifying penalties for owners of dogs injuring or threatening big game animals; modifying elements of the offense; and providing for an effective date.

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

Section 1. W.S. 23-3-109(c) is amended to read:

23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed; citation of owners of dogs harassing game animals; penalties.

~~(c) A peace officer may arrest or issue a summons to the owner of any~~
~~It is unlawful for any person to recklessly allow or direct a dog injuring~~
~~or threatening which he owns or is under his control to injure or threaten~~
~~a big game animal with immediate injury, whether or not the big game~~
~~animal is actually injured by the dog, unless the dog was attempting to~~
~~protect livestock or other property. A first conviction under this subsection~~
~~is punishable by a fine imposed for a low misdemeanor punishable as~~
~~provided in W.S. 23-6-202(a)(v). A second and each subsequent conviction~~
~~under this subsection is punishable by a fine and imprisonment imposed~~
~~for a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).~~

Section 2. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 149**WESTERN STATES ENERGY AND ENVIRONMENT SYMPOSIUM**

Original House Bill No. 295

AN ACT relating to the western states energy and environment symposium; authorizing a western states energy and environment symposium as specified; establishing a steering committee to develop plans and funding for the symposium; providing that the University of Wyoming school of energy resources shall conduct the symposium at the direction of the steering committee; authorizing legislative participation in the planning as specified; requiring a report after the symposium; providing appropriations; and providing for an effective date.

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

Section 1.

(a) A symposium steering committee is hereby created consisting of one (1) member of the Wyoming house of representatives appointed by the speaker of the house, one (1) member of the Wyoming senate appointed by the president of the senate, one (1) member representing energy producers, one (1) member representing energy consumers and one (1) member representing general business. The last three (3) members shall be appointed jointly by the president of the senate and the speaker of the house. The steering committee shall develop plans and funding for a western states energy and environment symposium to be held by November 1, 2010. The symposium shall be conducted by the University of Wyoming school of energy resources at the direction of the steering committee. The steering committee shall:

(i) Develop plans and funding for the western states energy and environment symposium;

(ii) Solicit public and private funding to supplement public funding appropriated under this act for the western states energy and environment symposium;

(iii) Invite the following persons or representatives to attend and participate in the western states energy and environment symposium:

(A) Select legislators and executive branch members from the governments of the thirteen (13) western states that are members of the council of state governments-west;

(B) Experts from all key energy industries;

(C) Experts from conservation, environmental and other concerned interest groups;

(D) Top experts in the field of energy development, energy use, environment and economics;

(E) A representative from state or regional chambers of commerce and business roundtables;

(F) A representative from county government and a representative from municipal government from the thirteen (13) western states that are members of the council of state governments-west;

(G) Any other persons and representatives of entities or organizations the steering committee may determine have an interest in contributing to or participating in the western states energy and environment symposium, including members of the general public.

(iv) Solicit advice and opinions from experts and technical resources on energy development and use, and environmental protection consistent with the purposes of the symposium;

(v) Solicit participation by national and regional organizations and think tanks, including but not limited to the energy council, the interstate oil and gas compact commission, the energy foundation, the national conference of state legislatures, the council of state governments-west and the western governors association;

(vi) Work to establish a cooperative agreement among the participants to develop a high level cost/benefit economic analysis assessing the challenges of energy development, production, marketing, use and environmental protection within the western states, including an analysis of:

(A) Renewable energy development, production and use;

(B) Fossil fuel development, production and use;

(C) Nuclear energy development, extraction and use;

(D) Carbon management and impacts on cost of energy development, production, use and environmental protection;

(E) Air quality in the context of energy development, production and use;

(F) Projected demands and costs of energy.

(vii) Submit a report no later than forty-five (45) days after the symposium adjourns to the legislatures, governors and congressional delegations of participating states and to all participants in the

conference.

(b) Legislative members assisting the school of energy resources under subsection (a) of this section shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties, as provided in W.S. 28-5-101.

(c) The school of energy resources may contract with consultants as necessary to facilitate the western states energy and environment symposium and its purposes.

(d) The western states energy and environment symposium may be held within Wyoming or in any other state that may be participating in the symposium.

Section 2.

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the University of Wyoming school of energy resources. This appropriation shall be for the period beginning with the effective date of this act and ending December 31, 2010. This appropriation shall only be expended for the purpose of providing the staffing, technical support, including contracting with consultants as necessary, and costs of planning, conducting and reporting on the western states energy and environment symposium authorized under section 1 of 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 December 31, 2010.

(b) There is appropriated two hundred thousand dollars (\$200,000.00) 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 December 31, 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 December 31, 2010. This appropriation shall be used for:

(i) Salary and per diem expenses of legislative members appointed pursuant to subsection (a) of this section for the performance of their duties under this act;

(ii) Payment of the actual expenses of Wyoming legislators who attend the western states energy and environment symposium;

(iii) The award of scholarships, fellowships or other financial aid or honoraria to provide for the attendance of select legislators and executive

branch members from the other thirteen (13) western states at the symposium. At the direction of the steering committee, the legislative service office shall transfer funds from this appropriation to the University of Wyoming as necessary so that the university may award the scholarships, fellowships or other financial aid or honoraria as provided under this paragraph.

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 5, 2009.

Chapter 150

MINERAL TAXES-AUDIT AND REFUND

Original House Bill No. 184

AN ACT relating to taxation and revenue; providing for amendments to mineral taxation enforcement provisions as specified; limiting the time period for filing requests for refunds as specified; and providing for an effective date.

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

Section 1. W.S. 39-14-108(b)(iii), 39-14-109(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii), 39-14-208(b)(iii), 39-14-209(c)(i), (ii) and by creating a new paragraph (iii) and (d)(iii), 39-14-308(b)(iii), 39-14-309(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii), 39-14-408(b)(iii), 39-14-409(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii), 39-14-508(b)(iii), 39-14-509(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii), 39-14-608(b)(iii), 39-14-609(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii), 39-14-708(b)(iii) and 39-14-709(c)(i), (ii) and by creating a new paragraph (iii) and (d)(ii) are amended to read:

39-14-108. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-109(b)(ii), provided that the return is filed within three (3) years from the date the production should have been ~~or was~~ reported pursuant to W.S. 39-14-107(a)(i), ~~whichever is~~

~~later, and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;~~

39-14-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

~~(i) If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-107(a)(i). Any refund granted shall be subject to modification or revocation upon audit;~~

(ii) If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-107(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any

overpaid gross product or severance tax identified by an audit that is within the scope of the audit period, without regard to the limitation period for requesting refunds;

39-14-208. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county from which the crude oil, lease condensate or natural gas was produced, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-209(b)(v), provided that the return is filed within three (3) years from the date the production should have been or was reported pursuant to W.S. 39-14-207(a)(i), ~~whichever is later,~~ and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-209. Taxpayer remedies.

(c) Refunds. The following shall apply:

(i) ~~If any person pays any ad valorem tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to ad valorem taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-207(a)(i). Any refund granted shall be subject to modification or revocation upon audit;~~

(ii) If a taxpayer has reason to believe that severance taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar

~~year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-207(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for severance taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;~~

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(iii) The taxpayer is entitled to receive an offsetting credit for any overpaid ad valorem or severance tax identified by an audit that is within the scope of the audit ~~period~~, without regard to the limitation period for requesting refunds.

39-14-308. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-309(b)(ii), provided that the return is filed within three (3) years from the date the production should have been ~~or was~~ reported pursuant to W.S. 39-14-307(a)(i), ~~whichever is later~~, and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-309. Taxpayer remedies.

(c) Refunds. The following shall apply:

~~(i) If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or~~

of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-307(a)(i). Any refund granted shall be subject to modification or revocation upon audit;

(ii) If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-307(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any overpaid gross product or severance tax identified by an audit that is within the scope of the audit period, without regard to the limitation period for requesting refunds;

39-14-408. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-409(b)(ii), provided that the return is filed within three (3) years from the date the production should have been ~~or was reported pursuant to W.S. 39-14-407(a)(i), whichever is later,~~ and that the audit or review commenced within the time period as

required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-409. Taxpayer remedies.

(c) Refunds. The following shall apply:

~~(i) If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-407(a)(i). Any refund granted shall be subject to modification or revocation upon audit;~~

(ii) If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-407(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any overpaid gross product or severance tax identified by an audit that is

within the scope of the audit ~~period~~, without regard to the limitation period for requesting refunds;

39-14-508. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-509(b)(ii), provided that the return is filed within three (3) years from the date the production should have been ~~or was~~ reported pursuant to W.S. 39-14-507(a)(i), ~~whichever is later~~, and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-509. Taxpayer remedies.

(c) Refunds. The following shall apply:

(i) ~~If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid.~~ If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-507(a)(i). Any refund granted shall be subject to modification or revocation upon audit;

(ii) ~~If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to~~

W.S. 39-14-507(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any overpaid gross product or severance tax identified by an audit that is within the scope of the audit period, without regard to the limitation period for requesting refunds;

39-14-608. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-609(b)(ii), provided that the return is filed within three (3) years from the date the production should have been or was reported pursuant to W.S. 39-14-607(a)(i), whichever is later, and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the taxpayer from filing amended returns within the time period specified herein, and the amended return may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-609. Taxpayer remedies.

(c) Refunds. The following shall apply:

(i) ~~If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the~~

value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-607(a)(i). Any refund granted shall be subject to modification or revocation upon audit;

(ii) ~~If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-607(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;~~

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any overpaid gross product or severance tax identified by an audit that is within the scope of the audit period, without regard to the limitation period for requesting refunds;

39-14-708. Enforcement.

(b) Audits. The following shall apply:

(iii) Commencing January 1, 2003, the department is authorized to rely on final audit findings, taxpayer amended returns or department review, and to certify mine product valuation amendments to the county assessor of the county in which the property is located, to be entered upon the assessment rolls of the county and taxes computed and collected thereon subject to appeal under W.S. 39-14-709(b)(ii), provided that the return is filed within three (3) years from the date the production should have been ~~or was~~ reported pursuant to W.S. 39-14-707(a)(i), ~~whichever is later~~, and that the audit or review commenced within the time period as required by paragraph (vii) of this subsection. Commencement of an audit, completion of an audit, and final audit findings and final determination by the department being issued to the taxpayer shall not preclude the

taxpayer from filing amended returns within the time period specified herein, and the amended returns may be audited within the time period stated in paragraph (vii) of this subsection;

39-14-709. Taxpayer remedies.

(c) Refunds. The following shall apply:

~~(i) If any person pays any tax, or portion thereof, found to have been erroneous or illegal, the board of county commissioners shall direct the county treasurer to refund the erroneous or illegal payment to the taxpayer. When an increase in the value of any product is subject to the approval of any agency of the United States of America or the state of Wyoming, or of any court, the increased value shall be subject to property taxation. In the event the increase in value is disapproved, either in whole or in part, then the amount of tax which has been paid on the disapproved part of the value shall be considered excess tax. Within one (1) year following the final determination of value, any person who has paid any such excess tax may apply for a refund, and the board of county commissioners shall refund the amount of excess tax paid. If a taxpayer has reason to believe that ad valorem taxes imposed by this article have been overpaid, a request for refund shall be filed with the department by submitting amended returns within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-707(a)(i). Any refund granted shall be subject to modification or revocation upon audit;~~

(ii) ~~If a taxpayer has reason to believe that taxes imposed by this article have been overpaid, a request for refund shall be filed with the department on forms it prescribes prior to the end of the fifth calendar year following the calendar year which included the month for which overpayment was made by submitting an amended return within three (3) years from the date the production should have been reported pursuant to W.S. 39-14-707(a)(i). Refunds of two thousand dollars (\$2,000.00), or less may be applied to subsequent payments for taxes imposed by this article. Requests for refunds exceeding two thousand dollars (\$2,000.00) shall be approved in writing by the department prior to the taxpayer receiving credit. All refunds granted are subject to modification or revocation upon audit;~~

(iii) Notwithstanding paragraphs (i) and (ii) of this subsection, the taxpayer is entitled to receive a refund of any overpaid ad valorem or severance tax identified by an audit regardless of whether a refund has been requested.

(d) Credits. The following shall apply:

(ii) The taxpayer is entitled to receive an offsetting credit for any overpaid gross product or severance tax identified by an audit that is within the scope of the audit period, without regard to the limitation period for requesting refunds;

Section 2. All mineral producers subject to the provisions of this act shall file any requests for refunds for production year 2005 no later than June 30, 2009. All refunds for production years prior to 2005 are barred as of the effective date of this act or by operation of law, unless such refunds are identified within an audit under the terms of this act.

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 5, 2009.

Chapter 151

TAXATION AND REVENUE-DIGITAL PRODUCTS

Original House Bill No. 283

AN ACT relating to taxation and revenue; providing a definition for specified digital products; 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) by creating a new paragraph (xliii) is amended to read:

39-15-101. Definitions.

(a) As used in this article:

(xliii) "Specified digital products" means electronically transferred:

(A) "Digital audio-visual works" which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;

(B) "Digital audio works" which means works that result from the fixation of a series of musical, spoken or other sounds, including ringtones; or

(C) "Digital books" which means works that are generally recognized in the ordinary and usual sense as books.

Section 2. This act is effective January 1, 2010.

Approved March 5, 2009.

Chapter 152**MEDICAID-SPEECH AND AUDIOLOGY SERVICES**

Original House Bill No. 271

AN ACT relating to Medicaid; authorizing direct payment of services by licensed speech pathologists and licensed audiologists; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a)(xv) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xv) Licensed rehabilitation center services and if specifically prescribed by a licensed physician, outpatient services of a privately operated licensed occupational, speech, audiology or physical therapy center and the professional services of a licensed occupational therapist, licensed speech pathologist, licensed audiologist or a licensed physical therapist;

Section 2. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 153**HELIUM-PROPERTY TAX**

Original House Bill No. 287

AN ACT relating to taxation and revenue; providing for taxation of certain helium as specified; providing procedures; providing legislative findings; and providing for an effective date.

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

Section 1. W.S. 39-13-112 is created to read:

39-13-112. Property 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 ad valorem taxation pursuant to the provisions of this chapter;

(ii) All other definitions in W.S. 39-13-101 and 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. 39-13-102.

(c) Taxable event: There is levied an ad valorem tax on the value of the gross product produced, as provided in article 15, section 3 of the Wyoming constitution, on the helium produced 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 producing helium; or, to the extent of his interest ownership, any person owning or producing an interest in the helium, by lease or other contract right, is liable for the payment of the ad valorem taxes together with any penalties and interest, provided however, that helium shall be subject to the ad valorem tax only once.

(f) Tax rate: Helium shall be subject to the ad valorem tax rate as provided in W.S. 39-13-104.

(g) Exemptions: The exemptions from taxation provided by W.S. 39-13-105 shall apply to helium.

(h) Compliance; collection procedures: The ad valorem tax related provisions of W.S. 39-13-107 shall apply to helium production.

(j) Enforcement: All ad valorem tax related provisions of W.S. 39-13-108 shall apply to helium production.

(k) Taxpayer remedies: All ad valorem tax related provisions of W.S. 39-13-109 shall apply to helium production.

(m) Distribution: Ad valorem tax revenues from helium production shall be distributed as provided by W.S. 39-13-111.

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 of the helium to avoid ad valorem taxation, but retain the right to produce, market and sell the helium and retain revenue from the sale of 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, extracts the helium from the gas stream and sells the helium, and the title to the helium first passes to the producer downstream of the point of valuation, thus allowing helium to avoid ad valorem taxation;

(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, or contract, 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 value of the helium gross product removed, extracted, produced and sold which is produced in the natural gas stream leased pursuant to the Mineral Leasing Act of 1920, avoids ad valorem taxation, and thus is treated differently than 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 ad valorem taxation;

(vii) It is the intent of the legislature that the tax be imposed on either the person who owns the mineral, or the person who owns the right to produce, remove or sell the mineral by lease or other contractual right, but that no mineral be subject to double ad valorem taxation. The Wyoming constitution, article 15, section 3, provides that the minerals which are “or may be produced” shall be taxed on the “gross product thereof, as may be prescribed by law.” Under certain unique circumstances, more particularly described in *Department of Revenue v. Exxon Mobil Corporation*, 162 P.3d 515 (Wyo. 2007), certain helium produced avoids ad valorem taxation because it is produced by contract and not a lease, which decision does not

reflect the intent of the legislature with regard to helium;

(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, section 3, and taxation statutes enacted pursuant thereto;

(ix) It is the intent of the legislature that the state of Wyoming should encourage the United States government to lease helium as it does other minerals.

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 5, 2009.

Chapter 154

PSYCHOLOGIST LICENSURE

Original Senate File No. 49

AN ACT relating to the Wyoming state board of psychology; amending the psychologists licensing act; providing for application of licensing act; removing separate licensing requirements related to school psychologists; revising the composition of the state board of psychology as specified; providing for issuance of temporary licenses to practice psychology as specified; revising the grounds and evidentiary standard for disciplinary actions as specified; authorizing the state board to employ specified personnel; and providing for an effective date.

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

Section 1. W.S. 33-27-113(a)(iii) and by creating a new subsection (b), 33-27-114(a), (e)(iii)(intro), (f)(intro), (ii) and by creating a new subsection (g), 33-27-115(a), 33-27-116(a) and by creating a new subsection (n), 33-27-117(a) through (c) and by creating a new subsection (e), 33-27-119(b) and (d), 33-27-120(a), (b)(intro), (i), (iii), (iv), (v), (ix), (x), (xi), (xiii) and (xvii) and by creating a new subsection (e), 33-27-122(a), (e), (f), (g), (h)(intro) and (iii) and 33-27-123(a)(intro), (iii), (iv) and (v) are amended to read:

33-27-113. Definitions.

(a) As used in this act:

(iii) "Practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures, for the

purpose of any one (1) or any combination of the following:

~~(A) Preventing, or eliminating, evaluating or assessing~~ symptomatic, maladaptive or undesired behavior; ~~and of~~

~~(B) Enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health; Psychological services may be rendered to individuals, families, groups and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. The practice of psychology includes, but is not limited to:~~

(C) Consulting in legal decision making;

~~(A)(D) Psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning;~~

~~(B)(E) Psychoanalysis, psychotherapy, hypnosis, biofeedback and behavior analysis and therapy;~~

~~(C)(F) Diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of psychological aspects of physical illness, accident, injury or disability; and~~

~~(D)(G) Psychoeducational evaluation, therapy, remediation and consultation.~~

(b) A person not otherwise exempt from this act is engaged in the practice of psychology when the person advertises or represents that he is authorized to practice psychology and performs any of the activities enumerated in paragraph (a)(iii) of this section without regard to whether payment is received for services rendered.

33-27-114. Exemptions.

(a) Nothing in this act shall be construed to prevent members of other recognized professions who are licensed, certified or regulated under the laws of this state as defined in the rules and regulations from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists, ~~or school psychologists.~~

(e) Nothing in this act shall be construed to prevent the persons described in this subsection from engaging in activities defined as the practice of psychology, provided that the persons shall not represent themselves by the title "psychologist." The persons may use the terms "psychological trainee," "psychological intern," "psychological resident" or "psychological practitioner" and shall perform their activities under the supervision

and responsibility of a licensed psychologist in accordance with the rules promulgated by the board. This subsection shall only apply to:

(iii) A qualified practitioner holding a ~~masters~~-~~master's~~ degree or doctoral degree in psychology from a program approved by the board while working under the supervision of a licensed psychologist. The board, in its rules and regulations, shall establish:

(f) Nothing in this act shall be construed to prevent specialists in school psychology from engaging in activities defined as the practice of school psychology, provided that they shall not represent themselves by the title "school-psychologist." These persons may perform their activities under the supervision and responsibility of a psychologist ~~or school-psychologist~~ in accordance with the rules promulgated by the board. The board, in its rules and regulations, shall establish:

(ii) The number of specialists that a psychologist ~~or school-psychologist~~ may employ;

(g) Nothing in this act may be construed to require employees or contractors of a state agency to be licensed under this act in order to perform their official duties related to the evaluation, auditing or designing of programs, provided those employees or contractors do not hold themselves out to be psychologists.

33-27-115. State board of psychology.

(a) The Wyoming state board of psychology shall consist of ~~five (5)~~-~~six (6)~~ licensed psychologists, ~~one (1) school-psychologist~~, one (1) psychological practitioner and two (2) public members appointed by the governor. Each member shall be a resident of this state. Each member who is a psychologist ~~or school-psychologist~~ shall be licensed under this act and shall have a minimum of three (3) years of post-licensure experience, ~~except the first school-psychologist shall have a minimum of five (5) years professional experience~~. At least one (1) member who is a psychologist shall be engaged full time in the doctoral teaching and training of psychologists, and at least two (2) members who are psychologists shall be engaged full time in the professional practice of psychology. The ~~initial-psychological practitioner~~ shall have a minimum of ~~five (5) years of professional experience and each succeeding psychological practitioner member shall have a minimum of three (3) years post-certification experience~~. The composition of the board shall represent both the public and private sectors of the practice of psychology. Public members shall not be psychologists, ~~school-psychologists~~, psychological practitioners, applicants or former applicants for licensure or certification under this act, members of another health profession, or members of a household that includes a person licensed or certified under this act. Board members shall be appointed who are free from conflict of interest in performing the duties of the board.

33-27-116. Powers and duties of the board.

(a) In accordance with this act and rules and regulations promulgated

under it, the board shall determine a person's initial and continuing qualifications and fitness to practice psychology, ~~or school psychology,~~ proceed against the unlawful and unlicensed practice of psychology ~~or school psychology~~ and otherwise enforce this act. ~~The board may employ necessary personnel.~~

(n) The board may employ or contract with an executive secretary and other necessary staff. The executive secretary shall not be a member of the board. The board may set the salary for the executive secretary.

33-27-117. Requirements for licensure.

(a) The board shall issue a license as a psychologist ~~or school psychologist,~~ as appropriate, to any applicant who files an application upon a form and in a manner as prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following which evidence shall comply with rules and regulations of the board:

(i) ~~The applicant submits evidence as the board deems desirable with due regard to the paramount interests of the public regarding his applicant's honesty, truthfulness, integrity and competency;~~

(ii) ~~The applicant possesses applicant's receipt of a doctoral degree from a program of graduate study in psychology as defined in the rules and regulations, awarded by an institution of higher education;~~

(iii) ~~The applicant demonstrates that he has completed two (2) years of supervised professional experience, one (1) year of which shall be predoctoral, and one (1) year of which shall be postdoctoral applicant's completion of two (2) years of supervised professional experience which may be completed prior and subsequent to the granting of the degree required under paragraph (ii) of this subsection;~~

(iv) ~~The applicant has passed applicant's successful completion of the examination for professional practice in psychology or the national school psychology examination, and any other written or oral examinations prescribed by the board. The acceptable level of performance for all examinations and policies regarding reexamination of failed applicants shall be determined by the board.~~

(b) The board may waive any examination if a psychologist ~~or school psychologist~~ has been licensed in another jurisdiction and if the requirements for licensure in that jurisdiction are equal to, or exceed, the requirements for licensure in this ~~jurisdiction state.~~

(c) A person licensed as a psychologist ~~or school psychologist~~ in this state on June 30, ~~1993-2009~~ shall be deemed to have met all requirements for licensure under this act and shall be eligible for renewal of licensure as a psychologist in accordance with this act.

(e) The board may issue a temporary license to an applicant who is licensed or certified by a board of psychology of another United States

state or territory, or of a foreign country or province whose standards are equal to or exceed the requirements for licensure as a psychologist in this state. A temporary licensee may offer services as a psychologist in this state for not more than thirty (30) working days in any year without holding a permanent license issued under this act. The temporary licensee shall report the nature and extent of the licensee's practice in this state to the board if that practice exceeds twenty (20) working days in any one (1) calendar year.

33-27-119. Practice without license.

(b) ~~Unless exempt under W.S. 33-27-114, any person who represents himself as a psychologist or school psychologist or~~ and who engages in the practice of psychology ~~or school psychology~~ in violation of this act, is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation shall constitute a separate offense.

(d) No person whose license to practice as a psychologist ~~or school psychologist~~ in any jurisdiction has been suspended or revoked shall practice psychology ~~or school psychology~~ in this state. The board may suspend or revoke the license of that person. The board may issue a new license whenever it deems the issuance to be safe and just.

33-27-120. Grounds for denial, suspension or revocation of license and other disciplinary sanctions.

(a) A psychologist ~~or school psychologist~~ and anyone under his supervision shall conduct his professional activities in conformity with ethical and professional standards promulgated by the board under its rules and regulations.

(b) ~~After notice and a hearing, the board may suspend, place on probation, require remediation for a specified time to be determined at the discretion of the board, restrict or revoke any license to practice psychology or school psychology, deny an application for licensure, or take any other action specified in the rules and regulations whenever the board shall find by a preponderance of the evidence, following a hearing conducted by the board pursuant to this act, that the psychologist, school psychologist or applicant has engaged in conduct prohibited by this act, rules or regulations promulgated by the board, or in~~ revoke, refuse to renew, reprimand, censure, limit the scope of practice, place on probation with or without terms, conditions or limitations or suspend licenses to practice psychology for any of the following acts or offenses:

(i) ~~Fraud in applying for or procuring a license to practice psychology; or school psychology;~~

(iii) ~~Practicing psychology or school psychology in a manner which endangers the welfare of clients or patients;~~

(iv) Conviction of a felony that interferes with the ability to practice psychology ~~or school psychology~~ as defined in the rules and regulations;

(v) Conviction, ~~including a plea of nolo contendere, to of~~ any felony or conviction ~~or plea of nolo contendere to of~~ any crime or offense that reflects the inability of the practitioner to practice with due regard for the health and safety of clients or patients. A copy of the conviction certified by the clerk of the court entering the conviction is conclusive evidence of the conviction;

(ix) Malpractice or negligence in the practice of psychology; ~~or school psychology~~;

(x) Aiding or abetting the practice of psychology ~~or school psychology~~ by a person not licensed by the board;

(xi) ~~Conviction of~~ Fraud in filing medicare or medicaid claims or in filing claims to any third party payor;

(xiii) The suspension or revocation by another state of a license to practice psychology; ~~or school psychology~~;

(xvii) Inability to practice psychology ~~or school psychology~~ with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals or any other substance or as a result of any mental or physical condition.

(e) For purposes of this section, "conviction" means and includes a plea of guilty, nolo contendere and a verdict of guilty upon which a judgment of conviction may be rendered.

33-27-122. Board hearings and investigations.

(a) The board may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist ~~or school psychologist~~ licensed to practice in this jurisdiction, and anyone under his supervision is, or may be, in violation of this act or of any of the rules and regulations adopted by the board.

(e) The board may conduct a default hearing if, after due notice, the individual fails or ~~refused~~ refuses to appear. The board shall have the authority to issue subpoenas for production of documents and witnesses and to administer oaths. The board may apply to a court of competent jurisdiction to compel compliance with a subpoena.

(f) A psychologist ~~or school psychologist~~ may surrender his license when he is charged with ~~unethical conduct~~ any violation of this act or board rules and regulations, and such surrender and acceptance by the board shall constitute acknowledgment by the person as an admission of guilt as charged. The circumstances of the surrender shall be reported in the same fashion as a revocation action.

(g) A psychologist ~~or school psychologist~~ may request in writing to the board that a restriction be placed upon his license to practice. The board, in its discretion, may accept a surrender or grant a request for restriction and shall have the authority to attach restrictions to the license to practice within this state or otherwise to discipline the licensee.

(h) Subsequent to the holding of a hearing and the taking of evidence by the board as provided for in this section, if a majority of the board finds that a psychologist ~~or school psychologist~~ is in violation of this act or guilty of any of the acts, offenses or conditions as enumerated by the board, the following actions may be taken:

(iii) The board may impose revocation or suspension of a license, but suspend enforcement thereof by placing the psychologist ~~or school psychologist~~ on probation, which probation shall be revocable if the board finds the conditions of the probation order are not being followed. As a condition of probation the board may require the psychologist ~~or school psychologist~~ to submit to care, counseling or treatment by a professional designated by the board. The expense of the action shall be borne by the probationer. The board may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both;

33-27-123. Privileged communication.

(a) In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, and in proceedings preliminary and ancillary thereto, a patient or client, or his guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a person licensed or otherwise authorized to practice under this act, or to persons reasonably believed by the patient or client to be so licensed, and their agents, for the purpose of diagnosis, evaluation or treatment of any mental or emotional condition or disorder. The psychologist ~~or school psychologist~~ shall not disclose any information communicated as described above in the absence of an express waiver of the privilege except in the following circumstances:

(iii) Where such information is necessary for the psychologist ~~or school psychologist~~ to defend against a malpractice action brought by the patient or client;

(iv) Where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist; ~~or school psychologist;~~

(v) In the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist; ~~or school psychologist;~~

Section 2. W.S. 33-27-113(a)(vii) and 33-27-119(a) are repealed.

Section 3. The term of the person representing school psychologists on the Wyoming state board of psychology shall continue pursuant to the terms of his gubernatorial appointment and the person shall not be reappointed unless the person otherwise qualifies for appointment as provided in W.S. 33-27-115, as amended by this act.

Section 4. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 155

DRIVER'S LICENSE SUSPENSIONS-CHILD SUPPORT

Original House Bill No. 190

AN ACT relating to suspension of drivers' licenses for nonpayment of child support; modifying procedures related to actions suspending driver's licenses for nonpayment of child support; repealing certain appeal procedures for a person whose driving privileges have been suspended for nonpayment of child support; providing for temporary driving privileges as specified; and providing for an effective date.

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

Section 1. W.S. 20-6-111(a)(intro), (ii), (b), (f)(intro), (i), (ii) and by creating a new paragraph (iii), (h), (j)(intro), by creating new paragraphs (iv) through (vi), (n)(i), (ii) and by creating a new subsection (o) and 31-7-105(d)(intro) and (f)(iv) are amended to read:

20-6-111. Driver's license suspension; nonpayment of child support; administrative hearings.

(a) When an obligor is in arrears in a court ~~order~~ordered child support obligation, the department or court may:

(ii) Obtain an ~~administrative or~~ a court ordered withholding, suspension or restriction of the license unless the obligor pays the entire arrearage or enters into a payment plan approved by the department.

(b) The court, on motion of the department or on its own motion, may direct the department of transportation to withhold, suspend or restrict the license and the department or the court shall send certified copies of the court order to the obligor, at the obligor's last known address, and to the department of transportation instructing that the department of transportation notify the obligor of the license withholding, suspension or restriction in accordance with the licensing procedures, and that the withholding, suspension or restriction shall remain in effect until the department of transportation is notified by the department or the court that the obligor is in compliance with the court order or has entered into a payment plan approved by the

department. ~~The department of transportation shall if requested by the obligor, conduct a record review and advise the court if a probationary or conditional license is appropriate. No hearing or appeal shall be permitted under the Wyoming Administrative Procedure Act for a license withheld, suspended or restricted pursuant to a court order.~~

(f) ~~If~~ ~~The department determines~~ may determine that a driver's license suspension may be better achieved through an administrative suspension; if the obligor owes more than five thousand dollars (\$5,000.00) in unpaid child support and the obligor has not made a child support payment either voluntarily or through income withholding for a period of at least ninety (90) consecutive days prior to the determination. The department ~~may shall~~ notify the department of transportation by ~~electronic data transfer and any obligor by certified mail, with return receipt requested, or by personal service or by certified mail, restricted delivery~~ if notification by certified mail was unsuccessful, that the obligor is in arrears in a child support obligation and that the obligor's driver's license as defined in W.S. 31-7-102(a)(xxv) shall be suspended by the department of transportation ~~ninety (90)~~ sixty (60) days after the date of the obligor receives the notice unless the obligor:

- (i) ~~Pays the entire arrearage stated in the notice owed;~~ or
- (ii) ~~Enters into a payment plan approved by the department;~~ or
- (iii) Is in full compliance with a court ordered payment plan.

(h) ~~Any order suspension arising out of a hearing under subsection (g) (f) of this section may be appealed to the district court. The person whose license or driving privilege is affected may file a petition for a review of the record request for a hearing in the district court in the county where the person resides or in the case of a nonresident in Laramie county or the county where the child support order was issued. The person shall have thirty (30) sixty (60) days from the date of service of the written order notice of intent to suspend in which to file the petition for review request for hearing. A timely request for hearing shall stay imposition of any suspension under subsection (f) of this section. The district court shall immediately set the matter for determination, upon thirty (30) days written notice to the department.~~

(j) Before the license or driving privilege of any person is to be withheld, suspended or restricted under this article, the department shall advise the licensee in the notice required under subsection (f) of this section of his right to appeal to district court for any dispute involving:

- (iv) The amount of current child support owed or arrearage;
- (v) The identity of the alleged obligor named in the notice of suspension;
- (vi) The willfulness of any action or inaction of the obligor that contributed to the nonpayment of child support. As used in this paragraph,

“willfulness” means without justifiable excuse.

(n) The discretion to modify any order of suspension under this section to allow driving privileges is limited as follows:

(i) A person whose driving privileges have been suspended for nonpayment of child support may be granted limited driving privileges by the district court or the department of transportation for a period not to exceed one hundred twenty (120) days;

(ii) A person granted limited driving privileges under this subsection by the district court or the department of transportation shall not be granted an extension of such privileges for twelve (12) months after the limited driving privileges expire unless the person has subsequently made full payment on his child support obligation in arrears, or is in full compliance with a payment plan approved by the department; or ordered by a court.

(o) After the obligor has paid his child support arrearages in full or has entered into a payment plan with the department, the department shall notify the department of transportation immediately and request the department of transportation to return the driver’s license of that obligor pursuant to this section.

31-7-105. Administrative hearings.

(d) Except for driving privileges that have been suspended for nonpayment of child support, before suspending, revoking, canceling or denying the license or driving privilege of any person under this act or disqualifying a person from driving a commercial motor vehicle pursuant to W.S. 31-7-305 and 31-7-307, the department shall immediately advise the licensee in writing:

(f) Upon receipt of a timely request, the department shall conduct a review of its records and issue an order granting or denying limited driving privileges. The discretion to continue or modify any order of suspension or denial to allow driving privileges is limited as follows:

(iv) A person whose driving privileges have been suspended for nonpayment of child support may be granted limited driving privileges for a period not to exceed one hundred twenty (120) days upon ~~receipt of the notice required under W.S. 20-6-111(n)(iii)~~ request of the individual to the department after receipt of the notice of suspension of driving privileges pursuant to W.S. 20-6-111. A person granted limited driving privileges under this paragraph shall not be granted an extension of such privileges for twelve (12) months after the limited driving privileges expire unless the person has subsequently made full payment on his child support obligation in arrears, or is in full compliance with a payment plan approved by the department of family services;

Section 2. W.S. 20-6-111(g), (j)(i) through (iii), (k), (m) and (n)(iii) is repealed.

Section 3. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 156

WORKERS' COMPENSATION AMENDMENTS

Original House Bill No. 54

AN ACT relating to the Wyoming Worker's Compensation Act; providing that the state's subrogation recovery be reduced for recovery fees and costs; authorizing elective coverage for corporate officers, limited liability company members, partners and sole proprietors as specified; revising the criteria for and distribution of employer premium credits; increasing dependent children's, death and permanent impairment benefits; providing a minimum and extending the duration of temporary total disability benefit; extending the maximum duration of vocational rehabilitation benefits; providing a time limit for the recovery of overpayments as specified; providing for redetermination in the case of missed deadlines as specified; providing appropriations; authorizing an additional position to the office of administrative hearings; requiring an investigation of an electronic filing and time management system for the office of administrative hearings as specified; and providing for an effective date.

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

Section 1. W.S. 27-14-102(a)(vii)(B), 27-14-105(a), 27-14-108(k), 27-14-201(q)(intro) and by creating a new paragraph (iii), 27-14-403(b), (c)(intro), (iv), by creating a new paragraph (v), (e)(iii), (v) and (k)(iii) and by creating a new paragraph (iv), 27-14-404(c)(ii), 27-14-405(g), 27-14-408(e)(ii), 27-14-511, 27-14-601(f) and 27-14-602(d) are amended to read:

27-14-102. Definitions.

(a) As used in this act:

(vii) "Employee" means any person engaged in any extrahazardous employment under any appointment, contract of hire or apprenticeship, express or implied, oral or written, and includes legally employed minors, aliens authorized to work by the United States department of justice, office of citizenship and immigration services, and aliens whom the employer reasonably believes, at the date of hire and the date of injury based upon documentation in the employer's possession, to be authorized to work by the United States department of justice, office of citizenship and immigration services. "Employee" does not include:

(B) A sole proprietor or a partner of a business partnership unless coverage is elected pursuant to W.S. 27-14-108(k);

27-14-105. Action against third party; notice; subrogation; legal representation; payment under reservation of rights; actions by department.

(a) If an employee covered by this act receives an injury under circumstances creating a legal liability in some person other than the employer to pay damages, the employee if engaged in work for his employer at the time of the injury is not deprived of any compensation to which he is entitled under this act. He may also pursue his remedy at law against the third party or the coemployee to the extent permitted by W.S. 27-14-104(a). Except as provided by subsections (b), (e) and (f) of this section, if the employee recovers from the third party or the coemployee in any manner including judgment, compromise, settlement or release, the state is entitled to be reimbursed for all payments made, or to be made, to or on behalf of the employee under this act but not to exceed one-third (1/3) of the total proceeds of the recovery without regard to the types of damages alleged in the third-party action. Any recovery by the state shall be reduced pro rata for attorney fees and costs in the same proportion as the employee is liable for fees and costs. All money received by the state under this section shall be credited to the worker's compensation account and considered in computing the employer's experience rating.

27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.

(k) ~~Any corporation, or limited liability company, employing individuals covered pursuant to subsections (a) or (j) of this section partnership or sole proprietorship~~ may elect to obtain coverage under this act for any or all of its corporate officers, or limited liability company members, partners in a partnership or sole proprietor by electing to cover any or all of its officers or members and notifying the division in writing of its election upon initial registration with the division, or thirty (30) days prior to the beginning of a calendar quarter. Any employer electing coverage pursuant to this subsection shall simultaneously elect coverage for its employees, as provided in subsection (j) of this section, if those employees are not already covered under this act. Notwithstanding subsection (j) of this section, an employer shall not withdraw coverage at any time during the subsequent eight (8) calendar quarters. Application for termination of coverage under this subsection shall be filed in writing with the division, ~~not less than thirty (30) days before any calendar quarter following the initial eight (8) calendar quarters of coverage.~~ Termination of coverage shall be effective the first day of the month following the division's receipt of the notice of termination which shall specify whether the termination is for the officers, members and partners or for the officers, members, partners and all electively covered employees.

27-14-201. Rates and classifications; rate surcharge.

(q) The division may, in accordance with its rules and regulations, grant a premium credit to rates established under this section ~~in an amount not to exceed fifty percent (50%) of the investment earnings after inflation on~~

reserves for the prior rate year. Of the total amount of premium credit distribution established by the division, fifty percent (50%) shall be distributed to all employers who made premium payments to the fund in the preceding year and fifty percent (50%) shall be distributed to employers whose accident frequency and injury severity in the preceding year was less than that of the industry classification under which the employer is classified. The fifty percent (50%) distribution to all employers who made premium payments shall be made on the basis of each employer's annual premium payment as compared to total premium payments made by all employers in the year preceding the year in which the premium credit was issued. if it is determined by a qualified actuary retained by the division that the fund will remain fully reserved after the premium credit is granted and implemented. If the division determines to grant a premium credit, the percentage of credit allowed for the rate year shall be the same for all employers qualified pursuant to paragraph (iii) of this subsection. The following provisions shall also apply to the premium credit program:

(iii) The premium credit, if granted, shall only be given to those employers who paid premiums during the preceding year and whose accounts are current on all amounts owed under the act, including premiums, case cost liability and penalties.

27-14-403. Awards generally; method of payment.

(b) Notwithstanding the date of death or the date of the determination of permanent total disability, in the case of permanent total disability or death, each child of an employee shall be paid ~~one hundred fifty dollars (\$150.00)~~ two hundred fifty dollars (\$250.00) per month for payments made after July 1, ~~2001-2009~~, until the child dies or reaches the age of ~~eighteen (18)~~ twenty-one (21) years, whichever first occurs, or if the child is physically or mentally incapacitated until the child dies ~~or attains the age of twenty-one (21) years, whichever first occurs~~ unless qualified for and receiving benefits under the Medicaid home and community based waiver program. If the child is enrolled or preregistered in ~~an a post secondary educational institution including a post-secondary education institution~~ four-year college, community college or private trade school licensed pursuant to W.S. 21-2-401 through 21-2-407 and providing career, technical or apprenticeship training, the child shall receive the amount provided by this section until the child attains the age of ~~twenty-one (21)~~ twenty-five (25) years. The amount awarded under this subsection shall be adjusted for inflation annually by the division, using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, or three percent (3%), whichever is less.

(c) All awards stated in this section except awards under paragraph (a)(i), subsection (b) and paragraphs (e)(ii), (iv) and (v) and (h)(ii) and subsection (k) of this section shall be paid monthly at the rates prescribed by this subsection. For permanent partial impairment under paragraph (a)(ii) of this section, the award shall be calculated at the rate of two-thirds (2/3) of the statewide average monthly wage for the twelve (12) month period

immediately preceding the quarterly period in which the injury occurred benefits are first paid as determined pursuant to W.S. 27-14-802. For temporary total disability under paragraph (a)(i) of this section, the award shall be paid monthly at the rate of thirty percent (30%) of the statewide average monthly wage or two-thirds (2/3) of the injured employee's actual monthly earnings at the time of injury, whichever is greater, but ~~shall not to~~ exceed the lesser of one hundred percent (100%) of the injured employee's actual monthly earnings at the time of the injury or the statewide average monthly wage for the twelve (12) month period immediately preceding the quarterly period in which the injury occurred as determined pursuant to W.S. 27-14-802 with one-half (1/2) of the monthly award paid on or about the fifteenth of the month and one-half (1/2) paid on or about the thirtieth of the month. For temporary light duty under paragraph (a)(i) of this section, the award shall be paid monthly at the rate of eighty percent (80%) of the difference between the employee's light duty wage and the employee's actual monthly earnings at the time of injury. For permanent partial and permanent total disability or death under paragraphs (a)(iii), (iv) and (v) of this section, the award shall be paid monthly computed as follows:

(iv) In the case of death due to work related causes, and if the award computed under ~~paragraphs~~ paragraph (i), (ii) or (iii) of this subsection is less than eighty percent (80%) of the statewide average monthly wage, the award shall be adjusted to an amount not less than eighty percent (80%) of the statewide average monthly wage or seventy-five percent (75%) of the injured employee's actual monthly earnings at the time of injury, whichever is greater. In no event shall the award exceed two (2) times the statewide average monthly wage for the twelve (12) month period immediately preceding the quarterly period in which the injury occurred as determined pursuant to W.S. 27-14-802;

(v) Awards for permanent total disability shall be adjusted for inflation annually by the division, using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, for the calendar year before the date of adjustment or three percent (3%), whichever is less. The adjustment provided by this paragraph shall apply to all awards for permanent total disability benefits in effect on or after July 1, 2009 using as the base for calculation the award in effect on that date or the first award, whichever is later. The adjustment shall become effective annually on July 1 and shall be applied to all awards for permanent total disability that were first made at least one (1) year before the effective date of the adjustment.

(e) If an injured employee dies as a result of the work related injury whether or not an award under paragraphs (a)(i) through (iv) of this section has been made:

(iii) The surviving spouse shall receive for ~~fifty-four (54)~~ one hundred (100) months a monthly payment as provided by subsection (c) of this

section. If the surviving spouse dies before the award is entirely paid or if there is no surviving spouse, the unpaid balance of the award shall be paid to the surviving dependent children of the employee in the manner prescribed by paragraph (d)(ii) of this section. If there are no dependent children, further payments under this paragraph shall cease as of the date of the spouse's death;

(v) If the employee died with no surviving spouse or dependent children but with one (1) surviving parent or two (2) surviving parents of the employee who received ~~substantially all at least one-half (1/2)~~ of his or their financial support from the employee at the time of injury, the surviving parent or parents shall receive ~~six hundred dollars (\$600.00) the first month after the death and one hundred fifty dollars (\$150.00) a~~ monthly payment as provided by subsection (c) of this section for thirty (30) sixty (60) months thereafter or until the parent or the survivor of them dies, whichever is less. If two (2) remaining parents of the employee who received substantially all of their financial support from the employee at the time of the injury survive the employee and the employee had no surviving spouse or child, they shall receive six hundred dollars (\$600.00) the first month after the death and two hundred dollars (\$200.00) for thirty-two (32) months thereafter or until both parents die, whichever is less.

(k) Any injured worker who has or is receiving medical services entirely in Wyoming from a Wyoming health care provider shall be eligible if otherwise qualified for temporary total disability payments at the rate of seventy percent (70%) of the injured worker's actual monthly earnings at the time of the injury but not to exceed one hundred and three percent (103%) of the statewide average wage for the twelve (12) month period immediately preceding the quarterly period in which the injury occurred as determined pursuant to W.S. 27-14-802, with the following exceptions:

(iii) An injured worker otherwise qualified for temporary total disability payments shall be eligible to receive temporary total disability payments at the rate provided in this subsection if due to unavailability of medical services in Wyoming, the division provides written authorization, before or after treatment, to the injured worker to obtain the medical services from an out-of-state health care provider and the out-of-state health care provider agreed to accept as full payment the fees paid by the division pursuant to the division's fee schedule. For purposes of this subsection, medical services shall be deemed unavailable in Wyoming if the distance from the injured worker's residence to an in-state health care provider is at least one hundred (100) miles greater than the distance from the injured worker's residence to an out-of-state medical provider;

(iv) An injured worker otherwise qualified for temporary total disability payments shall be eligible to receive temporary total disability payments at the rate provided in this subsection if the employer has a contractual agreement with an out-of-state health care provider.

27-14-404. Temporary total disability; benefits; determination of eligibility; exceptions for volunteers or prisoners; period of certification limited; temporary light duty employment.

(c) Payment under subsection (a) of this section shall cease prior to expiration of the twenty-four (24) month maximum period specified under subsection (a) of this section if:

(ii) The employee has an ascertainable loss, ~~and~~ qualifies for benefits under W.S. 27-14-405 or 27-14-406 and the first monthly payment pursuant to either of those sections has been issued to the employee.

27-14-405. Permanent partial disability; benefits; schedule; permanent disfigurement; disputed ratings.

(g) An injured employee's impairment shall be rated by a licensed physician using the most recent edition of the American Medical Association's guide to the evaluation of permanent impairment. The award shall be paid as provided by W.S. 27-14-403 for the number of months determined by multiplying the percentage of impairment by ~~forty-four (44)~~ sixty (60) months.

27-14-408. Vocational rehabilitation; application; eligibility; plan; limitation; modification, suspension or termination.

(e) The division of vocational rehabilitation shall in cooperation with the injured employee, develop an individualized rehabilitation plan for the employee agreed to by both the division of vocational rehabilitation and employee, that:

(ii) Shall not exceed ~~four (4)~~ five (5) years or a total cost of thirty thousand dollars (\$30,000.00) unless extended or increased for extenuating circumstances as defined by rule and regulation of the division;

27-14-511. Recovery of benefits paid by mistake or fraud.

The attorney general may bring a civil action to recover the value of any benefits or other monies paid under this act due to mistake, misrepresentation or fraud. The attorney general shall be entitled to recover the costs of suit and reasonable attorney fees in cases of misrepresentation or fraud. Nothing in this section shall prohibit a criminal prosecution where appropriate. Any civil action for recovery of overpayment resulting from a mistake by the division shall be commenced within one (1) year after the alleged overpayment and shall be limited to recovery of those mistaken payments made within twelve (12) months before the commencement of the action.

27-14-601. Payment or denial of claim by division; notice; objections;

review and settlement of claims; filing fee; preauthorization of hospitalization or surgery.

(f) A health care provider receiving payment erroneously under this act pursuant to a determination by the division following review and settlement under subsection (e) of this section or a decision by a hearing examiner is liable for repayment to the worker's compensation account. Except in contested cases, the division may deduct the amount liable from future payments under this act limited to deduction of those mistaken payments made for services provided within twelve (12) months before the deduction. If necessary, the division may recover repayment by civil action as provided in W.S. 27-14-511.

27-14-602. Contested cases generally.

(d) Upon request, the hearing examiner may appoint an attorney to represent the employee or claimants and may allow the appointed attorney a reasonable fee for his services at the conclusion of the proceeding. An appointed attorney shall be paid according to the order of the hearing examiner either from the worker's compensation account, from amounts awarded to the employee or claimants or from the employer. In any contested case where the issue is the compensability of an injury, a prevailing employer's attorney fees shall also be paid according to the order of the hearing examiner from the worker's compensation account, not to affect the employer's experience rating. An award of attorney's fees shall be for a reasonable number of hours and shall not exceed the benefits at issue in the contested case hearing. In all other cases if the employer or division prevails, the attorney's fees allowed an employee's attorney shall not affect the employer's experience rating. Attorney fees allowed shall be at an hourly rate established by the director of the office of administrative hearings and any application for attorney's fees shall be supported by a verified itemization of all services provided. No fee shall be awarded in any case in which the hearing examiner determines the claim or objection to be frivolous and without legal or factual justification. If the division or a hearing examiner determines that an injured worker's failure to meet any procedural deadline in this act is through the fault of the worker's attorney, the division shall reconsider its determination or a hearing examiner shall order the contested case returned to the division for redetermination of the contested issues as provided in W.S. 27-14-601(k).

Section 2. There is appropriated fifty-five thousand dollars (\$55,000.00) from the worker's compensation account established by W.S. 27-14-701(a) and forty-five thousand dollars (\$45,000.00) from the highway fund for one (1) full-time position which is authorized to the office of administrative hearings. These appropriations 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. The position shall be included in the office's 2011-2012

standard biennial budget request and the funding shall be included in the department of employment's and department of transportation's standard biennial budgets.

Section 3. There is appropriated twenty-seven thousand five hundred dollars (\$27,500.00) from the worker's compensation account established by W.S. 27-14-701(a) and twenty-two thousand five hundred dollars (\$22,500.00) from the highway fund for the cost of investigating the acquisition of a case management system capable of accepting and receiving electronic filings and which includes a time management system. No part of this appropriation shall be expended until after the chief information officer has reviewed the proposed expenditure of these funds and the governor has determined the expenditure is appropriate. 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, 2009.

Approved March 5, 2009.

Chapter 157

STATE LANDS GRAZING LEASES

Original House Bill No. 226

AN ACT relating to state lands; modifying lease renewal preference criteria; and providing for an effective date.

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

Section 1. W.S. 36-5-105(c) is amended to read:

36-5-105. Criteria for leasing; preferences; assignments, subleases or contracts; lands taken for war purposes; mineral lands excepted; agricultural lands.

(c) An applicant who is the holder of an expiring lease, and has paid the rental when due, and has not violated the provisions of the lease, and is qualified under the provisions of W.S. 36-5-101, shall have a preferred right to renew such lease by meeting the highest bid offered by another qualified applicant who has actual and necessary use for the land and available forage and whose bid is based on the fair market value using the formula developed by the board pursuant to W.S. 36-5-101(b), not less than the minimum fair market value as determined by the board for the same or a similar use of land: using the formula developed pursuant to W.S. 36-5-101(b) and not more than one hundred twenty percent (120%)

of the maximum fair market value as determined by the board based on the previous year's values for the state, district or county, whichever is most localized and available, as determined by the national agricultural statistics service utilizing:

(i) The private land lease rate per animal unit month for Wyoming grazing leases; or

(ii) The private land irrigated or nonirrigated cropland lease rate, as applicable, for Wyoming cropland leases on irrigated or nonirrigated cropland; and

(iii) A downward adjustment of twenty percent (20%) to reasonably reflect lessee contributions typically provided as a part of a private land grazing lease rate or a private cropland lease rate, as applicable.

Section 2. This act is effective July 1, 2009.

Approved March 5, 2009.

Chapter 158

STATE HISTORIC SITES-APPROPRIATION

Original Senate File No. 14

AN ACT relating to cultural heritage tourism and state historic sites; providing appropriations for capital construction and interpretation; and providing for an effective date.

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

Section 1.

(a) There is appropriated six hundred fifty thousand dollars (\$650,000.00) from the budget reserve account to the department of state parks and cultural resources. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, these funds which are unexpended, unobligated or unencumbered as of June 30, 2010 shall not revert to the general fund but shall be retained by the department for the purposes specified in this subsection. This appropriation shall not be included in the department's 2011-2012 standard biennial budget request. This appropriation shall only be expended for the following purposes and notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose:

(i) Three hundred thirty-one thousand dollars (\$331,000.00) for capital construction at Fort Fred Steele historic site for building restoration and stabilization, a facility host site and interpretive trails;

(ii) One hundred thousand dollars (\$100,000.00) for capital construction at the Piedmont charcoal kilns for stone restoration work, upgrading the path system and providing access for those with disabilities;

(iii) Two hundred nineteen thousand dollars (\$219,000.00) for improvements at the Carissa mine site.

(b) There is appropriated three hundred fifty thousand dollars (\$350,000.00) from the budget reserve account to the department of state parks and cultural resources. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, these funds which are unexpended, unobligated or unencumbered as of June 30, 2010 shall not revert to the general fund but shall be retained by the department for the purposes specified in this subsection. This appropriation shall not be included in the department's 2011-2012 standard biennial budget request. This appropriation shall only be expended for improvements in the interpretation at the department's historical and archeological sites.

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, 2009.

Chapter 159

GENERAL GOVERNMENT APPROPRIATIONS

Original House Bill No. 1

AN ACT relating to supplemental appropriations for the operation of state government; increasing or decreasing certain amounts; adjusting the number of authorized positions; modifying prior appropriations; making additional appropriations; making certain appropriations subject to the terms and conditions 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. Sections 001, 006, 007, 010, 015, 020, 024, 027, 033, 039, 040, 045, 048, 049, 051, 057, 060, 066, 067, 072, 080, 085, 101, 125, 135, 205 and 220 of 2008 Wyoming Session Laws, Chapter 48, Section 2 are amended to read:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 001. Governor's Office				
PROGRAM				
Administration	6,973,844			6,973,844
	<u>7,093,844</u>			<u>7,093,844</u>
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
	<u>3,400,110</u>			<u>32,837,921</u>
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	 <u>15,655,313</u>	 <u>28,818,501</u>	 <u>619,310</u>	 <u>45,093,124</u>
	<u>15,864,950</u>			<u>45,302,761</u>

AUTHORIZED EMPLOYEES

Full Time	54 <u>52</u>
Part Time	1
TOTAL	55 <u>53</u>

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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2009 shall revert pursuant to law.

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	<u>33,042,869</u>		744,847 SR	
	33,208,845			
			144,084 EF	
			16,579,964 IS	50,511,764
				<u>50,677,740</u>
Construction Management Div	23,805,606			23,805,606
	<u>23,908,074</u>			<u>23,908,074</u>
Human Resources Division	6,860,958		647,407 IS	7,508,365
	<u>7,014,958</u>			<u>7,662,365</u>
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
	<u>1,915,902</u>		<u>59,367,260 IS</u>	<u>61,283,162</u>
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
	<u>78,885,536</u>	<u>1,147,884</u>	<u>397,405,987</u>	<u>477,439,407</u>
TOTALS	<u>80,705,390</u>		<u>396,505,987</u>	<u>478,359,261</u>

AUTHORIZED EMPLOYEES

Full Time	<u>366-369</u>
Part Time	3
TOTAL	<u>369-372</u>

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
	<u>14,027,622</u>		144,000 SR	14,171,622
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	
		<u>17,443,828</u>	<u>2,097,977 S5</u>	19,541,805
Veteran's Services	1,249,180	158,052		1,407,232
	<u>1,325,918</u>			<u>1,483,970</u>
Oregon Trail Vets Cemetery	537,944		20,000 SR	557,944
	<u>612,544</u>			<u>632,544</u>
Military Sup To Civilian Auth	108,000			108,000
	<u>153,500</u>			<u>153,500</u>
Civil Air Patrol	173,918		33,541 SR	207,459
	<u>207,459</u>			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	<u>16,005,775</u> <u>17,272,154</u>	<u>26,810,095</u> <u>26,952,118</u>	<u>2,779,051</u> <u>2,747,487</u>	<u>45,594,921</u> <u>46,971,759</u>

AUTHORIZED EMPLOYEES

Full Time	<u>209-212</u>
Part Time	50
TOTAL	<u>259-262</u>

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	<u>12,418,771</u> <u>12,430,771</u>	1,027,143	504,677 SR	
			582,048 AG	
			2,479 IS	<u>14,535,118</u>
				<u>14,547,118</u>
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	
			503,086 SR	
			182,511 AG	<u>3,502,432</u>
				<u>3,545,518</u>
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 <u>1</u>	<u>90,666</u>		13,334 SR	<u>13,334</u>
				<u>104,000</u>
TOTALS	<u>31,407,610</u> <u>31,510,276</u>	1,103,393	<u>5,430,122</u> <u>5,473,208</u>	<u>37,941,125</u> <u>38,086,877</u>

AUTHORIZED EMPLOYEES

Full Time	<u>84-85</u>
Part Time	9
TOTAL	<u>93-94</u>

1. Of this general fund appropriation, ninety thousand six hundred sixty-six dollars (\$90,666.00) shall only be expended to purchase an X-ray machine to be used by the department in the performance of its duties under W.S. 11-7-401 through 11-7-407 and shall not be expended until one-third (1/3) of the cost of the X-ray machine has been received by the department from nonstate sources to assist in the purchase of the X-ray machine.

Section 015. Attorney General

PROGRAM

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
Criminal Investigations 2., 3.	<u>29,945,960</u>	<u>1,162,195</u>	1,035,172 SR	<u>32,143,327</u>
	<u>30,744,204</u>	<u>1,054,591</u>		<u>32,833,967</u>
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	<u>8,114,052</u>	<u>5,676,516</u>	2,061,848 SR	<u>15,852,416</u>
	<u>8,887,223</u>	<u>5,650,944</u>		<u>16,600,015</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Planning Council On DD	721,823	1,121,077		1,842,900
TOTALS	<u>69,167,719</u> <u>70,739,134</u>	<u>8,873,055</u> <u>8,739,879</u>	<u>9,871,597</u>	<u>87,912,371</u> <u>89,350,610</u>

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 <u>4,258,065</u>	1,400,000	11,750,591 SR	17,212,745 <u>17,408,656</u>
Water Quality	14,207,075	8,913,297	1,100,000 SR	24,220,372
Land Quality	5,077,968 <u>5,169,414</u>	4,281,765 <u>4,373,330</u>		9,359,733 <u>9,542,744</u>
Industrial Siting	534,719			534,719
Solid Waste Management	7,173,911 <u>7,267,347</u>	2,616,902	3,543,820 SR	13,334,633 <u>13,428,069</u>
TOTALS	<u>40,249,035</u> <u>40,629,828</u>	<u>17,211,964</u> <u>17,303,529</u>	16,394,411	<u>73,855,410</u> <u>74,327,768</u>

AUTHORIZED EMPLOYEES

Full Time	264 <u>271</u>
Part Time	0
TOTAL	264 <u>271</u>

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 024. Department of State Parks and Cultural Resources

PROGRAM				
Administration & Support	4,194,665 <u>4,394,665</u>	76,261	102,801 EF	4,373,727 <u>4,573,727</u>
Cultural Resources 1., 2.	12,238,584 <u>12,278,584</u>	2,497,579	261,559 SR 2,386,064 IS	17,383,786 <u>17,423,786</u>
St Parks & Hist. Sites	18,527,163 <u>18,807,163</u>	4,002,439	5,772,769 SR	28,302,371 <u>28,582,371</u>
TOTALS	<u>34,960,412</u> <u>35,480,412</u>	<u>6,576,279</u>	<u>8,523,193</u>	<u>50,059,884</u> <u>50,579,884</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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.

2. Of this general fund appropriation twenty thousand dollars (\$20,000.00), or as much thereof as necessary, shall only be expended for cleaning, restoration, conservation and protection of the four (4) Gollings paintings displayed in the House and Senate chambers.

Section 027. School Facilities Commission

PROGRAM				
Operations			8,079,473 S6	8,079,473
Major Maintenance <u>2., 3.</u>			84,182,098 S6	84,182,098
			<u>84,243,184 S6</u>	<u>84,243,184</u>
Infrastructure 1.			3,000,000 S6	3,000,000
TOTALS	<u>0</u>	<u>0</u>	<u>95,261,571</u>	<u>95,261,571</u>
			<u>95,322,657</u>	<u>95,322,657</u>

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.

2. Of this other fund appropriation, the commission shall distribute an amount not to exceed one hundred seventy-three thousand nineteen dollars (\$173,019.00) annually to each school district with a charter school operating in the district and qualifying under W.S.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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21-3-110(a)(x)(A) for lease payments, to include the total costs of the base rent, additional rent for tenant improvements and common area maintenance costs. The payments shall be made for the fiscal period beginning July 1, 2008 and ending June 30, 2010.

3. Of this other fund appropriation, in addition to footnote 2 of this section, and notwithstanding W.S. 21-3-110(a)(x), the commission shall expend annually an amount necessary to include the total allowable gross square footage of each charter school qualifying under W.S. 21-3-110(a)(x)(A) in the computation of the major maintenance payment under W.S. 21-15-109 to each district in which a qualifying charter school is operating, provided that such payments are to be reduced to the extent they are duplicative of common area maintenance costs paid under footnote 2 of this section. The payments shall be made for the fiscal period beginning July 1, 2008 and ending June 30, 2010.

Section 039. Wildlife/Natural Resources Trust

PROGRAM				
Administration	684,492			684,492
Wild/Natural Res Trust Projects	5,000,000		5,152,500 TO	10,152,500
	<u>6,000,000</u>			<u>11,152,500</u>
Wildlife Trust Account 1.	29,500,000			29,500,000
 TOTALS	 <u>35,184,492</u>	 <u>0</u>	 <u>5,152,500</u>	 <u>40,336,992</u>
	<u>36,184,492</u>			<u>41,336,992</u>

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., 4.	2,475,095			2,475,095
	<u>1,115,095</u>			<u>1,115,095</u>
 TOTALS	 <u>10,883,239</u>	 <u>0</u>	 <u>0</u>	 <u>10,883,239</u>
	<u>9,523,239</u>			<u>9,523,239</u>

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. The department shall report to the joint travel, recreation, wildlife and cultural resources interim committee not later than October 1, 2009 on the latest research regarding the artificial propagation of sage grouse and make a

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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recommendation to the committee on the feasibility of captive breeding of sage grouse.

4. This general fund appropriation shall not be transferred or used for any other purpose other than wolf management and any unexpended, unobligated funds remaining from this appropriation on June 30, 2010 shall revert pursuant to law.

Section 045. Department of Transportation

PROGRAM				
Administration			24,613 SR	
			3,874,619 S7	3,899,232
Administrative Services 1.		168,150	1,836,000 SR	
			31,731,291 S7	33,735,441
Law Enforcement		4,965,825	60,000 SR	
			74,668,159 S7	79,693,984
WyoLink	12,030,000		1,211,928 IS	13,241,928
Aeronautics Administration		310,300	3,852,114 S7	4,162,414
Operational Services			2,722,648 IS	2,722,648
Airport Improvements	13,502,011	37,402,188	8,720,860 S7	59,625,059
	<u>20,502,011</u>			<u>66,625,059</u>
GF Approp to Comm 2.,3.	200,000,000			200,000,000
TOTALS	225,532,011	42,846,463	128,702,232	397,080,706
	<u>232,532,011</u>			<u>404,080,706</u>

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 appropriations interim committee and the joint transportation, highways and military affairs interim committee not later than August 1, 2008. This appropriation is effective immediately.

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.

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.

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
Hlth Care Fncg 4.,11.,13.,14.	445,412,844	517,089,101	19,821,196 SR	982,323,141
		<u>523,700,573</u>		<u>988,934,613</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
State Health Officer	1,899,652	13,923,482	150,000 SR 66,947 AG 235,000 TT	16,040,081 16,275,081
Prevent Hlth & Sfty <u>12.</u>	9,220,826	11,144,991 11,104,991	1,738,144 SR 80,000 AG 506,000 A4 1,261,929 TT 2,696,929 TT	23,951,890 25,346,860
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 35,065,135	13,225,341	5,651,721 SR 162,500 AG 997,000 A4	55,001,697 55,101,697
TOTALS	<u>847,223,267</u> 847,323,267	<u>617,275,489</u> 623,846,961	<u>76,367,181</u> 78,037,181	<u>1,540,865,937</u> 1,549,207,409

AUTHORIZED EMPLOYEES

Full Time	1,458 1,455
Part Time	78
TOTAL	1,536 1,533

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, and one hundred thousand dollars (\$100,000.00) shall be expended by the Wyoming senior services board for compensation of senior center employees. This one hundred thousand dollars (\$100,000.00) shall not be distributed pursuant to the existing funding distribution model but shall be distributed to centers according to a reasonable and fair distribution formula to equalize wages for employees performing similar functions based upon published occupational wage information by the department of employment and other information submitted to the department of employment as determined by the Wyoming senior services board. 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.

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.

12. The public health laboratory is authorized to charge fees for testing services provided other state agencies, local law enforcement entities and other individuals or organizations. Notwithstanding W.S. 9-4-204(t)(i)(A) the department is authorized to deposit all fees received pursuant to this footnote into a special revenue account and shall not charge fees until the department has promulgated rules and regulations establishing a fee schedule. No monies deposited into this account shall be expended until appropriated by the legislature.

13. If, by the most likely financial projections available on June 1, 2009, the general fund expenditure by the Medicaid program for the biennium, including the effect of this footnote, will not exceed the general funds appropriated for that program including any auditor's reserve, the department of health shall, for services provided in the second year of the biennium, increase the Medicaid reimbursement for primary care by an amount not to exceed one million dollars (\$1,000,000.00) in general funds and associated federal funds. The increase may be by current procedural terminology codes, type of provider or both. As used in this footnote, "primary care" shall include, at minimum, office visits, consultative services and medical home services by physicians, physician assistants and advanced nurse practitioners. "Primary care" shall not include surgical, radiological or invasive diagnostic procedures excluding blood tests.

14. The division of developmental disabilities and division of mental health and substance abuse shall research science-based best practices for providing services to individuals with a diagnosis of both developmental disability and mental illness who are eligible under current home and community-based waiver programs for adults administered by the division of developmental disabilities. The divisions shall report the findings of the research under this footnote, including a description of the best practices and recommendations for improving services to clients with a dual diagnosis, to the joint appropriations interim committee, the labor, health and social services interim committee and the governor not later than October 31, 2009. The divisions' report shall include an analysis of how to use existing resources more efficiently and, if deemed necessary, recommendations for additional funding which may be required for delivery of services to individuals diagnosed with both developmental disability and mental illness using the preferred assessment methodology in the department's 2011-2012 biennial budget request.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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Section 049. Department of Family Services

PROGRAM				
Services 3.	113,884,948	23,795,437	1,334,707 SR 1,302,651 AG 5,687,901 TT	146,005,644
Assistance 1.,2.	60,503,442 61,675,835	75,781,898 76,866,171	1,891,699 SR	138,177,039 140,433,705
TOTALS	174,388,390 175,560,783	99,577,335 100,661,608	10,216,958	284,182,683 286,439,349

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:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
(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)~~ one hundred fifty-seven thousand dollars (\$157,000.00) shall only be expended for the father factor program during the fiscal period beginning July 1, 2008 and ending June 30, ~~2009~~ 2010.

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.	2,161,600	2,028		2,163,628
	<u>2,469,600</u>			<u>2,471,628</u>
Brand Recording & Permits			848,580 AG	848,580
			<u>868,580 AG</u>	<u>868,580</u>
Brand Inspection	3,162,735		5,126,239 AG	8,288,974
	<u>3,166,235</u>		<u>5,132,739 AG</u>	<u>8,298,974</u>
Predator Control Fees			1,225,000 AG	1,225,000
TOTALS	<u>8,404,976</u>	<u>18,458</u>	<u>7,199,819</u>	<u>15,623,253</u>
	<u>8,716,476</u>		<u>7,226,319</u>	<u>15,961,253</u>

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.

2. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) appropriated during the 2009 legislative session for brucellosis testing shall not be expended until the board promulgates rules and regulations establishing what items and procedures are eligible expenditures under this footnote. When promulgating such rules, the board shall limit eligible expenditures to those items or procedures that specifically benefit the state's interest in brucellosis risk management.

Section 057. Community College Commission

PROGRAM				
Administration	5,903,052	757,545		6,660,597
	<u>6,135,052</u>			<u>6,892,597</u>
State Aid	219,000,356			219,000,356
Contingency Reserve			1,600,000 SR	1,600,000
			<u>3,200,000 SR</u>	<u>3,200,000</u>
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
	<u>800,000</u>			<u>800,000</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
WY Teacher Shortage Loan Repay Prgm			800,000 S5	800,000
Public Television 1.	5,630,055			5,630,055
	<u>5,705,055</u>			<u>5,705,055</u>
TOTALS	<u>239,739,505</u>	<u>2,711,847</u>	<u>2,400,000</u>	<u>244,851,352</u>
	<u>240,446,505</u>		<u>4,000,000</u>	<u>247,158,352</u>

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	
	<u>17,371,480</u>		53,777 AG	
			2,662,720 S5	48,520,162
				<u>51,268,546</u>
Forestry 2.	8,570,218	795,000	226,000 SR	9,591,218
			<u>1,000,000 TO</u>	<u>10,591,218</u>
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	<u>27,911,560</u>	<u>35,093,998</u>	<u>11,651,671</u>	<u>74,657,229</u>
	<u>30,659,944</u>		<u>12,651,671</u>	<u>78,405,613</u>

AUTHORIZED EMPLOYEES

Full Time	108
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	APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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 066. Wyoming Tourism Board

PROGRAM				
Administration		25,396,225		3,600 AG
		<u>26,351,225</u>		<u>25,399,825</u>
TOTALS		<u>25,396,225</u>	0	<u>3,600</u>
		<u>26,351,225</u>		<u>25,399,825</u>

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
		<u>376,103,563</u>		<u>376,103,563</u>
NCAR MOU		1,000,000		1,000,000
TOTALS		<u>377,003,563</u>	0	<u>377,003,563</u>
		<u>377,103,563</u>		<u>377,103,563</u>

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 072. Retirement System

PROGRAM				
Administration 1.			6,343,048 PF	6,343,048
			<u>8,305,607 PF</u>	<u>8,305,607</u>
Highway Patrol			100,000 SR	100,000
Game & Fish-Wardens			160,562 SR	160,562
Volunteer EMT Pension Plan	49,950			<u>49,950</u>
Deferred Compensation			1,528,331 AG	1,528,331
TOTALS	<u>49,950</u>	0	<u>8,131,941</u>	<u>8,131,941</u>
			<u>10,094,500</u>	<u>10,144,450</u>

AUTHORIZED EMPLOYEES

Full Time	<u>28-33</u>
Part Time	0

	APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTAL	<u>28-33</u>				

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	
	<u>78,371,730</u>			
			135,300 TO	
			716,594 TF	76,034,825
			1,126,301 TT	83,107,346
Field Services 2.	35,048,932		3,688,284 TT	38,737,216
	<u>35,386,702</u>			<u>39,074,986</u>
Honor Conservation Camp	14,666,178		73,439 SR	
	<u>15,141,370</u>		572,178 TO	15,311,795
				<u>15,786,987</u>
Women's Center	15,535,825		61,151 SR	
	<u>15,614,825</u>		720,000 TO	16,316,976
				<u>16,395,976</u>
Honor Farm	12,278,253		771,993 IS	
			809,283 IS	
			507,268 TO	13,557,514
				<u>13,594,804</u>
State Penitentiary	67,776,367		1,739,772 TO	69,516,139
	<u>67,904,367</u>			<u>69,644,139</u>
WY Med Corr Institution	13,859,199			13,859,199
	<u>25,329,030</u>		100,000 SR	
			211,500 TO	25,640,530
TOTALS 1.	<u>230,873,670</u>	317,137	<u>12,142,857</u>	<u>243,333,664</u>
	<u>250,026,277</u>		<u>12,901,354</u>	<u>263,244,768</u>

AUTHORIZED EMPLOYEES

Full Time	<u>1,133-1,291</u>
Part Time	3
TOTAL	<u>1,136-1,294</u>

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. From the effective date of this act through June 30, 2010, the department shall not expend any 100 series personal services funds appropriated in this section for any purpose other than for personnel recruitment and retention.

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 085. Wyoming Business Council

PROGRAM			
Wyoming Business Council	18,374,993	7,844,061	362,143 SR

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Main Street	1,553,077	75,000	1,140,876 EF	27,722,073
Business Ready Communities 1.	79,250,000			1,628,077
Community Facilities Program	15,000,000			79,250,000
				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. Notwithstanding W.S. 9-2-1005(a) and (c) and 2008 Wyoming Session Laws, Chapter 48, Section 307, of this general fund appropriation, the department is authorized to transfer an amount not to exceed ten million dollars (\$10,000,000.00) to the community facilities program. Any transfers pursuant to this footnote shall be reported through the B-11 process.

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 3.	1,315,410		5,842,670 SR	7,158,980
	5,681,628			11,524,298
Judicial Retirement	1,573,913			1,573,913
Board Of Jud Plyc & Admin 2.	543,502			543,502
TOTALS	37,477,263	289,939	5,992,670	43,759,872
	41,843,481			48,126,090

AUTHORIZED EMPLOYEES

Full Time	197-198
Part Time	29
TOTAL	226-227

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.

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.

3. The district courts case management system developed with the use of this general fund appropriation shall include provision for case management and data collection related to all juvenile court matters.

Section 125. Judicial District 3-A

PROGRAM				
Administration	900,985			900,985
	920,985			920,985
TOTALS	900,985	0	0	900,985
	920,985			920,985

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	0			
TOTAL	4			

Section 135. Judicial District 6-B

PROGRAM				
Administration	937,787			937,787
	<u>945,787</u>			<u>945,787</u>
TOTALS	<u>937,787</u>	0	0	<u>937,787</u>
	<u>945,787</u>			<u>945,787</u>

AUTHORIZED EMPLOYEES	
Full Time	4
Part Time	0
TOTAL	4

Section 205. Education - School Finance

PROGRAM				
School Foundation Pgm 1., 2.			1,306,413,023 S5	1,306,413,023
			<u>1,254,305,748 S5</u>	<u>1,254,305,748</u>
Court Ordered Placements			23,057,126 S5	23,057,126
Mill Levy Debt Pledge			5,750,000 S6	5,750,000
Foundation Specials 3.			<u>32,940,000 S5</u>	<u>32,940,000</u>
			<u>33,744,000 S5</u>	<u>33,744,000</u>
Education Reform 4.			38,246,768 S5	38,246,768
Student Performance Data Systems			2,501,588 S5	2,501,588
TOTALS	0	0	<u>1,408,908,505</u>	<u>1,408,908,505</u>
			<u>1,357,605,230</u>	<u>1,357,605,230</u>

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 and three and seven-tenths percent (3.7%) for school year 2009-2010.

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 220. Environmental Quality Council

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
Administration	742,748			742,748
	<u>746,748</u>			<u>746,748</u>
TOTALS	<u>742,748</u>	<u>0</u>	<u>0</u>	<u>742,748</u>
	<u>746,748</u>			<u>746,748</u>

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

Section 033. Board of Cosmetology

PROGRAM				
Administration			542,294 SR	542,294
			<u>631,239 SR</u>	<u>631,239</u>
TOTALS	<u>0</u>	<u>0</u>	<u>542,294</u>	<u>542,294</u>
			<u>631,239</u>	<u>631,239</u>

AUTHORIZED EMPLOYEES

Full Time	1 ³
Part Time	2 ¹
TOTAL	3 ⁴

[CAPITAL CONSTRUCTION]

Section 3. Sections 006, 027, 057 and 067 of 2008 Wyoming Session Laws, Chapter 48, Section 3 are amended to read:

Section 006. Administration & Information

PROGRAM				
A&I - Const Mngmt Contingency	3,210,764			3,210,764
<u>A&I - Flex Contingency Fund</u>	<u>1,700,000</u>			<u>1,700,000</u>
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
	<u>78,600,000</u>			<u>78,600,000</u>
<u>A&I - New State Office</u>				
Bldg. 4., 6.	4,400,000			4,400,000
<u>A&I - Herschler Bldg.</u>				
Addition - Planning 5.	200,000			200,000
Mil Dept - Airfield Upgrade	9,000,000			9,000,000
Mil Dept - Maint Facy 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
<u>State Parks - Major Maintenance</u>				
Supplemental	1,800,000			1,800,000
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
<u>Game & Fish-Ten Sleep Hatchery</u>	<u>4,517,000</u>			<u>4,517,000</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Dept. of Health-Pioneer Home	5,767,900			5,767,900
Dept. of Health-State Hosp. HVAC			4,005,562 TO	4,005,562
Dept. of Family Services-WY Girls School	1,514,474		7,514,474 T1	9,028,948
Tourism-Welcome Center Site	652,468			652,468
	2,112,772			2,112,772
DOC Relocate Modular 3	250,000			250,000
DOC Wayne Martinez Trng Center	289,000			289,000
DOC-North Indust Bldg Renov	150,000			150,000
TOTALS	60,671,596	381,000	5,415,000	66,467,596
	150,781,274		16,935,036	168,097,310

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.

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.

4. (a) The building shall be designed, engineered and built in order to meet the following criteria:

- (i) To maximize the buildable space provided within the site boundaries;
- (ii) To achieve approximately one hundred ninety thousand (190,000) square feet of useable office space;
- (iii) To provide adequate off street parking for occupants and visitors within site boundaries;
- (iv) To provide a safe, efficient and flexible working environment for a variety of state agencies;
- (v) To be consistent with the state building commission "energy efficiency policy";
- (vi) To provide an exterior that will be visually pleasing, prudent and complementary to the capitol complex and the capitol building;
- (vii) The interior design shall consider cost effectiveness including initial cost and lifecycle cost, space efficiency and flexibility to accommodate any state agency function;
- (viii) The building shall not provide special enhancements or amenities not typically found in other state office buildings for the purpose of employee recreation and fitness;
- (ix) The state construction management division shall negotiate the design contract and select the construction delivery method most beneficial to the state;
- (x) To bring the maximum number of state agencies into state owned space.

5. This general fund appropriation shall only be expended to develop a Level I and II design to expand the Herschler building north utilizing existing footings. Such expansion shall include space for large meeting rooms capable of temporarily housing a legislative session.

6. (a) There is created the state office building exterior legislative oversight committee. The state office building exterior legislative oversight committee shall review the exterior plan of the state office building. The state office building exterior legislative oversight committee shall consist of:

(i) Three (3) members of the senate selected by the president of the senate, with one (1) member to be from the senate appropriations committee;

(ii) Three (3) members of the house of representatives selected by the speaker of the house of representatives, with one (1) member to be from the house appropriations committee.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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(b) The department of administration and information and the state building commission shall report regularly to the state office building exterior legislative oversight committee on the plans for the exterior of the state office building and shall consult with the committee prior to making a final decision on the exterior of the building.

Section 027. School Facilities Commission

PROGRAM

School Capital Construction				
1., 2., 3.			271,043,909 S5	
			273,065,116 S5	
			86,356,900 S6	357,400,809
			84,335,693 S6	
TOTALS			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
<u>CC-Gateway Bldg/Center</u>			
<u>for Training</u>	10,000,000		10,000,000
<u>CC-Residence Hall</u>		29,000,000 PR	29,000,000
TOTALS		79,785,699	79,785,699
	10,000,000	108,785,699	118,785,699

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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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
	<u>3,350,000</u>			<u>3,350,000</u>
Central Energy Plant – Utility Systems	450,000			450,000
TOTALS	<u>58,327,976</u>	<u>0</u>	<u>0</u>	<u>58,327,976</u>
	<u>61,027,976</u>			<u>61,027,976</u>

1. This appropriation shall only be expended to match private donations for academic facilities as provided in Section 319 of this act.

Section 4. Sections 300, 302(a) and by creating new subsections (e) through (g), 303, 311 and by creating new sections 337 through 350 are amended to read:

[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)~~ one billion seven hundred fourteen million six hundred seventy-eight thousand two hundred forty-eight dollars (\$1,714,678,248.00) 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 and 2009 general 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)~~ ninety-six million three hundred fifty-five thousand dollars (\$96,355,000.00) shall be transferred to the legislative stabilization reserve account.

[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 pursuant to subsection (g) of this section.~~

(e) Notwithstanding 2008 Wyoming Session Laws, Chapter 48, Section 331, the department is authorized to expend funds appropriated for the fiscal period beginning July 1, 2008 and ending June 30, 2010 for 100 series personal services in the following amounts for the following purposes:

(i) Of the first four million dollars (\$4,000,000.00) the department shall expend:

(A) One million four hundred thirty-seven thousand seven hundred twenty-seven dollars (\$1,437,727.00) for transitioning children receiving services under the developmentally disabled children's waiver program to the developmentally disabled adult services program;

(B) The remainder to reduce developmentally disabled children and developmentally disabled adult waiver waiting lists.

(ii) After allocating funds as specified in subparagraphs (e)(i)(A) and (B) of this section, to the extent they are available, the department shall expend funds in the following amounts in the following order:

(A) One million three hundred thirty-eight thousand eight hundred

four dollars (\$1,338,804.00) for a pre-school developmentally disabled children external cost adjustment;

(B) Three million four hundred seven thousand six hundred forty-five dollars (\$3,407,645.00) to provide services to additional pre-school developmentally disabled children;

(C) The remainder may be expended for any of the following in an amount to be determined by the governor:

(I) Substance abuse regional treatment beds;

(II) Health care professional recruitment;

(III) To reduce the adult brain injury waiver waiting list;

(IV) The total health record project;

(V) Department information technology projects;

(VI) Vital statistics computer system rewrite;

(VII) Other health care financing issues as contained in the department of health 2009-2010 supplemental budget request as approved by the governor in his revised supplemental budget recommendations.

(iii) The department shall report to the joint appropriations interim committee providing details of any expenditures under this subsection on December 1, 2009 and with the exception of statutorily required and developmental disabilities waiver programs no funds expended pursuant to this section shall be included in the department's 2011-2012 biennial standard budget request.

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) an amount not to exceed six hundred ninety thousand sixty-five dollars (\$690,065.00) in 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, and an amount not to exceed four million four hundred six thousand fifteen dollars (\$4,406,015.00) in unexpended unobligated monies appropriated from the general fund to the department of family services in 2006 Wyoming Session Laws, Chapter 35, Section 2, Section 049, as amended by 2007 Wyoming Session Laws, Chapter 136, Section 2, Section 049, shall not revert on June 30, 2008 and are hereby appropriated to the state auditor for the period beginning with the effective date of this act and ending June 30, 2010 for the purposes specified in and subject to the provisions of subsection (g) of this section.

(g) The funds appropriated in subsections (a) and (f) of this section shall only be expended by the department of health after March 1, 2010, and only after the department of health has provided a detailed budget request to the budget division of the department of administration and information. Expenditures under this subsection shall only be for any health care financing program and those items presented in subdivisions (e)(ii)(C)(I) through (VII) of this section. Upon receipt of written notice from the budget division through the B-11 process, the state auditor shall release funds appropriated in subsections (a) and (f) of this section to the department of health.

(h) Up to one million dollars (\$1,000,000.00) of any additional general or federal funding that becomes lawfully available as a result of increases to the federal medical assistance percentages, or other Medicaid federal funding increases under the American Recovery and Reinvestment Act of 2009 or other federal legislation, shall be used to reduce to the extent possible the developmentally disabled children's waiver program waiting list.

[EMPLOYEE BENEFITS]

Section 303.

(a) The state's contribution to the state health, dental and life 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; ~~and~~

(D) Six hundred thirty-five dollars and eighty-eight cents (\$635.88) per month for employees who elect family coverage when both husband and wife are employees of the covered entities creating a split 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~~ dependent spouse coverage; ~~and~~

(C) One thousand two hundred ninety-four dollars and sixteen cents (\$1,294.16) per month for an employee electing employee plus dependent child coverage;

~~(C)~~(D) One thousand four hundred seventy-nine dollars and fifty-four cents (\$1,479.54) per month for an employee electing family coverage; ~~and~~

(E) Seven hundred thirty-nine dollars and seventy-seven cents (\$739.77) per month for employees who elect family coverage when both husband and wife are employees of the covered entities creating a split 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) For eligible retirees who retired prior to July 1, 2008 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 for eligible employees who retired after July 1, 2008. 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 be determined by the department of administration and information but not to exceed one percent (1%) of each benefit eligible employee's salary. Payment 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. The unused 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.

(h) Not later than October 1, 2009, the governor shall report to the joint appropriations interim committee on an analysis of the state's employee health care benefits in comparison to representative private sector programs available in Wyoming.

[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. This section shall apply to all appropriations in this act and to those in 2008 Wyoming Session Laws, Chapter 48, regardless of whether the appropriation is for a specified project or purpose, including but not limited to capital construction projects. This section shall apply whether the appropriation is to be expended directly by an agency or is made to an agency for distribution to another entity. As used in this section "agency" includes an authority, board, commission, council, department, institution, instrumentality, office and other separate operating agency or unit of the executive and judicial department of state government and includes the University of Wyoming and each community college.

[ENDOWMENTS – II]

Section 337.

(a) 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 Casper College, Laramie County Community College, Northern Wyoming Community College and Northwest College. 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 on June 30, 2010, but shall revert pursuant to law on December 31, 2014. However, if 2009 House Bill 155 is enacted into law, any unexpended, unobligated funds from this appropriation shall revert only as provided in that act.

(b) There is appropriated four million dollars (\$4,000,000.00) from the general fund to the state treasurer for deposit into the university

endowment challenge fund established under W.S. 21-16-903. These funds shall be expended as prescribed under W.S. 21-16-901 through 21-16-904. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended, unobligated funds shall not lapse on June 30, 2010, but shall revert pursuant to law on December 31, 2014. However, if 2009 House Bill 155 is enacted into law, any unexpended, unobligated funds from this appropriation shall revert only as provided in that act.

[LOCAL GOVERNMENT APPROPRIATIONS]

Section 338.

(a) There is appropriated three million five hundred thousand dollars (\$3,500,000.00) from the general fund to the office of state lands and investments that shall only be expended by the state loan and investment board for the purpose of providing matching grant funds for infrastructure needs for the town of Wamsutter.

(b) There is appropriated four million seven hundred thousand dollars (\$4,700,000.00) from the general fund to the office of state lands and investments that shall only be expended by the state loan and investment board for emergency capital project grants to local governments as determined by the state loan and investment board.

[AML FUNDING]

Section 339.

(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. Notwithstanding W.S. 35-11-1210, grant funds received for the projects authorized in 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 this section to be expended for the purposes set forth in this section.

(b) 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 funds specified in subsection (a) of this section for the period ending June 30, 2010 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 mine subsidence insurance program;

(iii) Two million dollars (\$2,000,000.00) for the solid waste orphaned site fund;

(iv) One million thirty-three thousand six hundred thirteen dollars (\$1,033,613.00) to the department of environmental quality air quality division for expenditure on one-time projects;

(v) Four million one hundred forty-eight thousand seven hundred twenty-four dollars (\$4,148,724.00) to the department of environmental quality air quality division for addressing environmental impacts of energy development;

(vi) Thirty-five thousand dollars (\$35,000.00) to the department of environmental quality land quality division for expenditure on one-time projects;

(vii) One hundred thirty-five thousand dollars (\$135,000.00) to the department of environmental quality solid waste division for recycling studies and one-time projects;

(viii) Ten million dollars (\$10,000,000.00) to the department of administration and information for the joint labs capital construction project;

(ix) Seven hundred thirty-four thousand six hundred sixteen dollars (\$734,616.00) to the Wyoming state geological survey for identification of potential CO2 storage sites and EPA sequestration regulations.

(c) 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 funds specified in subsection (a) of this section to the University of Wyoming for the period ending June 30, 2010 for the following projects:

(i) Thirty million dollars (\$30,000,000.00) to the school of energy resources for the joint UW/GE clean coal partnership project;

(ii) Ten million six hundred thirteen thousand forty-seven dollars (\$10,613,047.00) to the school of energy resources for clean coal technology research as recommended by the clean coal research task force;

(iii) One million six hundred thousand dollars (\$1,600,000.00) to the school of energy resources for the uranium research center. The school of energy resources under the direction of the University of Wyoming energy resources council and in consultation with the Wyoming mining industry

may develop:

(A) A research program for uranium under the school of energy resources at the University of Wyoming. This program shall focus on optimizing the economic recovery of the resource through groundwater restoration, research on waste water management and the development of a seminar to educate the public and the industry about uranium and uranium extraction;

(B) A program at the school focusing on technology transfer which would help industry with access to and application of existing in situ recovery processes. The program shall be designed to promote research and technology transfer efforts;

(C) A database which would include information concerning uranium exploration, development and production;

(D) A research program which would focus on future production of uranium resources in Wyoming; and

(E) Other programs as identified by the energy resources council.

(iv) Eight million dollars (\$8,000,000.00) to the school of energy resources for CO2 sequestration research and demonstration;

(v) Five hundred thousand dollars (\$500,000.00) to the college of agriculture for the reclamation ecology project;

(vi) One million five hundred thousand dollars (\$1,500,000.00) to the college of agriculture to provide initial funding for a proposed twenty million dollar (\$20,000,000.00) endowment to fund the reclamation ecology project. These funds shall be deposited into a separate endowment account from which only the income from account funds shall be expended.

(d) The department of environmental quality, in consultation with the University of Wyoming and with the approval of the governor, may substitute other University of Wyoming purposes in its grant applications under subsection (c) of this section but only as necessary to replace university block grant funds expended as necessary to satisfy requirements prohibiting the use of abandoned mine land funds to match federal funds or where the use of federal abandoned mine land funds would be impractical for projects pursuant to paragraphs (c)(ii), (iii), (iv), (v) and (vi) of this section.

(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, 2010. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

(i) Paragraph (c)(i) for the clean coal partnership project shall not revert until June 30, 2012;

(ii) Paragraph (c)(ii) for clean coal technology research shall not revert until June 30, 2012;

(iii) Paragraph (c)(iii) for the school of energy resources uranium research center shall not revert until June 30, 2011;

(iv) Paragraph (c)(iv) for CO₂ sequestration research and demonstration shall not revert until June 30, 2012;

(v) Paragraph (c)(v) for the reclamation ecology project shall not revert until June 30, 2012;

(vi) Paragraph (c)(vi) for initial funding of the endowment shall not revert until further action of the legislature.

[RETIREMENT SYSTEM APPROPRIATIONS]

Section 340.

(a) There is appropriated one hundred fifty million six hundred thousand dollars (\$150,600,000.00) from the school foundation program account to the state auditor for the period beginning with the effective date of this act and ending June 30, 2010. The state auditor shall hold the funds appropriated under this section until a full replication audit of the Wyoming retirement system is conducted. Based on the findings of the audit, the governor shall certify to the state auditor the amount of any unfunded liability in the retirement system attributable to compensation increases to public school employees. The state auditor shall transfer sufficient funds up to the amount appropriated under this section to the Wyoming retirement system to fund the unfunded liability.

(b) There is appropriated one hundred seventy-five thousand dollars (\$175,000.00) from the school foundation program account to the retirement system that shall only be expended for the purpose of performing the full replication audit required under subsection (a) of this section.

[BUS SERVICE – BIG HORN BASIN]

Section 341.

There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the department of transportation that shall only be expended for purposes of providing state matching funds necessary to provide bus services for the Big Horn Basin. No funds shall be expended

from this appropriation until the state funds have been matched in the amount of twenty-five percent (25%) from local governments.

[FEDERAL MINERAL ROYALTY DIVERSION FOR ENDOWMENTS]

Section 342.

For the period beginning with the effective date of this section and ending June 30, 2010, three million eight hundred fifty-two thousand four hundred eighty dollars (\$3,852,480.00) from revenues received under W.S. 9-4-601(a) in excess of two hundred million dollars (\$200,000,000.00) which would otherwise be deposited to the school foundation program account under W.S. 9-4-601(d)(iii), shall be distributed to the higher education endowment reserve account for distribution in accordance with W.S. 9-4-719(m) and 21-16-1201(c). This distribution shall be made prior to distributing funds under W.S. 9-4-601(d)(iii), (v)(C) and (vi).

[NCAR SUPERCOMPUTER – II]

Section 343.

2007 Wyoming Session Laws, Chapter 136, Section 336(c)(i) and (d)(intro) is amended to read:

Section 336.

(c) Subject to subsection (d) of this section, there is appropriated to the Wyoming business council to implement this section the amounts specified in this subsection beginning with the effective date of this act and ending June 30, 2008. Notwithstanding W.S. 9-4-207(a), any funds from this appropriation that are unobligated and unencumbered on June 30, 2008, shall not lapse and shall remain available until June 30, 2010. The following amounts are appropriated:

(i) Twenty million dollars (\$20,000,000.00) from the general fund. Of this appropriation, not to exceed three million five hundred thousand dollars (\$3,500,000.00) is appropriated to the University of Wyoming but only to the extent that the university expends funds under its existing contract with NCAR for architectural and engineering services for the construction of the supercomputer center. Subsection (d) of this section does not apply to this appropriation.

(d) Except as otherwise provided in paragraph (c)(i) of this section, the appropriations under subsection (c) of this

section shall not be expended until:

[UNIVERSITY OF WYOMING – CAPITAL CONSTRUCTION
AMENDMENTS]

Section 344.

(a) 2006 Wyoming Session Laws, Chapter 35, Section 3, Section 067 as amended by 2007 Wyoming Session Laws, Chapter 136, Section 3, Section 067 as amended by 2008 Wyoming Session Laws, Chapter 48, Section 319, Footnote 3.(a) is amended to read:

Section 319.

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 1,100,000
Engineering Labs	\$2,000,000
Law School Moot Court	\$2,000,000 2,250,000
School of Energy Resources Facility <u>1.</u>	\$20,000,000
International Center	\$1,000,000 1,750,000
{Animal Science – Molecular	
Biology Addition	\$2,500,000
Interdisciplinary Learning Center	\$500,000
Other Engineering, Agriculture and	
College of Education Lab and	
Facilities <u>2.</u>	\$1,600,000 6,250,000
Natural History Center	\$10,000,000

1. (a) Of the unexpended, unobligated portion of this appropriation:

(i) Not more than three million dollars (\$3,000,000.00) may be used for the university athletic challenge account under W.S. 21-16-1001 through 21-16-1003;

(ii) To address restrictions on the use of abandoned mine land (AML) funds that are appropriated in this act, not to exceed one million four hundred twenty-two thousand five hundred twenty-two dollars (\$1,422,522.00) shall be credited to the university's block grant under Section 2, Section 067 of this act to replace funds the university expended to fund clean coal technology research approved by the clean coal task force in the fall of 2008;

(iii) The balance may be used for the university's endowment challenge matching program under W.S. 21-16-901 through 21-16-903.

(b) The unexpended, unobligated portion of this appropriation shall not revert to the budget reserve account until December 31, 2014.

2. Of this appropriation, not to exceed one million four hundred thousand dollars (\$1,400,000.00) may be expended by the university to purchase the south parking lot identified in the university's parking and transportation plan. Expenditures pursuant to this footnote shall not exceed the appraised value of the property. This footnote should not be construed to restrict the university from utilizing other available funds to augment amounts expended pursuant to this footnote.

[HATHAWAY SCHOLARSHIP – BORROWING AUTHORITY]

Section 345.

The state treasurer is authorized to borrow from pooled fund investments an amount necessary to meet cash flow requirements of the Hathaway scholarship program. The treasurer shall borrow funds under this section only to assist the month-to-month cash flow of the program and shall not borrow funds under this section when total expenditures together with outstanding encumbrances and obligations for a fiscal year exceed projected revenues and fund balances available for that fiscal year for the program. The amounts borrowed shall be repaid when sufficient revenue is available in the Hathaway reserve account or the Hathaway expenditure account. Interest paid on the amounts borrowed shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[AML FUNDING]

Section 346.

(a) 2008 Wyoming Session Laws, Chapter 48, Section 320(e) is amended read:

Section 320.

(e) Except for funds subject to ~~subsection paragraphs (a)(v), (vi) and (vii) and 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:

(i) Paragraph (a)(v) for the school of energy resources shall not revert until June 30, 2010;

(ii) Paragraph (a)(vi) for the high plains gasification facility and technology center shall not revert until June 30, 2012;

(iii) Paragraph (a)(vii) for clean coal technology research shall not revert until June 30, 2012;

(iv) Subsection (c) of this section shall not revert until June 30, 2012.

[AMERICAN RECOVERY AND REINVESTMENT ACT]

Section 347.

(a) Funds provided to the state pursuant to the American Recovery and Reinvestment Act of 2009 shall be subject to the following:

(i) Funds provided directly or indirectly to a state agency shall only be expended in accordance with the requirements of the B-11 process as authorized by W.S. 9-2-1005(b)(ii). These funds shall not be included in any agency's 2011-2012 standard biennial budget request;

(ii) All other funds provided to the state, or to be provided to political subdivisions or other entities through the state or a state agency, may be distributed for expenditure as provided in the act only upon approval of the governor;

(iii) All funds received by the state from the federal government under the act which are not expended pursuant to paragraph (i) or (ii) of this subsection shall be deposited into a legislative economic stimulus account.

(b) The governor shall promptly report to the joint appropriations interim committee and the management council all funds made available to the state under the act, specifying:

(i) All funds subject to expenditure or distribution pursuant to paragraph (a)(i) of this section;

(ii) All funds subject to expenditure or distribution pursuant to paragraph (a)(ii) of this section;

(iii) For any funds not subject to expenditure or distribution under

paragraph (a)(i) or (ii) of this section, the purposes for which funds are made available, requirements for expenditure, the date by which the funds must be expended and any condition the governor recommends be imposed upon any expenditure.

(c) Each city, town or county in this state receiving funds under the act directly from the federal government shall report on or before December 1, 2009 to the governor and the joint appropriations interim committee all funds received under the act which were not reported pursuant to subsection (b) of this section.

(d) As used in this section:

(i) "Act" means the federal American Recovery and Reinvestment Act of 2009;

(ii) "State agency" means the state of Wyoming or any of its branches, agencies, authorities, departments, boards, commissions, councils, instrumentalities, office, separate operating agencies or units, or institutions, including the university and community colleges.

[TASK FORCE ON WIND ENERGY]

Section 348.

(a) Provided the management council does not assign the issue of wind energy to a standing committee as a 2009 interim topic, there is created a task force on wind energy consisting of the following members:

(i) Three (3) members of the Wyoming senate, appointed by the president of the senate;

(ii) Four (4) members of the Wyoming house of representatives, appointed by the speaker of the house;

(iii) Two (2) members from the public-at-large appointed by the governor;

(iv) Not more than two (2) senators and three (3) representatives shall be from the same political party.

(b) The task force members shall select a chairman and vice-chairman from among their membership. The task force shall be staffed by the legislative service office. State agencies shall provide information and assistance to the task force as requested.

(c) The task force shall study the following, as they relate to regulation and taxation of the wind energy conversion industry:

(i) Statutes relating to the authority of the industrial siting division of the department of environmental quality;

(ii) Statutes relating to the authority of the public service commission;

(iii) Statutes related to county zoning authority;

(iv) Any relevant federal statutes that may preempt or limit state or county authority; and

(v) Other issues relating to the wind energy conversion industry the task force may determine to be relevant, including the appropriate agency, or agencies as may be necessary, to regulate the industry, how such regulation of the industry should be funded, the process for decommissioning of facilities, and wind generation tax policies, avoiding duplication of conflicting requirements and effects on state trust lands.

(d) The task force shall submit its recommendations, including proposed legislative changes, to the legislature and the governor no later than November 1, 2009 for consideration by the legislature in the 2010 budget session with respect to the issues specified in subsection (c) of this section.

(e) The task force shall exist until December 31, 2009. Members of the task force who are not state employees or legislators shall not receive a salary but shall receive reimbursement for mileage and per diem expenses at the rate provided for legislators under W.S. 28-5-101. Members of the task force who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

(f) There is appropriated from the general fund:

(i) Ten thousand five hundred dollars (\$10,500.00) to the legislative service office for payment of salary, per diem and mileage for legislative task force members;

(ii) Two thousand dollars (\$2,000.00) to the governor's office for payment of authorized per diem and mileage for nonlegislative task force members.

[WATER DEVELOPMENT ACCOUNT - APPROPRIATION]

Section 349.

There is appropriated from the general fund three million dollars (\$3,000,000.00) to water development account I.

[MINERAL SEVERANCE TAX DIVERSION]

Section 350. W.S. 39-14-801(b) is amended to read:

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

(b) Before making distributions from the severance tax distribution account under subsections (c) through (e) of this section, an amount equal to two-thirds (2/3) of the amount of tax collected under W.S. 39-14-104(a)(i) and (b)(i) and 39-14-204(a)(i) for the same period shall be deposited into the permanent Wyoming mineral trust fund, except that for the fiscal year 2010 these funds shall be deposited as follows:

(i) Fifty percent (50%) to the permanent Wyoming mineral trust fund;
and

(ii) Fifty percent (50%) to the permanent Wyoming mineral trust fund reserve account created by W.S. 9-4-719(b).

[EFFECTIVE DATE]

Section 400.

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, 2009.

Chapter 160

REQUIRED USE OF IGNITION INTERLOCK DEVICES

Original Senate File No. 88

AN ACT relating to restricted drivers' licenses; modifying requirements and penalties relating to driving under the influence and the use of ignition interlock devices; specifying when ignition interlock devices are allowed and required; imposing penalties on those who assist others in defeating an ignition interlock device; requiring notice to drivers; authorizing an expenditure of funds; and providing for an effective date.

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

Section 1. W.S. 6-2-106 by creating a new subsection (d), 31-5-233(f), 31-5-234(f), 31-6-102(a)(ii)(A) and (B), 31-6-103(b), 31-6-107 by creating a new subsection (b), 31-6-108(b)(i), (ii) and by creating a new subsection (p),

31-7-401(a) and (b), 31-7-402(a), (b), (c)(intro), (ii) and by creating a new subsection (d), 31-7-403 by creating a new subsection (c) and 31-7-404 are amended to read:

6-2-106. Homicide by vehicle; aggravated homicide by vehicle; penalties.

(d) Any person convicted of aggravated homicide by vehicle for causing the death of another person while operating or driving a vehicle in violation of W.S. 31-5-233 shall not be issued an ignition interlock restricted license under W.S. 31-5-233 or 31-7-401 through 31-7-404.

31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.

(f) Any person convicted under this section or a municipal ordinance which substantially conforms to the provisions of this section other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed;

(i) Have his driver's license suspended or revoked pursuant to W.S. 31-7-127 or 31-7-128. The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation;

(ii) For a first conviction where the conviction is based on the person having an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months from the date of conviction;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year from the date of conviction;

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years from the date of conviction;

(v) For a fourth or subsequent conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for the remainder of the offender's life, except five (5) years from the date of conviction and every five (5) years thereafter, the offender may apply to the court for removal of the ignition interlock device required by this paragraph. The court may, for good cause shown, remove the ignition interlock device requirement if the offender has not been subsequently convicted of driving a motor vehicle in violation of this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.

(f) A person convicted under this section or ~~a municipal ordinance which substantially conforms to the provisions of this section~~ other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed in subsection (e) of this section;

(i) Have his driver's license denied or suspended pursuant to W.S. 31-7-128(h). The court shall forward a copy of the conviction to the department;

(ii) For a first conviction where the conviction is based on the person having an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months from the date of conviction;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year from the date of conviction;

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years from the date of conviction;

(v) For a fourth or subsequent conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for the remainder of the offender's life, except five (5) years from the date of conviction and every five (5) years thereafter, the offender may apply to the court for removal of the ignition interlock device required by this paragraph. The court may, for good cause shown, remove the ignition interlock device requirement if the offender has not been subsequently convicted of driving a motor vehicle in violation of this section, W.S. 31-5-233 or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

31-6-102. Test to determine alcoholic or controlled substance content of blood; suspension of license.

(a) If arrested for an offense as defined by W.S. 31-5-233:

(ii) For tests required under this act, the arrested person shall be advised that:

(A) His failure to submit to all required chemical tests requested by the peace officer shall result in the suspension of his Wyoming driver's

license or his privilege to operate a motor vehicle for a period of six (6) months for a first offense or eighteen (18) months for a second or subsequent offense and he may be required to drive only vehicles equipped with an ignition interlock device as provided by W.S. 31-6-107;

(B) If a test is taken and the results indicate the person is under the influence of alcohol or a controlled substance, he may be subject to criminal penalties, ~~and his Wyoming driver's license or his privilege to operate a motor vehicle shall be suspended for ninety (90) days~~ and he may be required to drive only vehicles equipped with an ignition interlock device;

31-6-103. Application for hearing; stay of suspension of license; scope of hearing.

(b) The scope of a hearing for the purposes of this act shall cover the issues of whether a peace officer had probable cause to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon a public street or highway in this state in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v), whether the person was placed under arrest, whether he refused to submit to a test upon request of the peace officer or if he submitted to a test whether the test results indicated that the person had an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, and whether, except for the persons described in this act who are incapable of refusing, he had been advised that his Wyoming driver's license or privilege to operate a motor vehicle shall be suspended for the period provided by W.S. 31-6-107 if he refused to submit to a test and suspended for ninety (90) days and subject him to criminal penalties if he submitted to the test and the results indicate the person is under the influence of alcohol given the advisements required by W.S. 31-6-102(a)(ii). At the conclusion of the hearing, the hearing examiner shall order that the suspension either be rescinded or sustained. If the person submitted to a chemical test, the hearing examiner has the same authority to modify a license suspension under this act as he does under W.S. 31-7-105.

31-6-107. Penalty for refusal to submit to chemical testing.

(b) A second or subsequent suspension pursuant to subsection (a) of this section shall be considered a second or subsequent conviction under W.S. 31-5-233 for the purposes of W.S. 31-5-233(f)(iii) through (v) and the ignition interlock device requirements of W.S. 31-5-233(f)(iii) through (v) shall apply to such suspension.

31-6-108. Implied consent requirements for youthful drivers.

(b) For tests required under this section, the person shall be advised that:

(i) His failure to submit to all required chemical tests shall result in the suspension or denial of his Wyoming driver's license or his privilege to operate a motor vehicle for a period of ninety (90) days without the right to apply for limited driving privileges and he may be required to drive only vehicles equipped with an ignition interlock device;

(ii) If a test is taken and the results indicate an alcohol concentration of two one-hundredths of one percent (0.02%) or more, he may be subject to denial or suspension of his driver's license for the period specified by W.S. 31-7-128(h) and he may be required to drive only vehicles equipped with an ignition interlock device;

(p) A second or subsequent suspension pursuant to subsection (n) of this section shall be considered a conviction under W.S. 31-5-233 for the purposes of W.S. 31-5-233(f)(iii) through (v) and the ignition interlock device requirements of W.S. 31-5-233(f)(iii) through (v) shall apply to such suspension.

31-7-401. Ignition interlock licenses; definitions; administration and enforcement.

(a) For purposes of this article;

(i) "Ignition interlock device" means an alcohol breath screening device, ~~located inside the vehicle near the driver's seat and~~ connected to the engine's ignition system, that prevents the vehicle from starting when it detects an alcohol concentration over an established limit. The device shall contain a data logger which retains records of every instance in which the device prevented the engine from starting during the period between recalibrations;

(ii) "Ignition interlock service provider" means any person who installs, services, monitors, calibrates or repairs ignition interlock devices and who must be certified by the department to perform such work.

(b) The department shall prescribe reasonable rules and regulations for the certification of ignition interlock devices and ignition interlock service providers and for the calibration and maintenance of ignition interlock devices, which calibration and maintenance shall be the responsibility of an ignition interlock service provider. In addition to other matters necessary for the administration of this article, the rules and regulations shall:

(i) Prohibit any ignition interlocking device from being sold or installed in this state without the device and the ignition interlock service provider being certified by the department;

(ii) Require that each ignition interlock service provider provide a reasonable service where such devices may be obtained, repaired, replaced,

serviced and calibrated;

(iii) Require that every ignition interlock service provider provide monthly reports for each ignition interlocking device data logger;

(iv) Require that ignition interlock service providers check, calibrate and service each ignition interlock device installed by that provider at least every sixty (60) days and adopt a reporting requirement should the provider find evidence of tampering;

(v) Require that each ignition interlock service provider retain all data logger records for three (3) years;

(vi) Require that each ignition interlock service provider complete certificates of installation and certificates of continuing calibration and servicing, which certificates shall be delivered to the department on a form determined by the department and within a time period set by the department;

(vii) Establish procedures under which indigent persons who are required to operate only vehicles equipped with an ignition interlock device may have one-half (1/2) the costs of obtaining and using such device paid from funds made available by the state. A person shall be considered indigent if they are able to produce evidence that they are eligible and qualified to participate in the federal food stamp program.

31-7-402. Issuance of ignition interlock restricted license; eligibility.

(a) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(i) or 31-7-128(b)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, and who has served at least forty-five (45) days of the suspension period ~~may~~ shall apply to the department for an ignition interlock restricted license for the balance of the suspension period or ~~one (1) year, whichever is greater~~ other period required by law.

(b) A person whose driver's license has been suspended pursuant to W.S. 31-6-107(a)(ii) or revoked pursuant to W.S. 31-7-127(a)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration, or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, and who has served at least forty-five (45) days of the suspension or revocation period ~~may~~ shall apply to the department for an ignition

interlock restricted license for the balance of the suspension or revocation period or other period required by law.

(c) An ignition interlock restricted license issued pursuant to subsection (a) or (b) of this section shall entitle the licensee to drive upon the highways of this state during the period his previously issued license is otherwise suspended or revoked or for another period required by law, subject to the following conditions:

(i) Ignition interlock devices shall be installed, at the ~~applicant's~~ licensee's expense, by a certified ignition interlock ~~installer-service provider~~ on all motor vehicles driven by the applicant-licensee will drive, whether such vehicles are owned by the licensee or not, except that a licensee may operate an employer's vehicle without an ignition interlock device installed during normal business activities and not used by the licensee for nonbusiness purposes;

(d) No restricted license may be issued under this article until the department has received a certificate of installation from a certified ignition interlock service provider for every vehicle on which the device must be installed for that licensee under this article.

31-7-403. Suspension or revocation of ignition interlock license.

(c) Subject to the administrative hearing provisions of W.S. 31-7-105, the department may revoke a person's ignition interlock restricted license when the department is notified that:

(i) The licensee has been convicted of any violation of W.S. 31-7-404 or 31-5-233; or

(ii) The monthly reports from a licensee's ignition interlocking device data logger indicate that the licensee is habitually attempting to operate a vehicle while impaired.

31-7-404. Driving without interlock device.

(a) No person licensed under this article shall drive any motor vehicle, without a functioning ~~approved and certified~~ ignition interlock device.

(b) ~~No person licensed under this article shall remove or otherwise circumvent an installed ignition interlock device during the period of the ignition interlock restricted license nor blow or solicit another to blow into an ignition interlock device for the purpose of rendering an operable vehicle to a person whose driving privileges have been restricted under this article.~~

(c) ~~A person violating holding a restricted license under this article who~~

violates subsection (a) or (b) of this section is guilty of a misdemeanor and shall:

(i) For a first offense, be imprisoned for not less than seven (7) days nor more than six (6) months, and shall not be eligible for probation or suspension of sentence or release on any other basis until serving at least seven (7) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00); ~~A person convicted of a~~

(ii) For a second or subsequent violation of subsection (a) or (b) of this section during the same license period is guilty of a misdemeanor and shall be imprisoned for not less than thirty (30) days nor more than six (6) months and shall not be eligible for probation, suspension of sentence or release on any other basis until serving at least thirty (30) days in jail. In addition, the person shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00); ~~and shall no longer be eligible for an ignition interlock restricted license.~~

(iii) Shall be considered to have been convicted under W.S. 31-5-233 for the purposes of the ignition interlock device requirements of W.S. 31-5-233(f)(ii) through (v).

(d) A person violating subsection (b) of this section who is not the restricted licensee is guilty of a misdemeanor and shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six (6) months, or both. Upon a subsequent violation of subsection (b) of this section, the violator shall no longer be eligible for an ignition interlock restricted license should that person ever apply and otherwise be eligible.

(e) The courts of this state shall forward to the department a copy of the record pertaining to the disposition of any arrest or citation for a violation of subsection (a) or (b) of this section within ten (10) days after such record becomes available.

(f) The provisions of subsection (b) of this section shall not apply to any person starting a vehicle when necessary in the interest of safety or for the repair of the device or vehicle nor shall they apply to any ignition interlock service provider while performing his duties as an ignition interlock service provider.

Section 2. W.S. 31-6-102(a)(ii)(D), 31-7-402(c)(iii) and (iv) and 31-7-405 are repealed.

Section 3. The Wyoming department of transportation is authorized to expend from the highway fund not more than twenty-five thousand dollars (\$25,000.00). These funds shall be expended only to pay the costs

for indigent persons to obtain and use ignition interlock devices pursuant to the rules and regulations required to be adopted under this act.

Section 4. This act shall apply only to persons who become eligible to file an application for a restricted drivers' license under W.S. 31-7-402, or are required to operate only vehicles equipped with an ignition interlock device, on or after July 1, 2009.

Section 5. This act is effective July 1, 2009.

Approved March 6, 2009.

Chapter 161

UNEMPLOYMENT INSURANCE-SPOUSE OF DEPLOYED MILITARY

Original Senate File No. 90

AN ACT relating to unemployment insurance benefits; authorizing unemployment benefits for eligible spouses of deployed military personnel as specified; requiring a report; and providing for an effective date.

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

Section 1. W.S. 27-3-311(a)(i)(B), (C) and by creating a new subparagraph (D) is amended to read:

27-3-311. Disqualifications from entitlement; grounds; forfeiture.

(a) An individual shall be disqualified from benefit entitlement beginning with the effective date of an otherwise valid claim or the week during which the failure occurred, until he has been employed in an employee-employer relationship and has earned at least eight (8) times the weekly benefit amount of his current claim for services after that date, if the department finds that he:

(i) Left his most recent work voluntarily without good cause attributable directly to his employment, except:

(B) If returning to approved training which meets the requirements of W.S. 27-3-307; ~~or~~

(C) If forced to leave the most recent work as a result of being a victim of documented domestic violence; or

(D) If unemployed as a result of relocation due to the transfer of the unemployed individual's spouse, either within or outside the state,

from which it is impractical to commute to the place of employment, and upon arrival at the new residence, the individual is in all respects able and available for suitable work and registers for work with the department of workforce services or an equivalent agency of another state where the individual is residing. To qualify under this subparagraph, the individual shall be married to a member of the United States armed forces whose relocation is the result of an assignment on active duty as defined in 10 U.S.C. 101(d)(1), active guard or reserve duty as defined in 10 U.S.C. 101(d)(6), active duty pursuant to title 10 of the United States Code, or training or other duty performed by a member of the army national guard of the United States or the air national guard of the United States under section 316, 502, 503, 504 or 505 of title 32 of the United States Code. Any benefits awarded under this subparagraph shall be noncharged benefits and shall not affect an employer's experience rating account. This subparagraph is repealed effective July 1, 2018.

Section 2. The department of employment, unemployment insurance division, shall maintain records regarding the number of individuals claiming and awarded benefits and the amount of benefits awarded to individuals under W.S. 27-3-306(a)(i)(D), created by section 1 of this act. Not later than December 31, 2010 and not later than each December 31 of each year thereafter that benefits are provided under W.S. 27-3-306(a)(i)(D), the department shall submit a report to the joint labor, health and social services interim committee, detailing the number of claimants and amounts awarded pursuant to W.S. 27-3-306(a)(i)(D).

Section 3. This act is effective July 1, 2009.

Approved March 6, 2009.

Chapter 162

SEX OFFENDER REGISTRATION

Original Senate File No. 61

AN ACT relating to registration of sex offenders; amending sex offender registration requirements; amending a definition; clarifying with which law enforcement agency an offender is required to register; amending information an offender is required to provide; conforming registration deadlines; specifying the category of offense under which an offender will be classified if information is not available to determine the proper classification; clarifying the procedure for seeking a reduction in the registration period for an offender; and providing for an effective date.

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

Section 1. W.S. 7-19-301(a)(xi), 7-19-302(a)(intro), (ix), (x), by creating a new paragraph (xi), (c)(i), (ii), (iv), (d), (e), (g) through (k) and by creating new subsections (m) through (o), 7-19-303(a), (c)(ii) and (iii)(H), 7-19-304(a)(i), (ii), by creating a new paragraph (iii) and (d)(iv),

7-19-305(a)(ii), (iii) and (vi), 7-19-307(a) and 7-19-308(a)(intro) are amended to read:

7-19-301. Definitions.

(a) Unless otherwise provided, for the purposes of this act:

(xi) "Reside" and words of similar import mean ~~having established a permanent or temporary residence for ten (10) or more days; the physical address of each residence of an offender, including:~~

(A) All real property owned by the offender that is used by the offender for the purpose of shelter or other activities of daily living;

(B) Any physical address where the offender habitually visits; and

(C) Temporary residences such as hotels, motels, public or private housing, camping areas, parks, public buildings, streets, roads, highways, restaurants, libraries or other places the offender may frequent and use for shelter or other activities of daily living.

7-19-302. Registration of offenders; procedure; verification.

(a) Any offender residing in this state or entering this state for the purpose of residing, attending school or being employed in this state shall register with the ~~division of criminal investigation sheriff of the county in which he resides, attends school or is employed,~~ or other relevant entity in accordance with the provisions of this act ~~specified in subsection (c) of this section.~~ The offender shall be photographed, fingerprinted and palmprinted by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

(ix) The license plate number and a description of any vehicle owned or operated by the offender; ~~and~~

(x) A DNA sample. As used in this paragraph, "DNA" means as defined in W.S. 7-19-401(a)(vi); ~~and~~

(xi) The age of each victim.

(c) Offenders required to register under this act shall register with the entities specified in this subsection and within the following time periods:

(i) Offenders who, on or after July 1, 1999, are in custody of the department, local jail or a public or private agency pursuant to a court order, as a result of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, shall register prior to release from custody. The agency with custody of the offender immediately prior to release shall register the offender and perform the duties specified in W.S. 7-19-305. If the offender refuses to register or refuses to provide the

required information, the agency shall so notify local law enforcement before releasing the offender;

(ii) Offenders who are convicted of an offense subjecting them to registration under this act but who are not sentenced to a term of confinement shall register immediately after the imposition of the sentence. The sheriff of the county where the judgment and sentence is entered shall register the offender and perform the related duties specified in W.S. 7-19-305 unless the offender does not reside in the county where the judgment and sentence is entered, in which case he shall register in the county in which he resides within three (3) working days;

(iv) Offenders convicted of an offense subjecting them to registration, who are sentenced on or after January 1, 1985, who reside in or enter this state and who are not under the jurisdiction or custody of the department, board of parole or other public agency as a result of that offense shall register ~~with the division~~ on or before August 1, 1999, if a current resident, or within three (3) working days of entering this state if not a current resident.

~~(d) The division shall accept registration information for~~ A nonresident who is employed or attends school in this state. For purposes of this subsection, "registration information" means the registrant's place of employment or the school attended in this state and his address in his state of residence shall register with the county sheriff of the county in which he is employed or attends school. A resident or nonresident who is employed, resides or attends school in more than one (1) location in this state, shall register with the county sheriff of each county in which he is employed, resides or attends school. The registration information accepted under this subsection shall be subject to the provisions of W.S. 7-19-303.

(e) If any person required to register under this act changes his residence address within the same county, he shall ~~send written~~ provide notice of the change of address in person to the ~~division~~ sheriff of the county in which he resides within three (3) working days of establishing the new residence. If any person required to register under this act moves to a new county in this state, he shall notify ~~the division,~~ in person the county sheriff in the new county and the county sheriff of the county of his previous residence within three (3) working days of establishing the new residence. If the person changes residence to another state and that state has a registration requirement, the division shall, within three (3) working days of receipt of the information, notify the law enforcement agency with which the person must register in the new state. Any person who has not established a new residence within three (3) working days of leaving his previous residence, or becomes transient through lack of residence, shall report on a weekly basis to the sheriff in the county in which he is registered, until he establishes another residence. ~~The division shall, within three (3) working days of receipt of a registration or notice of change of address, notify the sheriff of the county in which an offender resides, unless the division received the registration information from the sheriff.~~ The information provided to a sheriff under this subsection shall be transmitted by the sheriff to the

division within three (3) working days of receipt for entry into the central registry. The division shall also notify the victim, or if the victim is a minor the victim's parent or guardian, within the same time period if the victim, or a minor victim's parent or guardian, has requested in writing that the division provide notification of a change of address of the offender and has provided the division a current address of the victim, parent or guardian as applicable.

(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), 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. During the annual in-person verification, the sheriff shall photograph the offender. Confirmation of the in-person verification required under this subsection, along with the photograph of the offender, shall be transmitted by the sheriff to the division within three (3) working days. 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.

(h) For an offender convicted of a violation of W.S. 6-2-304(a)(iii) if the victim was at least fourteen (14) years of age, W.S. 6-2-314(a)(ii) and (iii), 6-2-315(a)(iii), 6-2-316(a)(i), 6-2-317(a)(ii) or 6-2-318, W.S. 6-4-102 if the person solicited was a minor, W.S. 6-4-103 if the person enticed or compelled was a minor, W.S. 6-4-302(a)(i) if the offense involves the use of a minor in a sexual performance or W.S. 6-4-303(b)(i) through (iii), 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 subsection (g) 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 six (6) months after the date of the initial release or commencement of parole. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. 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 subsection ~~(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. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. 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.

~~(k) In addition to any other requirements of this section and of this act, Any person required to register under this act shall provide information in writing person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section regarding each change in employment or enrollment status at any educational institution in this state, including any of the information collected pursuant to subsection (a) of this section within three (3) working days of the change to the entity with whom the offender last registered. This information shall be forwarded immediately from the registering entity to the division on a form prescribed by the division, and the division shall then enter the information into the central registry and forward the information to the campus police department or other law enforcement agency with jurisdiction over the educational institution.~~

(m) Any person required to register under this act shall provide information in person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section regarding each change of employment and shall disclose all places of employment if there is more than one (1), including any loss of employment, within three (3) working days of the change to the entity with whom the offender last registered. The information shall be forwarded within three (3) working days from the registering entity to the division and the division shall then enter the information into the central registry.

(n) Any person required to register under this act shall provide any new or updated information in person to the sheriff of the county in which he is registered and to any other relevant registering entity specified in subsection (c) of this section regarding any changes, modifications or other information necessary to keep current any of the information specified in this section and W.S. 7-19-303, within three (3) working days of the change to the entity with whom the offender last registered. The information shall be forwarded within three (3) working days from the registering entity to the division and the division shall then enter the information into the central registry.

(o) If the division lacks sufficient information or documentation to identify the offender's crime for which convicted or equivalent Wyoming offense, it

shall register the offender as if he were convicted of an offense listed in subsection (j) of this section. If the division receives additional verifiable information or documentation that demonstrates that the offender was not convicted of an offense specified under subsection (j) of this section or an offense from any other jurisdiction containing the same or similar elements or arising out of the same or similar facts or circumstances, it shall modify the offender's status.

7-19-303. Offenders central registry; dissemination of information.

(a) An entity registering an offender shall forward the information and fingerprints obtained pursuant to W.S. 7-19-302 to the division within three (3) working days. The division shall maintain a central registry of offenders required to register under W.S. 7-19-302 and shall adopt rules necessary to carry out the purposes of W.S. 7-19-302. The division shall immediately enter information received pursuant to this act into the central registry and shall immediately transmit the conviction data, palprints and fingerprints to the federal bureau of investigation and national sex offender registry.

(c) The division shall provide notification of registration under this act, including all registration information, to the district attorney of the county where the registered offender is residing at the time of registration or to which the offender moves. In addition, the following shall apply:

(ii) If the offender was convicted of an offense specified in W.S. 7-19-302(h) or (j), notification shall be provided by mail, personally or by any other means reasonably calculated to ensure delivery of the notice to residential neighbors within at least seven hundred fifty (750) feet of the offender's residence, organizations in the community, including schools, religious and youth organizations by the sheriff or his designee. In addition, notification regarding an offender employed by or attending school at any educational institution shall be provided upon request by the educational institution to a member of the institution's campus community as defined by subsection (h) of this section;

(iii) Notification of registration under this act shall be provided to the public through a public registry, as well as to the persons and entities required by paragraph (ii) of this subsection. The division shall make the public registry available to the public through electronic internet technology and shall include:

(H) History of all criminal convictions subjecting an offender to the registration requirements of this act; and

7-19-304. Termination of duty to register.

(a) The duty to register under W.S. 7-19-302 shall begin on the date of sentencing and continue for the duration of the offender's life, subject to the following:

(i) For an offender specified in W.S. 7-19-302(g), the duty to register shall end fifteen (15) years after the offender was released from prison, placed on parole, supervised release or probation, provided the registration period shall be tolled for subsequent periods of confinement. The offender may petition the district court for the district in which the offender is registered to reduce the period of registration under this paragraph may be reduced by five (5) years if the offender maintains a clean record as provided in subsection (d) of this section; and

(ii) An offender specified in W.S. 7-19-302(h) who has been registered for at least twenty-five (25) years, exclusive of periods of confinement, may petition the district court for the district in which the offender is registered to be relieved of the duty to continue to register. Upon a showing that the offender has had no further felony or misdemeanor convictions during the period of registration, the district court may order the offender relieved of the duty to continue registration; and

(iii) A petition filed under this subsection shall be served on the prosecuting attorney for the county in which the petition is filed. The court shall not grant a petition that was not served on the prosecuting attorney. The prosecuting attorney may file a responsive pleading within thirty (30) days after service of the petition.

(d) A registration period under subsection (a) of this section may be reduced if, after the duty to register arises, the offender specified in W.S. 7-19-302(g) maintains a clean record for ten (10) years by:

(iv) Successfully completing an appropriate any sex offender treatment program certified by the state previously ordered by the trial court or by his probation or parole agent.

7-19-305. Registration; duties of registering entities; notice to persons required to register.

(a) The entity required to register an offender under W.S. 7-19-302(c) shall provide written notification to the offender of the requirements of this act and shall receive and retain a signed acknowledgment of receipt. The entity shall forward all registration information to the division within three (3) working days after registering the offender. When registering an offender the registering entity shall:

(ii) Inform the offender that if he changes residence address he shall give the new address to the division-sheriff in writing person within ten (10) three (3) working days, or if he has not established a new residence within ten (10) days of leaving his previous residence or becomes transient through lack of residence, he shall report on a weekly basis to the sheriff in the county in which he is registered until he establishes another residence;

(iii) Inform the offender that if he changes residence to another state, he shall register the new address with the law enforcement agency with whom he last registered and shall also register with the designated law enforcement agency in the new state not later than ~~ten (10)~~ three (3) working days after establishing residence in the new state;

(vi) Inform the offender that in addition to any other registration requirements of this act, if the offender becomes employed by or attends school at any educational institution in this state, or if his status of employment or enrollment at any educational institution in this state as reported during his last registration changes in any manner, he shall register the change within ~~ten (10)~~ three (3) working days of the change with the entity with whom he last registered.

7-19-307. Penalties.

(a) Failure to register or update any registration information within the time required under W.S. 7-19-302 constitutes a per se violation of this act and is punishable as provided in subsections (c) and (d) of this section. ~~Failure to report his address as required by W.S. 7-19-302(g) through (j), or failure to provide information regarding any change in employment or enrollment status at any educational institution in this state as required by W.S. 7-19-302(k), is punishable as provided in subsections (c) and (d) of this section.~~

7-19-308. Harboring a sex offender; penalties; exceptions.

(a) A person is guilty of the crime of harboring, assisting, concealing, or withholding information about, a sex offender, if the person has knowledge that a sex offender ~~who is~~ required to register under W.S. 7-19-302 ~~is not complying, or has not complied, with the requirements of W.S. 7-19-302 and the person:~~

Section 2. This act is effective July 1, 2009.

Approved March 6, 2009.

Chapter 163

ORAL HEALTH INITIATIVE

Original Senate File No. 93

AN ACT relating to health and safety; providing for an epidemiological study related to oral health concerns; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) There is appropriated fifty thousand dollars (\$50,000.00) from the tobacco settlement income account 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 by the department for the purposes of conducting an epidemiological study to determine the depth and severity of oral diseases and of the oral health needs of Wyoming citizens.

(b) Notwithstanding any other provision of law, the appropriation under subsection (a) of this section 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 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 6, 2009.

Chapter 164

EMBOSSSED LICENSE PLATES

Original Senate File No. 134

AN ACT relating to motor vehicles; providing for optional embossed license plates as specified; providing a fee for optional embossed license plates; and providing for an effective date.

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

Section 1. W.S. 31-2-221 is created to read:

31-2-221. Embossed license plates.

(a) Any person required to register a vehicle in Wyoming pursuant to W.S. 31-2-201 may apply to the department for embossed license plates for any vehicle owned or leased by the applicant upon registration of the vehicle and payment of the fee required by W.S. 31-3-102(a)(xx). Application for embossed licensed plates for a previously registered vehicle shall be made at least ninety (90) days before the vehicle's registration expires.

(b) License plates issued under this section shall be displayed upon the vehicle for which they are issued.

(c) Except as provided in this section, application for issuance and renewal of embossed Wyoming license plates shall be subject to the same requirements and fees as provided in this article. The fee required under W.S. 31-3-102(a)(xx) shall accompany each application.

(d) The department shall prescribe the design of the embossed plate authorized by this section.

(e) The department may adopt rules and forms as necessary to implement this section.

Section 2. W.S. 31-3-102(a) by creating a new paragraph (xx) is amended to read:

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(xx) Optional embossed license plates..... \$50.00

Section 2. This act is effective January 1, 2010.

Approved March 6, 2009.

Chapter 165

ATHLETIC TRAINERS-LICENSING

Original House Bill No. 152

AN ACT relating to professions and occupations; providing for the licensure of athletic trainers; creating a board of athletic training; granting the board powers and duties including rulemaking authority; providing for licensing fees; restricting the practice of athletic training; providing exceptions to licensure requirements; imposing penalties; repealing a conflicting provision of the physical therapists licensing act; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 33-45-101 through 33-45-112 are created to read:

**CHAPTER 45
ATHLETIC TRAINERS**

33-45-101. Short title.

This chapter shall be known and may be cited as the “Wyoming Athletic Trainers Licensing Act.”

33-45-102. Definitions.

(a) As used in this chapter:

(i) "Athlete" means individuals associated with an educational institution, or a professional, amateur or recreational sports club or athletic organization participating in exercises, sports or games that require physical strength, agility, flexibility, range of motion, speed or stamina;

(ii) "Athletic injury" means:

(A) An injury or athletic-related illness or both that affects the athlete's participation or performance in sports, games and exercise related to participation with an educational institution or professional, amateur or recreational sports club or organization; and

(B) A condition that is within the scope of practice of an athletic trainer identified by a directing physician as benefiting from athletic training services.

(iii) "Board" means the state board of athletic training created under this chapter;

(iv) "License" means a current document certifying the athletic trainer has met the qualifications required to perform the functions and duties of an athletic trainer in this state;

(v) "Licensed athletic trainer" means a person licensed under this chapter who meets the qualifications set by the board and practices athletic training;

(vi) "Practice of athletic training" means the application of the principles and methods of prevention, recognition, evaluation and assessment of athletic injuries and illnesses, immediate care of athletic injuries including common injuries, medical emergencies, psychosocial intervention and referral, conditioning and rehabilitative exercise, nutritional aspects of injuries and illnesses, the use of therapeutic modalities, proper healthcare administration, professional development and the understanding and education of applications, precautions, interactions, indications and contraindications of pharmacology for athletes. "Practice of athletic training" does not include the practice of physical therapy as defined in W.S. 33-25-101(a)(i).

33-45-103. Board of athletic training established; qualifications; term of office; vacancies; removal.

(a) The state board of athletic training is created to implement and administer this chapter.

(b) The board shall consist of the following three (3) members:

(i) Two (2) licensed athletic trainers certified by a nationally accredited

credentialing agency with at least five (5) years of training experience prior to appointment; and

(ii) One (1) licensed physician with at least five (5) years experience prior to appointment.

(c) Terms of initial board members shall be staggered with one (1) member serving for one (1) year, one (1) serving for two (2) years and one (1) serving for three (3) years.

(d) The governor shall appoint the members of the board. Except for initial board members as provided under subsection (c) of this section, the term of each member shall be three (3) years. Upon expiration of their terms, members of the board shall continue to hold office until the appointment of their successors. No person shall serve as a member of the board for more than two (2) consecutive terms.

(e) A vacancy that occurs for any reason in the membership of the board shall be filled within thirty (30) days by the governor. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.

(f) The governor may remove any member of the board as provided in W.S. 9-1-202 or upon a recommendation of a majority of the board for any reason.

33-45-104. Board of athletic training; reimbursement of expenses.

Each member of the board shall receive the same per diem and travel expenses provided by law for state employees while engaged in official business or actual duties of the board. The fees and expenses shall be paid from the funds of the board.

33-45-105. Board of athletic training; meetings.

A majority of the board constitutes a quorum for meetings and the transaction of official business. The board shall meet as often as needed, but not less than two (2) times a year.

33-45-106. Board of athletic training; powers and duties; fees; deposit in separate account to fund administration; separate account for enhancing practice of athletic training.

(a) The board shall:

(i) Administer this chapter;

(ii) Promulgate rules and regulations as necessary to carry out this

chapter including:

- (A) Continuing education requirements for the renewal of licenses;
 - (B) Professional conduct;
 - (C) Professional licensure;
 - (D) Ethical standards of practice.
- (iii) Approve or disapprove applications for licensure and issue licenses;
- (iv) Censure, suspend or revoke licenses as provided in this chapter and the Wyoming Administrative Procedure Act;
- (v) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this chapter and board rules;
- (vi) Prescribe fees in accordance with W.S. 33-1-201 for implementing this chapter;
- (vii) Keep a record of all proceedings and make available to licensees and other concerned parties an annual report of all board action.
- (b) The board may employ or contract with individuals it determines necessary to administer its affairs and to provide necessary support and clerical services. Costs related to these services shall be paid from the funds of the board.
- (c) All fees collected by the board shall be deposited by the state treasurer to the credit of the state board of athletic training account. Disbursements from the account shall not exceed the monies credited to it. The account shall be used by the board to defray costs incurred in the administration of this chapter.
- (d) The board may accept federal, state, county, city or private funds, grants or appropriations to enhance the practice of athletic trainers. The funds shall be deposited by the state treasurer in a separate account. The funds shall be paid out upon an authorized voucher duly verified and signed by the chairman of the board, showing that the expenditure is authorized under this chapter. Upon presentation of the voucher, the auditor shall draw the warrant upon the treasurer but no warrant shall be drawn unless sufficient funds are in the account.

33-45-107. Licenses required; persons and practices not affected.

(a) After July 1, 2010, no person shall use any card, title, letters, insignia or abbreviation indicating that the person is a licensed athletic trainer, except under a license issued in accordance with this chapter and rules adopted pursuant to this chapter.

(b) No person licensed as an athletic trainer under this chapter shall engage in the practice of athletic training except under the direction of a physician licensed by the Wyoming board of medicine.

(c) Nothing in this chapter shall prevent or restrict the practices, services or activities of:

(i) Any person licensed in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered or otherwise regulated;

(ii) Any person employed by a school district in this state and holding a coaching endorsement issued by the professional teaching standards board;

(iii) Any person serving as an athletic trainer for a school district or as an undergraduate student intern or trainee, provided the student intern or trainee is given the title of "athletic training student," and the activities of any person acting pursuant to this paragraph are performed under the supervision of a licensed athletic trainer or a person meeting the qualifications of paragraph (ii) of this subsection;

(iv) Any person performing athletic training services in this state for no more than thirty (30) days in any calendar year if that person is:

(A) Employed by an organization, corporation or educational institution located in another state; and

(B) Representing the organization, corporation or educational institution in a short-term event held in Wyoming.

(d) Any person engaged in the practice of athletic training who is relocating to this state shall have one hundred twenty (120) days from the date of residency to complete application for licensure.

33-45-108. Applications; qualifications; issuance of license.

(a) An application for licensure under this chapter shall be on forms prescribed by the board. The application shall show that the applicant has reached the age of majority, is a graduate of an accredited four (4) year college or university in a program of study approved by the board and has passed the examination administered by a national certifying body approved by the board.

(b) Fees shall accompany all applications for original licenses, renewal licenses and other applications authorized by this chapter.

(c) The board shall issue a license to any applicant who has satisfactorily met all the requirements for licensure imposed under this chapter and board rule and regulation as an athletic trainer. The term of the license shall be three (3) years from the date of issuance and may be renewed subject to the requirements of this chapter.

33-45-109. Renewal of license.

The board shall prescribe the form and expiration date of licenses. Licenses may be renewed by submitting the required application for renewal and fee to the board before the license expiration date. If a license is allowed to expire, the license may be renewed within a period of ninety (90) days after the expiration date upon payment of the renewal fee. A license which is not renewed within the ninety (90) day period may be reinstated upon payment of all fees due, including a reinstatement fee as established by the board. A license which has not been renewed is not valid. No reinstatement of a license may be granted more than five (5) years after its expiration.

33-45-110. Reciprocity.

Persons licensed to engage in the practice of athletic training under the laws of any other state having requirements substantially equal to those provided for in this chapter may be issued a license to practice in this state solely upon payment of the license fees as provided in this chapter.

33-45-111. Disciplinary action; suspension and revocation of license.

(a) After the hearing authorized by subsection (b) of this section, the board may deny a license or refuse to renew a license, may suspend or revoke a license or may impose probationary conditions if the licensee or the applicant has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. For purposes of this section, unprofessional conduct includes:

(i) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(ii) Being guilty of unprofessional conduct as defined by the rules of the board or violating the code of ethics adopted and published by the board;

(iii) Being convicted of a felony;

(iv) Being convicted of an offense involving a controlled substance;

(v) Being negligent in the practice of athletic training;

(vi) Violating any lawful order, rule or regulation rendered or adopted by the board; and

(vii) Violating any provision of this chapter.

(b) A denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the board after a hearing in the manner provided by rules and regulations adopted by the board. An application for reinstatement may be made to the board one (1) year after the date of the revocation of a license. The board may accept or reject an application for reinstatement and may hold a hearing to consider reinstatement. Any person aggrieved by any final action of the board may appeal to the district court under the Wyoming Administrative Procedure Act.

(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

33-45-112. Penalties.

(a) Any person who violates any provision of W.S. 33-45-107 is guilty of a misdemeanor punishable by imprisonment of not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. Each violation shall constitute a separate offense.

(b) The board may seek an injunction in the district court to enjoin any person from violating this chapter.

Section 2. W.S. 33-25-102(a)(iv) is repealed.

Section 3. Ten thousand dollars (\$10,000.00) is appropriated from the general fund to the state board of athletic training account created by W.S. 33-45-106(c), under section 1 of this act, to initiate funding of administration of this act. This appropriation shall not be included in the 2011-2012 standard biennial budget request of the state board of athletic training.

Section 4. This act is effective July 1, 2009.

Approved March 6, 2009.

Chapter 166**MEDICATION DISPOSAL PROGRAM**

Original Senate File No. 106

AN ACT relating to public health and safety; amending the drug donation program; providing for drop off and disposal of unused and expired prescription drugs; providing for nonliability for acts under the program as specified; providing an appropriation; authorizing a position; and providing for an effective date.

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

Section 1. W.S. 35-7-1603(a), (b)(intro), (ii), (iii), (iv), by creating new paragraphs (vi) and (vii) and by creating a new subsection (c) and 35-7-1605(a) are amended to read:

35-7-1603. Drug donation, redispensing and disposal program established; minimum requirements.

(a) The department shall establish pursuant to its rules and regulations a voluntary drug donation and disposal program ~~which allows designated providers to accept and dispense donated medications to Wyoming residents as provided in this section.~~

(b) The drug donation and redispensing program shall have the following features:

(ii) Drugs may be donated at a donation site maintained by the department, a take back event approved by the United States drug enforcement agency or at a physician's office, a pharmacy or a health care facility that elects to participate in the program and meets criteria established by the department;

(iii) Drugs shall be ~~accepted or dispensed~~ redispensed under the drug donation program only if they are in their original, unopened, sealed packaging or, if the outside packaging is opened, the contents are single unit doses that are individually contained in unopened, tamper evident packaging;

(iv) A drug shall not be ~~accepted or dispensed~~ if it bears an expiration date that is earlier than six months after the date the drug was donated redispensed within two (2) months of its expiration date or if the drug appears to be adulterated or misbranded in any way;

(vi) Drugs shall be delivered either to the department's central collection facility, a take back event approved by the United States drug enforcement agency or one (1) of its regional collection facilities;

(vii) Drugs available for redispensing shall be inventoried and posted on a list of drugs available for redispensing on the department's internet

website.

(c) The drug drop off and disposal program shall have the following features:

(i) Drop off locations shall be located with donation sites as provided in paragraph (b)(ii) of this section or local law enforcement agencies approved by the United States drug enforcement agency to the extent necessary under federal law;

(ii) Procedures shall be maintained for the documentation of all collected unused medication;

(iii) Procedures shall be maintained for the environmentally safe disposal of unused medications;

(iv) The department shall provide for public education of potential participating consumers about the availability of the drug disposal program and proper and effective disposal of unused medications;

(v) The department shall cooperate with law enforcement agencies to the extent required for the collection under law enforcement supervision or the secure collection, storage, transport and destruction of controlled substances.

35-7-1605. Participant immunity.

(a) In the absence of bad faith, any person who exercises reasonable care participates in donating, accepting, distributing or dispensing drugs under this act shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss. No person, in the absence of bad faith, shall be liable for the bad faith of another relating to the provisions of this act.

Section 2.

(a) There is appropriated one hundred twenty-eight thousand six hundred ninety-six dollars (\$128,696.00) 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 the drug collection, redispensing and disposal program pursuant to W.S. 35-7-1603. 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) The department of health is authorized one (1) additional full-time equivalent position to implement the purposes of this act.

Section 3. This act is effective July 1, 2009.

Approved March 10, 2009.

Chapter 167**PRESCRIPTION DRUG DATABASE**

Original House Bill No. 294

AN ACT relating to controlled substances; requiring weekly reporting to the controlled substance prescription tracking program; requiring the Wyoming state board of pharmacy to create a pilot project for real-time access to data from the controlled substance prescription tracking program; establishing a method for assisting persons who must participate in the pilot program; providing an appropriation; and providing for effective dates.

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

Section 1. W.S. 35-7-1061 and 35-7-1062 are created to read:

35-7-1061. Pilot program for real-time database data access.

(a) There is established a pilot program for real-time access to data from the controlled substance prescription tracking program, established by W.S. 35-7-1060, beginning July 1, 2010 and ending June 30, 2012.

(b) In addition to fulfilling the requirements of W.S. 35-7-1060 on a statewide basis, the board shall upgrade, modify, administer and direct the functioning of the controlled substance prescription tracking program in geographical areas specified by the board, or on a statewide basis, in a manner that provides real-time access to the program. The pilot program also shall:

(i) Allow authorized persons to access the program, portions of the program or certain reports generated by the program from remote locations at any time;

(ii) Create a means of verifying the identity of persons seeking access to the program;

(iii) Develop programs to educate persons who are authorized to access the program about the pilot project and the methods by which the pilot program can be used to better avoid the inappropriate use of controlled substances and the identification of illegal activity related to the dispensing of controlled substances;

(iv) Develop means of sharing relevant prescription drug information with other states who maintain prescription drug monitoring programs using the prescription monitoring information exchange specifications adopted by the United States department of justice;

(v) Ensure the confidentiality of all information disclosed;

(vi) Ensure that the real-time access developed and allowed by the pilot program does not interfere with the proper functioning of the existing controlled substance prescription tracking program.

(c) The requirements and obligations imposed by W.S. 35-7-1060 shall be applicable to the pilot program administered under this section to the extent they do not conflict with the requirements and obligations of this section.

(d) All persons to whom W.S. 35-7-1060 applies shall cooperate with the board to provide weekly submission of, and real-time access to, information for the pilot program:

(i) Within the pilot area as determined by the board under subsection (b) of this section;

(ii) When the board implements the pilot program as a permanent program under subsection (g) of this section, on a statewide basis.

(e) The board may promulgate rules and regulations as are necessary to create and operate the pilot program required by this section.

(f) Each year starting in 2010 and ending in 2012, on or before June 30, the board shall report to the joint labor, health and social services interim committee regarding:

(i) The implementation, operation and impact of the pilot program established in this section;

(ii) The progress made by the board in implementing the pilot program on a statewide basis;

(iii) The advisability of, and projected cost of, implementing the pilot program on a statewide basis;

(iv) Any education sessions offered to the public regarding the pilot project and participation at those educational sessions;

(v) Use of the pilot program by those persons entitled to receive information from the program; and

(vi) Other information which the board believes is relevant.

(g) The board shall, on or before July 1, 2012, implement the pilot program as a permanent program on a statewide basis.

(h) The board shall submit an application to the United States department of justice and department of health and human services for all available

grant monies to fund the pilot project required by this section.

(j) To the extent federal funds are available to fund the pilot project required by this section, the board may expend any monies appropriated by the legislature in any minimum amount as may be necessary to qualify to receive the federal funds. After all federal funds are exhausted, the board is authorized to use any remaining state funds consistent with all limitations imposed on funds in their appropriation.

35-7-1062. Pilot program implementation assistance.

(a) To the extent funds are available, the board may provide, at a reduced cost or free of charge, to any person required to participate in the pilot program described in W.S. 35-7-1061 and who incurs or will incur costs associated with that participation, technical assistance, training, software or hardware that will allow the person to participate in the pilot program. The board may promulgate rules and regulations necessary to provide the assistance described in this subsection which rules or regulations shall:

(i) Require written requests for assistance;

(ii) Require itemized statements and proof of any costs incurred in participating in the pilot program;

(iii) Establish deadlines for requesting the assistance described in this subsection;

(iv) Require that equal assistance be provided to all persons requesting assistance and complying with the board's rules and regulations, except any person may receive less assistance if their request for assistance is in an amount less than the equal amount otherwise required by this paragraph.

Section 2. W.S. 35-7-1060(b) is amended to read:

35-7-1060. Controlled substances prescription tracking program.

(b) All prescriptions for schedule II, III and IV controlled substances dispensed by any retail pharmacy licensed by the board shall be filed with the board electronically or by other means required by the board no more than seven (7) days after dispensed. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed.

Section 3. There is appropriated eighty thousand dollars (\$80,000.00) from the general fund to the Wyoming state pharmacy board for the purposes of this act. This appropriation shall be for the period beginning

with the earliest effective date of this act and ending June 30, 2012. No part of this appropriation shall be expended until after the chief information officer has reviewed and approved the proposed expenditure of these funds. This appropriation shall only be expended for the purpose of establishing and maintaining the pilot program for real-time access to data from the controlled substance prescription tracking program, as described in this act. 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, 2012. W.S. 9-4-207 shall not act to revert unexpended or unobligated funds prior to June 30, 2012.

Section 4. The Wyoming state board of pharmacy may adopt rules and regulations to implement the provisions of this act upon the effective date of this section.

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 July 1, 2009.

Approved March 10, 2009.

Chapter 168

OBSOLETE LAWS-GENERAL REVISIONS

Original House Bill No. 127

AN ACT relating to the general revision of laws; amending archaic and obsolete provisions; correcting and updating references; conforming provisions to previous enactments; repealing provisions held to be unconstitutional; repealing fully executed and otherwise archaic or obsolete provisions; providing for applicability of the act; providing for an effective date.

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

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]
[a. PROVISIONS HELD TO BE UNCONSTITUTIONAL]

Section 101. W.S. 1-1-114 is amended to read:

1-1-114. Pleading of damages.

~~The ad damnum clause or prayer for damages incorporated in a pleading~~

~~which sets forth a claim for relief based upon personal injury or wrongful death shall not state any dollar amount as alleged damages or demand a sum as judgment other than an allegation that the damages are of an amount necessary to establish jurisdiction of the court. Nothing herein shall be construed to prevent any party from arguing to the court or jury the amount of his claim in money. In all cases the court shall inform the jury of the consequences of its verdict.~~

Section 102. W.S. 1-14-128 is repealed.

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]
[b. PROVISIONS AFFECTED BY COURT DECISIONS, OTHER THAN HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]

Section 103. W.S. 1-17-341 is amended to read:

1-17-341. Appraiser's fees.

Each appraiser of real estate under W.S. 1-17-301 through 1-17-345, other than qualified appraisers, shall receive three dollars (\$3.00) per day and one dollar and fifty cents (\$1.50) per half day for his services, to be collected on the execution. Qualified appraisers so acting shall receive a reasonable fee to be collected on the execution.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]
[i. JUSTICES OF THE PEACE REFERENCES]

Section 201. W.S. 1-1-107, 22-2-105(a)(ii)(intro) and (A) and 22-2-117(a) are amended to read:

1-1-107. Furnishing of transcripts.

Upon request and receipt of the lawful fees required, ~~justices of the peace and judges of other~~ judicial tribunals and the clerks of every court of record, shall furnish to any person an authenticated transcript of proceedings containing the judgment or final order in their court.

22-2-105. Terms of office and offices voted on at general elections.

(a) The terms of office and offices voted on at general elections are as follows:

(ii) Four Year Term. - At the general election in 1974 and in every fourth (4th) year thereafter, there shall be elected the following officers: one (1) governor, one (1) secretary of state, one (1) state treasurer, one

(1) state auditor, one (1) superintendent of public instruction, county clerks, county treasurers, county assessors, county coroners, county and prosecuting attorneys, district attorneys, sheriffs, clerks of the district court, ~~and justices of the peace.~~ At every general election there shall be elected the necessary member or members of the Wyoming senate and county commissioners. ~~In those counties that have established a circuit court,~~ The question of retention of a circuit court judge or a magistrate of the circuit court shall be submitted:

(A) For a circuit court judge, to the electorate of all counties within the circuit; ~~except for any county which is not a part of the circuit court system;~~

22-2-117. Vote required for election; ratification.

(a) ~~With the exception of justices of the peace,~~ Partisan and nonpartisan candidates who receive the largest number of votes for each office to be filled at the general election are elected.

Section 202. W.S. 1-2-102(a)(xiii) and 22-2-117(b) are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]

[ii. FINES AND PENALTIES TO SCHOOL FUND]

Section 203. W.S. 1-28-107 is amended to read:

1-28-107. Enforcement of injunction; penalties.

An injunction or restraining order granted by a judge may be enforced as the act of the court, and disobedience may be punished by the court as a contempt. An attachment may be issued against the disobedient party upon satisfactory showing by affidavit of the breach of the injunction or restraining order. The disobedient party may be required by the court or judge to pay a fine not exceeding two hundred dollars (\$200.00), ~~for the use of the county,~~ to make immediate restitution to the party injured and to give further security to obey the injunction or restraining order. In default thereof, he may be committed to custody until he complies with the requirements or is otherwise legally discharged. Fines collected under this section shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[b. FULLY EXECUTED]

Section 204. W.S. 1-42-202(a) and 9-4-715(m)(ii)(B) are amended to read:

1-42-202. Local government self-insurance program; creation; authorized payments.

(a) ~~Effective upon the transfer of the local government account as provided in W.S. 1-42-113,~~ There is created the local government self-insurance program to provide a mechanism for local governments to pool resources to handle claims brought against local governments under the Wyoming Governmental Claims Act and arising under federal law. It is the intent of the legislature that the local government self-insurance program shall be operated by a joint powers board formed by local governments participating in the program and administered in accordance with the provisions of this act. The program shall provide for assessments by participating local governments, which together with all income from investments of the program and payments by insurance or reinsurance companies are actuarially sufficient to meet anticipated claims against participating local governments and all associated administrative expenses.

9-4-715. Permissible investments.

(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:

(ii) No investment shall be made under this subsection unless:

(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;~~

Section 205. W.S. 1-42-112, 1-42-113, 9-2-1601 through 9-2-1606, 9-2-1608, 9-2-1609, 9-2-2401 and 30-7-101 are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[c. ARCHAIC REFERENCES]

[i. REFERENCES TO REGISTER OF DEEDS]

Section 206. 5-3-305, 18-3-402(a)(xxii), 19-14-104(a) and (d), 24-9-103(c), 30-1-101(a)(intro), 30-1-103(a)(intro), 30-1-110(a)(intro), 30-1-115, 30-5-110(s), 34-1-104, 34-1-121(a)(intro), 34-1-124, 34-1-127, 34-1-133, 34-1-134, 34-2-109, 34-2-130, 34-2-132(a)(i), 34-2-133(a), 34-5-103, 34-5-113, 34-8-103, 34-10-101(a)(ii), 34-11-101(a), 37-9-601, 41-5-201 and 41-6-503 are amended to read:

5-3-305. Appointment and termination thereof to be reported to county clerk.

When any court or the judge thereof, shall appoint a court commissioner who shall be authorized to take acknowledgments and administer oaths under this act, or whenever any court or the judge thereof shall revoke the appointment of any such court commissioner, or when any such commissioner shall resign, or his appointment cease for any reason, it shall be the duty of the clerk of said court to immediately notify, in writing, the county clerk ~~and ex officio register of deeds~~ of each county embraced within the jurisdiction of said court, of the making of said appointment or the termination thereof, as the case may be.

18-3-402. Duties generally.

(a) The county clerk shall:

(xxii) Perform other duties as prescribed by law, ~~either as county clerk; and register of deeds; or as ex officio register of deeds;~~

19-14-104. Recordation of discharges.

(a) Each Wyoming county clerk ~~and ex officio register of deeds~~ shall record in his office without charge of any fee a certificate of discharge or other separation from service documents from any person who has served in the United States armed forces at any time, and who has been honorably discharged or relieved from active service.

(d) A county clerk ~~and ex officio register of deeds~~ shall, to the greatest extent practical, take appropriate protective actions in accordance with any limitations determined necessary by him with regard to records that were filed with or placed in storage by a county clerk prior to July 1, 2003.

24-9-103. Report of viewers and appraisers; second hearing; order

by commissioners; appeal.

(c) After the board of county commissioners has received proof of payment by the applicant of any damages and costs ordered to be paid, the board shall cause a certified copy of the order to be filed with the ~~register of deeds~~ county clerk declaring the road to be a private road, and citing in the order any conditions imposed by the board.

30-1-101. Recording mining claims required; requisites of certificate.

(a) A discoverer of any mineral lead, lode, ledge or vein shall, within ninety (90) days from the date of discovery, cause the claim to be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county within which the claim may exist, by a location certificate which shall contain the following facts:

30-1-103. Prerequisites to filing location certificates.

(a) Before the filing of a location certificate in the office of the county clerk, ~~and ex officio register of deeds~~, the discoverer of any lode, vein or fissure shall designate the location thereof as follows:

30-1-110. Location certificate for placer claims.

(a) Hereafter the discoverer of any placer claim shall, within ninety (90) days after the date of discovery, cause such claim to be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county within which such claim may exist, by filing therein a location certificate, which shall contain the following:

30-1-115. Assessment work; rental fee; affidavit required upon completion or payment.

Upon completion of the required assessment work or payment of the annual claim rental fee as required by federal law for any mining claim, the owner or owners or agent of such owner or owners shall cause to be made by some person cognizant of the facts, an affidavit setting forth that the required amount of work was done or rental fee paid, which affidavit shall within sixty (60) days of the completion of the work or payment of the fee, be filed for record, and shall thereafter be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county in which the said claim is located.

30-5-110. Agreements for waterflooding or other recovery operations, repressuring or pressure-maintenance operations, cycling or recycling operations; operation as a unit of 1 or more pools or parts thereof and pooling of interests in oil and gas therein;

amendment of orders and agreements.

(s) A certified copy of any order of the commission entered under the provisions of this section shall be entitled to be recorded in the office of the ~~register of deeds~~ county clerk for the counties where all or any portion of the unit area is located, and such recordation shall constitute notice thereof to all persons.

34-1-104. Letters of attorney; recordation; effect as evidence.

Every letter of attorney, or other instrument, containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands, only when acknowledged by such owner, may be recorded by the ~~register of deeds~~ county clerk of any county in which the lands to which such letter, instrument or contract relates, or any part of such lands, may be situated, and when so acknowledged, and the record thereof when recorded, or a transcript of such record duly certified, may be read in evidence in the same manner and with like effect as a conveyance recorded in such county.

34-1-121. Recorded instrument as notice to subsequent purchasers; recordation of instruments issued by United States or state of Wyoming.

(a) Each and every deed, mortgage, instrument or conveyance touching any interest in lands, made and recorded, according to the provisions of this chapter, shall be notice to and take precedence of any subsequent purchaser or purchasers from the time of the delivery of any instrument at the office of the ~~register of deeds~~ (county clerk), for record. Any and all instruments or other documents, or copies of instruments or other documents duly certified by any agency, department or bureau of the United States or the state of Wyoming having charge of the records of the instruments or other documents, conveying, remising or demising, or otherwise affecting:

34-1-124. Federal land office instruments; generally; railway maps and affidavits; recording and recording fees.

Patents heretofore or hereafter issued by the United States, for lands and certificates of purchase or payment for public lands, heretofore or hereafter issued by the receiver of any land office of the United States, shall be entitled to be recorded under the provisions of this chapter, and the record of all such instruments shall have the effect to all intents and purposes, as though same were acknowledged and otherwise executed as required by law; provided, that any railroad company, having a right-of-way or station grounds, acquired in conformity to an act of the congress of the United States, requiring a map thereof, to be approved by the secretary of the interior, shall file with the ~~register of deeds~~ county clerk, of any county in this state, wherein such right-of-way and station grounds may be, a

copy of such map, duly authenticated, together with the affidavit of any officer or agent of such railroad company, describing by quarter sections the lands within such county, affected by such right-of-way, which were public lands when such map was approved, and it shall be the duty of such ~~register of deeds~~ county clerk to record said affidavit, and file said map, and to note upon the abstract of lands of his office as to each quarter section so described, that a right-of-way across the same is claimed by the company filing said map; provided, further, that the fee for filing said map and recording said affidavit, shall be two dollars (\$2.00).

34-1-127. Effect on purported absolute conveyance of unrecorded deed of defeasance.

When a deed or mortgage purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of defeasance, or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the office of the ~~register of deeds~~ county clerk of the county where the lands lie.

34-1-133. Release; mortgage of deceased nonresident mortgagee.

Whenever any nonresident of this state shall die without this state, owing, at the time of his death, debts secured by mortgage or other incumbrance upon real or personal property situated in this state, and the debtor shall make voluntary payment of such debt to the executor of the last will and testament of such deceased person, or to the administrator of the estate of such deceased person, whose letters testamentary or of administration, as the case may be, were issued from the proper court of the state or territory of the United States, where such deceased creditor resided at the time of his death, it shall be lawful and competent for such executor or administrator to execute a full and valid release, and acquittance of such debt, and of the mortgage or other incumbrance securing the same; provided, that there shall be attached to such release and acquittance, and made a part thereof, a full and complete transcript of the records of the court issuing such letters testamentary or of administration, as the case may be, certified to by the clerk of such court, or other proper custodian of the records thereof, under his hand and under the seal of such court, fully exhibiting the due appointment and qualification of such executor or administrator, and there shall also be attached to such release and made a part thereof, a certificate under the hand of the presiding judge of such court, or the clerk thereof, that at the date of such release, the person or persons executing the same, was such duly appointed and qualified executor or administrator, as set forth in such release. Any release so executed shall be admitted to record, in this state, in the office of any of the county clerks ~~and ex officio register of deeds~~, and upon being recorded in the proper office, the ~~register of deeds~~

county clerk shall discharge the mortgage or other incumbrance in such release mentioned, in the manner provided by law, but this section shall not be construed to authorize any administrator appointed by the courts of any other state or territory of the United States, to exercise any power, within the state other than the power to receive voluntary payments of debts due to his intestate, and to release mortgages or other incumbrances upon property situate in this state and securing such debts.

34-1-134. Release; mortgage of bankrupt corporation mortgagee.

It shall be the duty of any county clerk ~~and ex officio register of deeds~~ within the state of Wyoming, upon request of any person and the filing in his office of a certified copy of an order of discharge of any receiver or trustee in bankruptcy of any national or state bank, trust company or building and loan association, to cancel of record any unreleased and unassigned mortgage or deed of trust of record in his office in which such national or state bank, trust company, or building and loan association, is mortgagee by releasing the said mortgage or deed of trust on the margin of the book where the same has been placed of record, and said release shall be effective and constitute a discharge of the lien of said mortgage or trust deed upon the real property covered by the same in the same manner and to the same effect as if said release had been made by the mortgagee thereof.

34-2-109. Master form mortgage; recording authorized; entitlement on face; need not be acknowledged.

An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage may be recorded in the ~~registry of deeds of any county and the recorder of such office of the~~ county clerk, upon the request of any person, on tender of the lawful fees therefor, shall record the same in his registry. Every such instrument shall be entitled on the face thereof as a "Master form recorded by (name of person causing the instrument to be recorded)". Such instrument need not be acknowledged to be entitled to record.

34-2-130. Leases; expiration of oil, gas or other mineral leases; failure to record cancellation or other termination.

If any lessee, his personal representative, successor or assign, as the case may be, after an oil, gas or other mineral lease has expired, been cancelled, surrendered, relinquished or otherwise terminated shall for the space of twenty (20) days after being thereto requested, fail, refuse or neglect to record in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein the lands described in said lease are located a recordable certificate or deed of discharge or release thereof, he shall be liable to the lessor, his heirs or assigns for all damages occasioned by such failure, refusal, or neglect, to be recovered in a civil action. The lessor's request for discharge or release shall be in writing and delivered to the lessee by

personal service or registered mail at his last known address. A letterpress or carbon or written copy of said demand, when shown to be such, may be used as evidence in any court with the same force and effect as the original.

34-2-132. Tax deeds; 2-year limitation.

(a) No action, suit or other proceeding shall be commenced by the former owner to set aside, declare invalid or redeem from a tax deed or the sale, forfeiture, foreclosure or other proceeding upon which it is based or to recover possession, quiet title or otherwise litigate or contest the title of the grantee, if:

(i) Two (2) years or more have elapsed after the date of recording the deed in the office of the county clerk ~~and ex officio register of deeds~~ for the county in which the real estate described in the deed is situated; and

34-2-133. Tax deeds; possession and affidavits of possession.

(a) Possession by the grantee for a continuous period of not less than six (6) months at any time after one (1) year and six (6) months have elapsed since the date of recording the tax deed extinguishes forever all the claims, right, title and interest, including the right to possession, of the former owner, and vests in the grantee any title conveyed or purportedly conveyed by the tax deed. Proof of possession by the grantee and the record of the tax deed constitutes conclusive evidence of the legality and effectiveness of the deed and any proceedings upon which the deed is based, and of the title of the grantee. As a means of proving possession and preserving evidence of possession under a tax deed, the then owner or holder of the title conveyed or purportedly conveyed by the tax deed may, at any time after two (2) years from the date of recording of the tax deed, file for record in the office of the county clerk ~~and ex officio register of deeds~~ in which the real estate is located an affidavit substantially in the following form:

AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

State of)

) ss

.... County)

I,, (name) residing at (address), being first duly sworn, depose and say that on (date) a tax deed was issued to (grantee) for the following described real estate: that said tax deed was filed for record in the office of the county clerk and ex officio register of deeds for county,, on (date), and appears in the records of that office in County as recorded in book page of the records; that I am now in possession of such

real estate and claim title to the same by virtue of such tax deed; that I have been in possession of such real estate for a continuous period of not less than six (6) months immediately preceding the date of this affidavit; and that the facts concerning the possession of such real estate from the date of recording the tax deed to the date of this notice are, insofar as known to me, as follows:

....

....

....

Subscribed and sworn to before me this day of, (year).

.....

Notary Public in and for

..... County

..... (state)

34-5-103. Certificate of acknowledgment; failure to state acknowledgment was according to law; liability of county clerk.

All deeds, mortgages, powers of attorney and other instruments executed and acknowledged in any other state, territory or district of the United States five (5) years prior to January 1, 1935, affecting property or property rights in this state, but where the person taking the acknowledgment has omitted to state in his certificate of acknowledgment that such deed, mortgage, power of attorney or other instrument was executed and acknowledged according to the law of such state, territory or district, and when the laws of this state in relation to such certificate have in all other respects been complied with, shall be deemed valid and shall be so construed by the courts of this state, and such instruments shall be entitled to record and the record thereof shall have the same force and effect as if such deeds, mortgages, powers of attorney or other instruments had been acknowledged in the manner provided by the laws of this state, and in case any ~~register of deeds~~ county clerk shall have received for record such defective instruments, he shall not be liable in an action for damages for having received for record and recorded any such deed, mortgage, power of attorney or other instrument.

34-5-113. Where release of homestead or marital status of grantor not indicated.

All conveyances by which any estate or interest in real estate is created,

alienated, mortgaged or assigned, or by which the title to any real estate may be affected in law or in equity wherein there is no release or waiver of homestead or the marital status of the grantor is not set forth, and which have been or hereafter may be recorded for a period of ten (10) years in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein such real estate is situated, it shall be conclusively presumed that said real estate was not used, occupied or claimed by the grantor, or the spouse of the grantor as a homestead at the time of said conveyance.

34-8-103. When defective instruments validated by operation of law.

When an instrument of writing, in any manner affecting or purporting to affect the title to real estate, has been, or may hereafter be recorded for a period of ten (10) years in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein such real estate is situated, and such instrument, or the record thereof, because of defect, irregularity or omission, fails to comply in any respect with any statutory requirement or requirements relating to the execution, attestation, acknowledgment, certificate of acknowledgment, recording or certificate of recording, such instrument and the record thereof shall, notwithstanding any or all such defects, irregularities and omissions, be fully legal, valid, binding and effectual for all purposes to the same extent as though such instrument had, in the first instance, been in all respects duly executed, attested, and acknowledged and recorded.

34-10-101. Definitions.

(a) As used in this act:

(ii) "Records" includes probate and other official public records, as well as records in the office of the county clerk; ~~and ex officio register of deeds;~~

34-11-101. Recorded affidavit as evidence; subjects; facts.

(a) An affidavit stating facts relating to matters which may affect the title to real estate in this state, made by any person having knowledge of the facts and competent to testify concerning them in open court, may be recorded in the office of the county clerk ~~and ex officio register of deeds~~ in the county in which the real estate is situated. A certificate of acknowledgement shall not be required on an affidavit containing a jurat in order to be recorded. A recorded affidavit or a certified copy thereof is prima facie evidence of the facts therein stated insofar as the facts affect title to real estate.

37-9-601. Contractor's bond.

Whenever any railroad company shall contract with any person, persons or corporation for the construction of its railroad or any part thereof, the

company shall take from the person, persons, or corporation with whom a contract is made, a good and sufficient bond, in some guarantee or surety company authorized to do business in this state, conditioned that the contractor or contractors shall pay or cause to be paid all laborers, mechanics, materialmen, ranchmen, farmers, merchants, and other persons who supply the contractor or contractors, or any of his or their subcontractors, with labor, work, material, ranch or farm products, provisions, goods or supplies of any kind, all just debts incurred therefor in carrying on the work, which bond shall be filed by the company in the office of the county clerk and ~~ex-officio register of deeds~~ in the county where the principal work of the contractor shall be carried on; and if any railroad company shall fail to take a bond, the railroad company shall be liable to the persons herein mentioned to the full extent of all debts so contracted by the contractor, or contractors, or any of his or their subcontractors. Any contractor or contractors may take a similar bond from each of his or their subcontractors to secure the payment of all debts of the kind above mentioned, incurred by him, and file the same as above provided. All persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any contractor or subcontractor shall severally have a right of action upon any bond covering the debt taken as herein provided for the recovery of the full amount of the debt, and a certified copy of the bond shall be received as evidence in any action; provided, however, that in order that the right of action upon the bonds may exist, the person or parties herein granted the right shall comply with either of the following conditions, to-wit: First, an action in a court of competent jurisdiction, in the county where the bond is filed shall be commenced within ninety (90) days after the last item of indebtedness shall have accrued; or second, an itemized statement of the indebtedness duly verified shall within ninety (90) days after the last item of the indebtedness shall have accrued be filed in the office of the county clerk of the proper county; and an action shall be brought in any court of competent jurisdiction of the county within three (3) months after the filing of the statement. In case an action is commenced upon the bond of a contractor, the contractor may give notice thereof to the subcontractor liable for the claim, and in a case the result of the action shall be binding upon the subcontractor, and his sureties, and in any case when a contractor has paid a claim for which a subcontractor is liable, the contractor shall bring action against the subcontractor and his sureties within sixty (60) days after the payment of the claim.

41-5-201. Contractor's bond.

Whenever any ditch or canal company, or other owner or owners, shall contract with any person, persons or corporation, for the construction of its, his or their ditch, canal or reservoir, or any part thereof, such company, owner or owners, shall take from the person, persons or corporation with whom such contract is made, a good and sufficient bond, conditioned that such contractor or contractors shall pay or cause to be paid all laborers, mechanics, material men, ranchmen, farmers, merchants and other

persons who supply such contractor or contractors, or any of his or their subcontractors with labor, work, material, or goods of any kind which shall enter into or become a part of such irrigation works, which bonds shall be filed by such company or other owner in the office of the county clerk ~~and ex officio register of deeds~~ in the county where the principal work of such contractor shall be carried on; and if any such ditch or canal company, or other owner or owners, shall fail to take such bond, such ditch or canal company or other owner or owners shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor, or contractors, or any of his or their subcontractors. Any such contractor or contractors may take a similar bond from each subcontractor to secure the payment of all debts of the kind above mentioned incurred by him, and file the same as above provided. All such persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any contractor or subcontractor shall severally have a right of action upon any such bond covering such debt taken as herein provided for the recovery of the full amount of such debt. Provided, however, that in order that the right of action upon such bonds may exist, such persons or parties herein granted such right shall comply with either of the following conditions, to-wit, first, an action in a court of competent jurisdiction, in the county where such bond is filed, shall be commenced within ninety (90) days after the last item of indebtedness shall have accrued; or, second, an itemized statement of the indebtedness duly verified, shall, within ninety (90) days after the last item of such indebtedness shall have accrued, be filed in the office of the county clerk of the proper county; and an action shall be brought in any court of competent jurisdiction of such county within three (3) months after the filing of such statement. In case an action is commenced upon the bond of a contractor liable for the claim, and in such case the result of such action shall be binding upon the subcontractor, and his sureties, and in any case when a contractor has paid a claim for which a subcontractor is liable, such contractor shall bring action against the subcontractor and his sureties within sixty (60) days after the payment of such claim.

41-6-503. Foreclosure of tax deeds; tax certificates as liens; actions to enforce generally; sale of lands generally.

Any person, drainage district or irrigation district holding a drainage or irrigation tax sale certificate of purchase or tax deed heretofore or hereafter issued for delinquent drainage or irrigation taxes and assessments legally levied and assessed, together with the penalty and costs due on the land described therein, shall have a lien on said land for such taxes, penalty and costs, and all subsequent taxes paid thereon by said person, drainage or irrigation district and those under whom he holds, with interest thereon, and all accruing penalties, and for the value of all improvements placed thereon by such lienholder while lawfully in possession of the premises, and those under whom the same is held, which lien shall be superior to any other lien, except that of subsequent taxes, and may be enforced by such lienholder by a civil action in the district court of the county wherein

said land lies, or in any action in such court concerning said land in which such lienholder may be made a defendant; in which action every person having an interest in said land, as shown by the records in the office of the county clerk and ~~ex officio register of deeds~~ of said county, may be made a party; and all the proceedings in such action, so far as applicable and not inconsistent with the provisions of this act, shall be the same as provided by law, for the foreclosure of mortgages on real estate by action and sales thereunder; provided that the decree rendered in such action may contain the order of sale, directed to the sheriff of said county, commanding him to advertise and sell said lands without appraisalment, and to make a return of his proceedings thereunder within sixty (60) days from the date thereof, which shall be sufficient authority for the sale of said land, and no other order of sale shall be necessary; and provided further, that any number of tracts of land belonging to any one (1) person upon which any one (1) lienholder shall have said lien, may be united in one (1) suit, in which suit each of said tracts of land shall bear its proportionate share of the cost of such suit, calculated upon the amount for which it shall sell. Provided further, that no such action shall be commenced on any drainage or irrigation district tax sale certificate within eighteen (18) months from the date of the sale mentioned herein.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[c. ARCHAIC REFERENCES]

[ii. OTHER ARCHAIC USES]

Section 207. W.S. 1-14-109, 36-4-121(m), 36-8-1101, 36-8-1102, 37-7-301 through 37-7-310, 39-11-105(a)(xxi) and 39-14-202(a)(iv) through (viii) and (x) are repealed.

Section 208. W.S. 9-4-206(c) and (e) is amended to read:

9-4-206. Disposition of revenue; cash accounts; investment of monies held by state institutions.

(c) The state treasurer, ~~with the concurrence of the department of administration and information,~~ may establish cash accounts for state government units. ~~The department of administration and information may prescribe a monetary limit for expenditures for small local purchases or refunds from any account subject to other provisions of law.~~ The cash accounts may be for purposes of making change, for the payment of small local purchases, refunds under one hundred dollars (\$100.00), or, in the case of the state fair, for any expenditures authorized by law. Cash accounts shall be reimbursed at least monthly by submitting a certified voucher supported by the documentation required by the state auditor for issuance of a state warrant from the appropriate accounts in the same manner as other vouchers are submitted for payment. The reimbursement warrant shall be paid from the appropriate account and charged to the budgeted expense classifications, if any. Money provided by this subsection may be

placed in demand deposits for disbursement. All approved change and petty cash accounts shall be an accountable cash item within the state treasurer's cash accountability and supported by receipts from the administrator of the state unit holding change or petty cash accounts.

(e) Excluding compensation earned by prisoners confined to a state penal institution, to the greatest extent possible all monies held by any state institution belonging to patients, residents or inmates of the state institution shall be deposited or held at the location of the institution, to earn the highest available rate of interest on an investment insured by the United States government or agency or any department thereof and to be available for withdrawal without penalty, and need not be accounted for within the agency fund. With the consent of the person owning the money or of any person legally responsible for that person's financial affairs the monies may be invested in accounts or certificates of deposit insured by the United States government, agency or department which are for a fixed term and have a penalty for early withdrawal. Each chief administrator of an institution is accountable for all monies. An account shall be kept for each individual showing all receipts, disbursements and monies by type of account. To the greatest extent possible, all monies not invested in fixed term investments shall be deposited in individual savings accounts to accrue interest for each individual. Monies not so deposited shall be kept in a separate pooled demand account. The total receipts, disbursements and balances shall be reported monthly to the state treasurer, ~~department of administration and information~~, and state auditor for disclosure in the state financial reports. Upon discharge all money plus accrued interest held on behalf of a patient, resident or inmate, excluding lawful charges, shall be returned to that person or a duly authorized person. If the patient, resident or inmate, or other duly authorized person, cannot be found, or in the event of death of the patient, resident or inmate, the money plus accrued interest, excluding lawful charges, shall after a reasonable effort to find and notify the heirs has failed, be transmitted to the state treasurer to be held or distributed as provided by W.S. 9-5-203.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE
CROSS REFERENCED PROVISIONS]
[a. WYOMING OR INTERNAL CITATIONS]

Section 301. W.S. 31-5-932(a) is amended to read:

31-5-932. Approved sale of lighting devices; mounting.

(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, motorcycle, motor-driven cycle, moped or pole trailer, or use upon the vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp or reflector, which reflector is required ~~hereunder~~ by this article, or parts of any of the foregoing which tend to change the original design or performance, unless

of a type which has been submitted to the superintendent and approved by him. This section does not apply to equipment in actual use prior to January 1, 1956, or replacement parts therefor.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE
CROSS REFERENCED PROVISIONS]
[b. FEDERAL CITATIONS]

Section 302. W.S. 7-3-101(a)(i) and 9-2-1016(c)(intro) and (ii) are amended to read:

7-3-101. Legislative findings.

(a) The legislature finds and declares:

(i) The congress of the United States, pursuant to the provisions of section 10 of article I of the constitution of the United States, has granted its consent, by that certain act of June 6, 1934 (Public Law No. 293, H.R. 7353), ~~approved June 6, 1934 as amended~~, that any two (2) or more states may enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and for the establishment of any agencies, joint or otherwise, as they may deem desirable, for making effective the agreements or compacts;

9-2-1016. General services division.

(c) The surplus property section within the division of general services is created, which shall be the state's surplus property agency pursuant to the terms of ~~section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended~~ 40 U.S.C. § 549. The surplus property section may:

(ii) Receive applications from eligible health and educational institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting the applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of the applicant for the property, the merits of its proposed program of utilization, the suitability of the property for the purposes, and otherwise assist in the processing of applications for acquisition of real and related personal property of the United States under ~~section 203(k) of the act~~ 40 U.S.C. § 550;

[SECTION 4. WATER DEVELOPMENT PROJECTS]

Section 401. W.S. 41-2-201 through 41-2-222 as 99-99-201 through 99-99-222, 41-2-301 as 99-99-301, 41-2-401 as 99-99-401, 41-2-501 through 41-2-506 as 99-99-501 through 99-99-506, 41-2-601 as 99-99-601, 41-2-701

as 99-99-701, 41-2-901 as 99-99-901, 41-2-1001 as 99-99-1001, 41-2-1101 as 99-99-1101 and 41-2-1201 as 99-99-1201 are renumbered.

Section 402. The legislative service office is authorized and directed to modify internal citations within Wyoming statutes to reflect the renumbering under section 401 of this act.

Section 501. All property and duties of the Wyoming centennial commission are transferred to the state board of land commissioners.

Section 601. Any other act, other than 2009 House Bill 61, 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 602. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 169

REVISOR'S BILL

Original House Bill No. 61

AN ACT relating to revision of inadvertent errors; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; correcting obsolete references; repealing fully executed provisions; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 1-11-303, 1-36-114(c), 5-9-212(a)(xiii), 14-3-409(b)(vi), 16-4-106, 17-15-102(a)(vi), 17-28-108(e), 21-4-505 by creating a new subsection (c), 21-16-1301(a)(xiii), 23-1-101(b), 27-14-201(e)(vii)(A), 31-5-959(c), 34-1-152(g), 35-29-101(a)(vi), 36-4-121(a)(i), (v), (vii), (ix), (xiii), (b), (c), (e), (j) and (n), 36-4-123(a)(intro), 39-11-109(c)(viii) and 40-23-113(a)(ii) are amended to read:

1-11-303. Amount of fees.

~~Effective July 1, 1984,~~ Jurors shall receive thirty dollars (\$30.00) for each full or part day of actual attendance. A juror in attendance for more than five (5) consecutive days, exclusive of Saturdays, Sundays and holidays, may, in the discretion of the court, be allowed an additional twenty dollars (\$20.00) per day for each day actually in attendance.

1-36-114. When court to vacate award.

(c) In vacating the award on grounds other than stated in ~~subsection~~ paragraph (a)(v) of this section the court may order a rehearing before new arbitrators chosen as provided in the agreement or by the court in accordance with W.S. 1-36-105. If the award is vacated on grounds set forth in paragraph (a)(iii) or (iv) of this section the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with W.S. 1-36-105. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

5-9-212. Part-time magistrates; powers.

(a) At the direction of the circuit judges of a circuit or the supreme court, a part-time magistrate of the circuit court shall have the powers in respect to every suit or proceeding pending in the circuit court of the county for which he was appointed as follows:

(xiii) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming Statutes title 7, chapter ~~3-20~~ and title 35, chapter 21;

14-3-409. Taking of child into custody; informal hearing where no court order; conditional release; evidence; rehearing.

(b) At the commencement of the hearing the judge shall advise the child and his parents, guardian or custodian of:

(vi) The state's obligation, pursuant to W.S. 14-3-431(d), to file a petition to terminate parental rights when a child has been placed in foster care under the responsibility of the state for fifteen (15) months of the most recent twenty-two (22) months unless the court finds that one (1) of the exceptions listed in W.S. ~~14-3-431(d)~~ 14-3-431(m) applies.

16-4-106. Property tax levy.

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations. The amount of tax shrinkage allowed shall not exceed the actual percentage of uncollected taxes to the total taxes levied for the preceding fiscal year or preceding two (2) fiscal years pursuant to W.S. 16-4-104(h). This section also applies to districts and entities described in W.S. ~~16-4-104(f)~~ 16-4-104(g).

17-15-102. Definitions.

(a) As used in this act:

(vi) "This act" means W.S. 17-15-101 through ~~17-15-144~~ 17-15-147;

17-28-108. Production of records.

(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 by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or both.~~

21-4-505. Payment of tuition for pupil attending school in another state; admission of out-of-state pupils.

(c) Any out-of-state placement under subsection (a) of this section shall include within the agreement with the out-of-state school district, that district's agreement to provide student transcripts as required under W.S. 21-16-1308(a)(ii). The agreement shall also require the out-of-state school district to cooperate with the department of education to identify those courses provided by the out-of-state school district which satisfy the success curriculum requirements established under W.S. 21-16-1307.

21-16-1301. Definitions.

(a) As used in this article:

(xiii) "Graduate of an out-of-state high school" means a person attending and graduating from an out-of-state high school pursuant to W.S. 21-4-501 or 21-4-505(a);

23-1-101. Definitions of wildlife.

(b) To the extent necessary to achieve federal government delisting of the gray wolf, the governor may direct the game and fish commission to adopt a boundary between the area in which the wolf is treated as a trophy game animal and the area where it is treated as a predator at any place between the area described in subdivision ~~(a)(x)(B)(I)~~ (a)(xii)(B)(I) of this section and the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S.

Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north, then east along said state line to Wyoming Highway 120. Any boundary change adopted pursuant to this subsection shall be certified and effective as provided in W.S. 23-1-109(f).

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:

(vii) For purposes of this section:

(A) "Fully reserved" means that the workers' compensation account established by W.S. ~~27-14-101~~ 27-14-701 has, in the opinion of a qualified actuary, funds sufficient on a discounted basis to provide for all unpaid loss and loss adjustment expenses as well as an actuarially appropriate provision for adverse contingencies;

31-5-959. Vehicles transporting hazardous materials.

(c) Any person convicted of willfully violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than ten thousand dollars (\$10,000.00), imprisonment for not more than five (5) years, or both. Any person convicted of recklessly, as defined by W.S. 6-1-104(a)(ix), violating subsection (b) of this section is guilty of a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than three (3) years, or both. Any person convicted of criminal negligence, as defined by W.S. ~~6-4-104(a)(iii)~~ 6-1-104(a)(iii), in violating subsection (b) of this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

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

(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.

35-29-101. Definitions.

(a) As used in this article:

(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)~~ 35-29-106(e);

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) Thirty-three dollars (\$33.00) per calendar year for a resident annual ~~bucketing horse~~ daily use permit and fifty-three dollars (\$53.00) for a nonresident annual ~~bucketing 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-seven dollars (\$27.00) and nonresident permits purchased during the same period shall cost forty-six dollars (\$46.00);

(v) 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 ~~bucketing 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;

(vii) Seven dollars (\$7.00) for each additional vehicle annual ~~bucketing horse~~ daily use permit issued under subsection (b) of this section;

(ix) Seven dollars (\$7.00) for each duplicate annual ~~bucketing horse~~ daily use permit issued under subsection (c) of this section;

(xiii) Upon written request of a group sponsoring a special event or upon the department's sponsorship of a special event, the director of the department may, with the approval of the parks and cultural resources commission, waive any fees required under this subsection. A fee which may exceed the daily use permit fee specified in this section may be charged for entry to special events. Holders of annual ~~bucketing horse~~ daily use or overnight permits may be charged the special event fee. A special event fee may be charged at any park, area or site under the jurisdiction of the department, regardless of whether a daily use fee has been established by law;

(b) Any holder of an annual ~~bucketing horse entrance~~ daily use permit or an annual resident ~~or nonresident~~ overnight camping permit may obtain additional vehicle annual ~~bucketing horse entrance~~ daily use permits or additional vehicle annual overnight camping permits from the department or any selling agent of the department upon payment of the fee prescribed under paragraph (a)(vii) or (viii) of this section, as applicable, and upon submission of proof satisfactory to the department that an original annual permit was purchased and that the additional vehicle is registered in the same name as the vehicle for which the original annual permit is obtained, or that the additional vehicle is operated by the person who purchased the original annual permit or a member of his family under duly granted authority from his employer. The director shall determine the validity of the authority of an applicant to operate an employer-owned vehicle prior to issuance of an additional vehicle permit for that vehicle under this section. Any vehicle in tow by another vehicle owned by the same person shall be considered a single vehicle for purposes of this section and only a single annual bucketing horse daily use permit shall be required for entrance at state parks and a single annual overnight camping permit shall be required for overnight camping at state parks.

(c) If an annual ~~bucketing horse~~ daily use permit or an annual resident ~~or nonresident~~ overnight camping permit is lost, mutilated or destroyed, the holder of the permit may obtain a duplicate annual permit from the department or any selling agent of the department upon filing an affidavit showing the loss, mutilation or destruction of the original permit and upon payment of the fee imposed under paragraph (a)(ix) or (x) of this section, as applicable.

(e) The department through the division of state parks and historic sites

shall in accordance with W.S. 36-4-123, appoint selling agents to sell ~~bucketing horse annual daily use and annual camping~~ permits authorized under this section. Each appointed selling agent shall retain ten percent (10%) of the cost of each permit sold under this section as his sales commission. Designated department employees may sell ~~annual bucketing horse daily use permits and other~~ permits required by this section but no employee of the department shall receive any commission on permits sold.

(j) Any person using state parks, recreation areas and historic sites and failing to obtain a ~~bucketing horse permit or the other permits~~ required by this section and any person otherwise violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(n) Any resident disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs may apply to the department for a lifetime ~~bucketing horse~~ permit authorizing the use of state parks, recreation areas, archeological sites and historic sites without payment of any daily use, overnight or other fee authorized to be charged pursuant to this section. Only one (1) permit shall be issued to any qualified applicant under this subsection and shall be valid for the applicant and for all occupants of the applicant's vehicle. In addition to information and other application procedural requirements prescribed by rule and regulation of the department, application for the lifetime permit shall include proof of residency and certification of the service connected disability. The lifetime permit is valid as long as the holder is a Wyoming resident. A permit under this subsection shall be issued to an eligible applicant without the imposition of a fee.

36-4-123. Selling agents for registrations, licenses and permits.

(a) The department of state parks and cultural resources through the division of parks and historic sites shall appoint selling agents to sell snowmobile registrations pursuant to W.S. 31-2-402, ~~bucketing horse~~ permits under W.S. 36-4-121 and other licenses, registrations and permits for which the department may by law be required to issue and collect fees. Selling agents appointed under this section shall be bonded by the department, subject to the following:

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(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)~~

39-13-109(c)(iv).

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:

(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 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 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.

Section 2. Except as provided in sections 3 and 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 3. Notwithstanding Section 2 of this act, W.S. 21-13-335(b)(iii) as created by 2009 House Enrolled Act 79, being original House Bill 0236, is amended to read:

21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.

(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 regulation, with priority given to programs incorporating requirements specified under paragraphs (iv) and (v) of this subsection. At minimum, the application shall include documentation of the following program components:

(iii) Except for facilitators and teachers with at least five (5) years of classroom teaching experience employed on or before June 30, 2009, financial assistance available under this section will be used to employ facilitators with at least five (5) years of classroom teaching experience and

who hold either a masters degree or national certification by the national board for professional teaching standards;

Section 4.

(a) Notwithstanding section 2 of this act, if 2009 House Enrolled Act 75, being original House Bill 0297, is enacted into law, the amendment of W.S. 6-2-501(b) made by that act shall not be effective and W.S. 6-2-501(b) is amended to read:

6-2-501. Simple assault; battery; penalties.

(b) A person is guilty of battery if he ~~unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another person by use of physical force.~~

(b) This section shall not be effective if 2009 House Enrolled Act 75, being original House Bill 0297, is not enacted into law.

Section 5.

(a) Section 4 of this act is effective July 1, 2009, subject to the provisions of that section.

(b) Except as provided in subsection (a) 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.

Approved March 11, 2009.

Chapter 170

POPULATION DETERMINATIONS-USE OF FEDERAL CENSUS

Original House Bill No. 39

AN ACT relating to administration of government; providing a uniform determination of population by use of the decennial federal census; providing a definition to be used for references to the federal census; conforming statutes referencing population and the federal census to a uniform use and definition for distributions of revenues and other purposes; repealing inconsistent uses and definitions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-40-118(g)(i)(B), 3-6-113(a)(ii), 7-6-113(b)(i), 8-1-102(a) by creating new paragraphs (xv) and (xvi), 9-4-601(a)(v)(A)

and (B), 12-4-101(c), 15-1-201, 15-4-202(e), 15-5-102, 15-5-106(a), 15-5-301, 15-11-105(a), 18-16-102(a)(xi)(B), 21-3-111(b)(ii) and (c), 22-18-111(a)(iii)(D), 22-20-205, 24-2-110(c)(ii), 24-7-103, 31-13-111(b), 35-1-304(a) and (e), 35-11-521(c)(ii)(A), 39-14-801(e)(v)(A), (vi), (vii)(A) and (viii), 39-15-111(h)(iii), 39-17-111(d)(i)(B), (ii) and (iii)(B)(II) and 39-17-211(d)(ii)(A)(II) are amended to read:

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:

(B) Of the remaining state funding under this subsection, amounts shall be distributed to the victim assistance providers within the counties and the Wind River Indian Reservation on a proportional basis according to each county's and the reservation's population, ~~as established in the most recent federal decennial census.~~ For purposes of the distribution under this subparagraph, the population residing on the Wind River Indian Reservation shall be determined separate from the balance of the population of Fremont county;

3-6-113. Investment of surplus money; notice to bureau.

(a) It shall be the duty of such guardians to invest and keep invested their ward's surplus money, but only in the securities or other property, and in the manner hereinafter indicated, and in which securities or other property the guardian has no interest. The investments, except those provided in paragraphs (i) and (ii) of this subsection hereof, shall be made only upon the prior approval of the court, after notice to the veterans' administration as provided in W.S. 3-6-110, as amended:

(ii) The bonds of this state or of any other state, or any county, school districts, city, or town in the United States with a population ~~as shown by next preceding federal census~~ of not less than one thousand (1,000) inhabitants; and where the laws do not permit such counties, cities, school districts, or towns to become indebted in excess of six percent (6%) of the assessed valuation of property for taxation therein, and where the total indebtedness of such county, school districts, city, or municipality, does not exceed six percent (6%) of the assessed valuation of property for taxation at the time of such investment: provided always, there has been no default for more than thirty (30) days during the preceding ten (10) years upon any bonds of the issuing state, county, city or town;

7-6-113. Funding.

(b) Each county shall appropriate funds to supplement the state public defender budget in accordance with an equitable formula determined by the state public defender and the budget division of the department of administration and information in cooperation with the legislative service office, taking into account the following factors:

(i) The population of each county; ~~based on the latest federal census as periodically updated by the bureau of the census;~~

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:

(xv) "Last federal census" means the last official federal decennial census as conducted and officially corrected by the bureau of census, including any changes for boundary modifications, to become effective on July 1 next following the receipt of the official census figures;

(xvi) "Population" of a city, town, county, legislative district or other political subdivision shall be determined by resort to the last federal census.

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(v) Nine and three-eighths percent (9.375%) to incorporated cities and towns to be used for planning, construction or maintenance of public facilities or providing public services. Any city or town may expend these revenues or pledge future revenues for payment of revenue bonds issued to provide public facilities. However no city or town shall pledge future revenues to the federal government under 43 U.S.C. § 1747 unless the city or town obtains a written determination from the governor, which he may make in connection with his consultation with the secretary of the interior under 43 U.S.C. § 1747 or otherwise, that the pledge will not affect the distribution of mineral royalties provided in this section. The distribution

provided under this paragraph to any city or town shall be reduced by an amount equal to the amount of federal mineral royalties withheld from the state by the federal government to repay any loan to the city or town under 43 U.S.C. § 1747. Pledges of this income for revenue bonds shall not exceed ten (10) years. Each city and town shall receive:

(A) Twelve thousand dollars (\$12,000.00) if the population is three hundred twenty-five (325) persons or less, or fifteen thousand dollars (\$15,000.00) if the population is more than three hundred twenty-five (325) persons; ~~according to the latest census estimate of the department of administration and information, division of economic analysis or the latest updated census as provided by subparagraph (B) of this paragraph;~~ plus

(B) An amount computed by the state treasurer as follows: after deducting the distribution provided by subparagraph (A) of this paragraph, the remainder shall be allocated for distribution to cities and towns within each county in an amount proportionate to the percentage obtained by dividing the average daily membership, as defined in W.S. 21-13-101, of all school districts within each county by the total average daily membership of all school districts in the state. The distribution to each city and town will then be made in the proportion that the population of the city or town bears to the total population of all cities and towns in the county, ~~based on the latest federal census as periodically updated by the bureau of the census. Any city or town may use an updated census conducted by the bureau of the census at any time not less than four (4) years following the decennial census.~~

12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment and payment of fees.

(c) Population figures and estimates required by subsection (b) of this section shall be furnished to the appropriate licensing authorities within the state by the department of administration and information using population estimates from the United States bureau of the census. The maximum number of licenses and permits available for issuance by a licensing authority pursuant to the population formula provided by W.S. 12-4-201 and 12-4-413, shall be certified and distributed by the commission.

15-1-201. Territories which may incorporate.

(a) Any territory, including multiple territories within one (1) mile of each other and which are connected to a common culinary water system, not included in any incorporated city or town and not ineligible for incorporation under the provisions of W.S. 15-1-411, having a total resident population of not less than two hundred (200) persons and containing within its boundaries an area with a density of at least seventy (70) persons per square mile, may be incorporated as a town in the manner provided in this article. When territories connected to a common culinary water system are

incorporated under this act, the pipelines connecting the territories shall be included in the town limits.

(b) For purposes of this article:

(i) "Census" means the census conducted pursuant to W.S. 15-1-202(a);

(ii) "Population" means the population as determined by the census conducted pursuant to W.S. 15-1-202(a).

15-4-202. Employees; manager; employment, salary, vacancy; attorney; other positions; salaries, duties; municipal judges; experts; exception.

(e) Except as otherwise provided in this subsection, the manager may require any appointive officers and any employees to perform duties and services in one (1) or more departments of the city or town. No person shall receive compensation in addition to the salary of his position for the performance of any required duties. The city attorney is not required to perform any service other than legal service. In cities and towns having a population of more than ten thousand (10,000), ~~according to the last federal census,~~ policemen and firemen are not required to perform any service other than that normally considered to be within their departments. Salaries of the members of the police and fire departments shall be established in conformity with the civil service laws of the state and ordinances of the city applicable to those departments.

15-5-102. Establishment of civil service commission or personnel system.

(a) There is established a fire department civil service commission in each incorporated municipality maintaining a paid fire department and having a population of four thousand (4,000) or more, ~~according to the latest United States census.~~

(b) The governing body in each incorporated municipality maintaining a paid police department and having a population of four thousand (4,000) or more ~~according to the latest United States census~~ which has not established a civil service commission may establish a police department personnel system in a manner as the governing body determines.

15-5-106. Commissions; classification of positions; working hours; salaries; exceptions; examinations.

(a) The commissions shall classify the various positions in the departments into classes or schedules based upon the nature of the service to be rendered or duties to be performed. The governing body shall then establish uniform

working hours and wages for all employees in each class or schedule and may regulate the rate of wages and the number of employees in any class or schedule as necessary. Notwithstanding any other general law fixing salaries or granting authority to fix salaries, the minimum salary for full-time policemen and full-time firemen in any city or town having a population of more than four thousand (4,000) ~~as determined by the last federal census~~ is four hundred twenty-five dollars (\$425.00) per month, with an increase of twenty-five dollars (\$25.00) per month for each year of service rendered until a monthly salary of five hundred twenty-five dollars (\$525.00) is reached. Any city or town may pay a salary in excess of five hundred twenty-five dollars (\$525.00) per month. Persons holding positions of higher grade or rank in these departments shall be compensated in accordance with the responsibility of the position held, but shall receive a total salary of not less than six thousand six hundred dollars (\$6,600.00) per year.

15-5-301. Pension fund; establishment; separate accounts.

The governing body of any city or town maintaining a paid police department and having a population of more than four thousand (4,000), ~~in the last federal census~~, after ten (10) days published notice and a public hearing thereon, may establish a policemen pension fund. Any such fund established prior to July 1, 1981 shall be divided into two (2) separate accounts to be known as the existing account and the new account. The existing account shall consist of contributions from police officers employed prior to July 1, 1981 and city or town contributions made in those officers' behalf. The new account shall consist of contributions made from police officers employed after June 30, 1981 and city or town contributions made in those officers' behalf.

15-11-105. Officers in city or town with city manager government; terms; legislative authority; method of selection; alternative method.

(a) The elective officers of a city or town adopting the city manager form of government are councilmen elected as provided by law. There shall be three (3) councilmen in cities and towns having a population of less than four thousand (4,000), seven (7) in those having a population of four thousand (4,000) or more but less than twenty thousand (20,000) and nine (9) in those having a population of twenty thousand (20,000) or more, ~~according to the last preceding United States census~~. The term of office of a councilman is four (4) years and until his successor is qualified. Legislative authority is vested in the council.

18-16-102. Definitions.

(a) As used in this act:

(xi) "Resort area" means an area that:

(B) Has a permanent population of less than five hundred (500) people; ~~according to the latest federal census as periodically updated by the bureau of the census;~~

21-3-111. Powers of boards of trustees.

(b) Not later than January 1, 1998, the board of trustees of each school district that has established trustee residence areas before that date shall:

(ii) Establish by resolution a structure for electing members to the board through trustee residence areas with not less than two (2) members of the board elected at-large from the entire district. If the board establishes trustee residence areas under this paragraph, one (1) or more members shall be elected from each area. The boundaries of the trustee residence areas shall be established so that the total deviation in the population between the areas with the greatest and least population shall not, to the extent practicable, exceed ten percent (10%). Data from the ~~most recent~~ last federal census shall be used in determining population within an area for the purpose of implementing this paragraph. The resolution shall include a process for implementing this change so that all elected trustees may serve their full term but that any vacancy shall be filled so as to implement the change as soon as practicable.

(c) Not later than January 1 of any year in which a general election will be held, the board of trustees of any school district may elect to adopt a resolution under paragraph (b)(i) of this section to have all trustees elected at-large. A board of trustees for a district in which all members are elected at-large may adopt a resolution to establish trustee residence areas under paragraph (b)(ii) of this section only as of January 1 of the first year which follows a decennial federal census and in which a general election will be held.

22-18-111. Vacancies in other offices; temporary appointments.

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. If a vacancy in a four (4) year term of office occurs after the first day for filing an application for nomination pursuant to W.S. 22-5-209, the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. The following apply:

(iii) If a vacancy occurs in the office of a member of the state

legislature:

(D) If the legislative district is in more than one (1) county, the vacancy shall be filled by the combined vote of the boards of county commissioners for those counties. The vote of each county commissioner in attendance shall be weighted so that the total vote of the commissioners from each county shall be in proportion to the population of the legislative district within that county, ~~according to the most recent decennial census.~~ For vacancies created other than by resignation, if the legislative district is in more than one (1) county, the determination of the vacancy shall be made in accordance with this subparagraph.

22-20-205. Determining apportionment of representation at convention.

In the apportionment of representation in the county and state conventions, the last federal census enumeration taken by the United States government is the basis upon which the right to representation in the conventions shall be determined.

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

(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:

(ii) The remainder to the counties and the share allocated to each county shall be based fifty percent (50%) upon the percentage ratio which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) of each county bears to the total rural population of the state ~~according to the last federal census~~ and fifty percent (50%) based upon the percentage ratio which the area of each county bears to the area of the state. Any interest earned on the investment of monies in the fund created by this subsection shall be retained by each county and shall be used for project costs as authorized by this section.

24-7-103. Application of W.S. 24-1-127, 24-7-101 through 24-7-103.

This enactment shall have no application to the usual and necessary diversion of traffic for purposes of road repair or reconstruction, nor shall it apply to any city having a population of more than twenty thousand (20,000), ~~people at the last preceding federal census~~, nor shall the provisions of this act be retroactive from the effective date of this act.

31-13-111. Transmission of return of sale and sale proceeds to county treasurer; payment of expenses and taxes; county abandoned vehicle account; duplicate receipts for proceeds; action for recovery of proceeds.

(b) The sheriff shall transmit to the county treasurer of the county in which the vehicle was impounded by a police officer, with the return of sale, the proceeds of the sale. Upon receipt of the return of sale and proceeds, the county treasurer shall deposit the proceeds in the general funds in the county treasury to the credit of an account to be known as the county abandoned vehicle account. The account is continuously appropriated only for the purpose of this act. When the account totals an amount necessary to carry out the purposes of this act, as set by the board of county commissioners for that county, but not to exceed one dollar (\$1.00) for each resident in the county, according to the ~~most recent decennial~~ last federal census, all revenues thereafter received under this subsection and W.S. 31-3-103(f), together with all interest earned on the account, shall be transferred to the general funds of the county treasurer. Upon receipt of the return of sale disclosing the costs incurred the costs shall be paid from the county abandoned vehicle account to each person or transferred to each governmental entity incurring the expenses. If the expenses exceed the sale proceeds, the allowable expenses prescribed in paragraph (g)(ii) of this section shall be paid.

35-1-304. Treasurer designated; fund to be created; composition and use of fund; preparation and submission of budget; tax levy authorized.

(a) In the case of a county and/or city health department, the county and/or city treasurer, as a part of his official duties as county and/or city treasurer, shall serve as treasurer of the department, and his official bond as county and/or city treasurer shall extend to and cover his duties as treasurer of the department. In the case of a district health department, the county treasurer of the county in the district having the largest population, ~~as determined by the last federal census,~~ as a part of his official duties as county treasurer, shall serve as treasurer of the district department and his official bond as county treasurer shall extend to and cover his duties as treasurer of the department.

(e) A district board of health shall, annually before April 1st of each year, estimate the total cost of maintaining and operating the department for the ensuing fiscal year and the amount of ~~moneys~~ monies that may be available from unexpended surpluses or from state or federal grants or other grants or donations. The estimates shall be submitted in the form of a budget to a committee composed of the chairmen of the boards of county commissioners and/or city governing body of all counties and/or cities comprising the district. The cost of maintaining and operating the department, over estimated ~~moneys~~ monies from surpluses, grants

or donations, shall be apportioned by the committee among the counties comprising the district on a basis of population, ~~as determined by the last federal census~~, of each participating county in proportion to the total population of all counties comprising the district. The boards of county commissioners of the respective counties shall provide any ~~moneys~~ monies necessary to cover the proportionate share of their county. If the cities in the district have chosen to have a biennial budget pursuant to W.S. 16-4-104(h), then the district board of health shall submit their budget to the cities on April 1 of every other year in accordance with the cities' budget. If all the cities in the district are not on the same budget schedule, the district shall still submit a biennial budget. However, for those cities who budget annually, they shall appropriate an annual amount.

35-11-521. Grants for municipal solid waste landfill monitoring.

(c) Grants for eligible costs under subsection (b) of this section may be awarded:

(ii) For up to seventy-five percent (75%) of eligible costs for applicants meeting the following criteria:

(A) Municipalities with a population of less than one thousand three hundred (1,300) ~~according to the latest federal decennial census~~ or which are located within a county where the three (3) year average of the total local government share of state sales and use tax per capita is less than seventy percent (70%) of the statewide per capita average; or

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:

(v) To counties, seventy-eight hundredths percent (0.78%), subject to the following formula:

(A) Fifty percent (50%) of the funds distributed under this paragraph shall be distributed to the counties in the same proportion that the population of the county bears to the population of the state; ~~as determined by the most recent decennial census~~; and

(vi) To counties, three and one-tenth percent (3.1%), each county to receive an amount in the proportion which the population of the county bears to total state population; ~~population to be determined by resort to the latest federal census as periodically updated by the bureau of the census~~;

(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:

(A) One-third (1/3) shall be distributed to each county in the ratio that the population of the county bears to total state population; ~~based on the most recent decennial federal census;~~

(viii) To cities and towns, nine and twenty-five hundredths percent (9.25%), each city or town to receive an amount in the proportion which the population of the city or town bears to the population of all cities and towns in Wyoming; ~~population to be determined by resort to the latest federal census as periodically updated by the bureau of the census;~~

39-15-111. Distribution.

(h) If an annexation occurs under W.S. 15-1-404, the department of revenue shall determine whether the proportion of sales taxes to be distributed to the general fund of the county in which the annexation takes place will be reduced by more than five percent (5%) solely as a result of the annexation. If so, then the distribution formula for sales taxes for the affected municipality and county is subject to the following:

(iii) The department of revenue shall proportionally adjust credits for population under paragraphs (i) and (ii) of this subsection for the remainder of the period based upon new population figures if a federal decennial census occurs before the period under paragraph (ii) of this subsection ends.

39-17-111. Distribution.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(i) Thirteen and one-half percent (13.5%) shall be distributed monthly to county treasurers. Each county treasurer shall credit such revenues to the county road fund for the improvement and maintenance of county roads. The distribution to each county shall be based on:

(B) One-third (1/3) in the ratio in which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state; ~~according to the last federal census;~~

(ii) Fourteen percent (14%) shall be credited by the state treasurer to the counties' road construction account in the highway fund for distribution by the department to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution

required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars (\$31,250.00), whichever is less shall be first distributed to the highway fund. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state ~~according to the last federal census~~ and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

(iii) Fifteen percent (15%) shall be distributed as follows:

(B) The remainder to be distributed monthly to incorporated cities and towns to be used in their street and alley programs as follows:

(II) Twenty-five percent (25%) in the ratio which the population of each city or town bears to the total population of all cities and towns, ~~according to the last federal census.~~

39-17-211. Distribution.

(d) The state treasurer shall:

(ii) Distribute monthly the remainder as follows:

(A) Twenty percent (20%) shall be distributed to county treasurers. Each county treasurer shall credit the revenues to the county road fund for the improvement and maintenance of county roads. The distribution shall be based on:

(II) One-third (1/3) in the ratio in which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state; ~~according to the last federal census;~~

Section 2. W.S. 9-2-1014.1(g)(ii), 24-2-110(e), 39-15-101(a)(iii), 39-17-111(e) and 39-17-201(a)(xvii) are repealed.

Section 3.

(a) No authority to issue any license based upon population shall be diminished by application of this act until the 2010 federal decennial census has been conducted and officially released by the bureau of census.

(b) No distribution of funding shall be diminished or increased based upon application of this act until the 2010 federal decennial census has been conducted and officially released by the bureau of census. To the extent any entity's share of funding would be reduced or increased by application of this act before that time, the distribution of funds shall be administered in accordance with the provisions of law prior to the amendment or repeal of such law by this act.

Section 4. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 171

CONSTITUENT SERVICE ALLOWANCE

Original House Bill No. 160

AN ACT relating to the legislature; authorizing payment of unexpended constituent service allowances in subsequent quarters; limiting annual amount of the allowance; and providing for an effective date.

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

Section 1. W.S. 28-5-106(a), (b)(ii), (iii) and by creating a new paragraph (iv) is amended to read:

28-5-106. Constituent service allowance.

(a) There is created a constituent service allowance account. All interest earned on funds within this account shall be deposited in the account. Until January 7, 2013, the legislative service office shall oversee and provide reimbursement from the account as provided in paragraphs (b)(i) and (iii) of this section. After January 7, 2013, the legislative service office shall oversee and provide payment from the account as provided in paragraph (b)(iv) of this section.

(b) Each member of the legislature is entitled to receive a constituent service allowance as provided under this section. This allowance is intended to defray expenses incurred by each member in providing service to and on behalf of their constituents, which services are in addition to attending sessions of the legislature, attending meetings of interim committees and engaging in authorized interim work for which salary, per diem and mileage is authorized by law. The allowance is subject to the following:

(ii) The allowance shall be seven hundred fifty dollars (\$750.00)

per calendar quarter or fractional portion thereof that the member is in office. To the extent a member's entire quarterly amount is not paid in any quarter the member may claim previously unused amounts in subsequent quarters so long as the total amount paid the member in any calendar year does not exceed three thousand dollars (\$3,000.00). This annual amount shall otherwise be subject to the same conditions and restrictions as the quarterly allowance;

(iii) Claim forms shall be submitted to the legislative service office not later than the last day of the month following the calendar quarter for which the allowance under this section is being claimed;:-

(iv) The allowance shall be paid quarterly from the constituent service allowance account to all incumbent legislators. To the extent funds appropriated for purposes of this section are not sufficient to pay the full quarterly allowance to all members, payment shall be made on a proportional basis.

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 11, 2009.

Chapter 172

ARCHAIC PRICE REGULATION REPEAL

Original Senate File No. 112

AN ACT relating to trade and commerce; amending price regulation provisions as specified; repealing duplicative and archaic provisions; and providing for an effective date.

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

Section 1. W.S. 40-4-101(a)(intro), (i), (b), (c)(iii), by creating new paragraphs (v) through (vii) and by creating a new subsection (d), 40-4-107(b), 40-4-110(a)(intro), (iv), by creating a new paragraph (v) through (vii) and (c) and 40-4-114(b) are amended to read:

40-4-101. What constitutes unfair discrimination; penalty; exceptions.

(a) Any person, firm, ~~or~~ corporation, foreign or domestic, or other entity doing business in the state of Wyoming and engaged in the production, manufacture, sale or distribution of any commodity in general use, shall not:

(i) Make, enter into, form or become a party to any plan, contract, agreement, consolidation, merger or combination of any kind whatsoever to prevent competition or to control or influence production or prices thereof; or

(b) Any person, firm, ~~or corporation~~ or other entity violating subsection (a) of this section is guilty of unfair discrimination and any agreement, contract, whether express or implied, or any provision of an agreement or contract violating subsection (a) of this section is illegal and void to the extent it violates subsection (a) of this section.

(c) This chapter shall not:

(iii) Prevent the sale of goods at ~~proper~~ commercial discounts customary in the sale of ~~such particular~~ the goods;

(v) Prohibit the development, agreement on and use of standards designed to permit or encourage competition or interoperability among products or services, provided the standards do not include provisions fixing or colluding on the prices or colluding to prevent competition by limiting the availability of the products or services; or

(vi) Prohibit any person, firm, corporation or other entity from entering into any agreement or contract with a customer which specifies the price charged, or the services furnished, to the customer, or which gives discounts or additional services to the customer for purchasing specified volumes or multiple products of the same or similar product or service;

(vii) Prohibit any person, firm, corporation or other entity from offering a customer loyalty program.

(d) As used in this chapter "this act" means W.S. 40-4-101 through 40-4-105, 40-4-107, 40-4-109, 40-4-110 and 40-4-114.

40-4-107. Sale at less than cost prohibited; cost defined.

(b) The term cost as applied to production or manufacturing is hereby defined as including the cost of raw materials; and labor and all overhead expense of the producer; and as applied to distribution cost shall mean the invoice or replacement cost, whichever is lower, of the article or product to the distributor and vendor plus the cost of doing business any freight charges, all applicable federal, state and local taxes and any charges imposed by federal, state or local government that are not taxes that are paid by said the distributor and vendor and are not included in the invoice cost.

40-4-110. Persons, agreements and transactions exempted from W.S. 40-4-107 and 40-4-109.

(a) The provisions of W.S. 40-4-107, ~~40-4-108,~~ and 40-4-109 shall not

apply to any sale made:

(iv) In an endeavor made in good faith to meet the ~~legal~~ prices of a competitor as ~~herein defined~~ selling the same or similar article or product in the same locality or trade area;

(v) When the goods are sold for promotional purposes at a special sale of limited duration including but not limited to a grand opening sale, an annual anniversary sale, an annual customer appreciation sale or a community, neighborhood or mall wide sale;

(vi) In a sale of limited duration to reduce inventory, dispose of slow selling items or dispose of items replaced or to be replaced by new models;

(vii) Of any products in a class of products where the prices are identical for the same volume throughout the class provided the total revenues from all the sales of products of that class by the vendor exceed the costs as defined in W.S. 40-4-107. For pharmaceuticals, for the purposes of this subsection, prices are identical if they are identical for a supply for a defined period of time even though the physical quantities of pharmaceuticals may be different.

(c) ~~W.S. 40-4-106~~ 40-4-107 through ~~40-4-116~~ 40-4-110 shall not apply to any person entering into a cooperative arrangement for antitrust exceptions approved pursuant to W.S. 35-24-101 through 35-24-116.

40-4-114. Enjoining violations; recovery of damages.

~~(b) Any injured person, firm, private corporation or trade association may maintain an action against the alleged violator of W.S. 40-4-101(a)(i) to recover three (3) times the actual damages sustained, together with costs, where there is a reasonably foreseeable physical and economic causal nexus between the injury and the violation for violation of this act against the alleged violator to recover the actual damages sustained by the injured person together with reasonable attorneys fees and costs.~~

Section 2. W.S. 40-4-101(a)(ii), (iii), (c)(i) and (ii), 40-4-106, 40-4-107(c), 40-4-108, 40-4-111 through 40-4-113, 40-4-114(c) through (g) and 40-4-115 through 40-4-121 are repealed.

Section 3. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 173**ANIMAL CONTROL**

Original Senate File No. 114

AN ACT relating to animal control; extending provisions for dogs running at large to all animals; modifying requirements for offenses of animals running at large; modifying the quarantine term; extending the county dog license fee to all animals; providing an exception; providing a limitation on liability; and providing for an effective date.

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

Section 1. W.S. 11-31-301(e), (h) and by creating a new subsection (m) is amended to read:

11-31-301. Public nuisance; notice; penalties; rules and regulations; animal control districts and officers.

(e) Any dog-animal attacking any person in a vicious manner or that bites any person may be impounded by the county sheriff or animal control officer and held in quarantine for at least fifteen (15) ten (10) days and not more than twenty (20) days or as long as necessary as determined by the Wyoming state health officer after the attack to determine whether the dog-animal has any disease which may be communicated to humans,; except that no dog shall be quarantined Home quarantine may be allowed as determined by the animal control officer or the county sheriff if the dog's animal's owner or custodian presents a valid rabies vaccination certificate showing the dog-animal has been vaccinated against rabies by a licensed veterinarian. The costs of impoundment, quarantine and testing shall be paid by the owner or custodian of the dog-animal. Any dog-animal which attacks any person in a vicious manner may be destroyed or the owner or custodian of the dog-animal may be fined not more than two hundred dollars (\$200.00), or both. Proof of the fact that the dog-animal has bitten or attacked any person at any place where a person is legally entitled to be is evidence that the dog-animal is vicious within the meaning of this section. A copy of any animal control officer report regarding the animal bite shall be submitted to the state health officer.

(h) A board of county commissioners may require an annual county license or tag for dogs-animals within their jurisdiction upon payment of a fee of not more than five dollars (\$5.00) ten dollars (\$10.00). Funds collected pursuant to this subsection may be used for dog-animal control or for the maintenance of dog-animal control centers for either purpose.

(m) Except as provided in subsection (e) of this section regarding impounding an animal to determine disease status, nothing in this section shall apply to any livestock guarding animal which is actively engaged in protecting livestock. Except in the case of gross or willful negligence, no liability shall accrue to the owner, or his agent, of any livestock guarding animal for any injury to any person or animal received from any livestock

guarding animal which was actively engaged in protecting livestock. As used in this subsection, "animal" means as defined in W.S. 11-29-101(a)(i).

Section 2. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 174

CAMPAIGN FINANCE REPORTING-ELECTION PERIODS

Original Senate File No. 94

AN ACT relating to campaign finance; limiting contributions during each election; specifying when contributions may be accepted; and providing for an effective date.

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

Section 1. W.S. 22-25-102(c), (e) and by creating a new subsection (j) is amended to read:

22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.

(c) Except as otherwise provided in this section, no individual other than the candidate, or the candidate's immediate family shall contribute directly or indirectly; ~~more than one thousand dollars (\$1,000.00) per election during the two (2) year period consisting of a general election year and the preceding calendar year~~

(i) ~~To any candidate for political office, or to any candidate's campaign committee; nor make more than twenty-five thousand dollars (\$25,000.00)~~

~~(A) More than one thousand dollars (\$1,000.00) per election; and~~

~~(B) No contribution for the general election may be given prior to the date for the primary election.~~

~~(ii) Total political contributions During the same two (2) year period. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds for any two (2) year period consisting of a general election year and the preceding calendar year, of more than twenty-five thousand dollars~~

(\$25,000.00).

(e) Any corporation, person or organization violating the provisions of subsection (a), (b), ~~or (c)~~ or (j) of this section is subject to a civil penalty up to ten thousand dollars (\$10,000.00) and costs including a reasonable attorney's fee. The amount of penalty imposed shall be in such amount as will deter future actions of a similar nature. An action to impose the civil penalty may be prosecuted by and in the name of any candidate adversely affected by the transgression, any political party, any county attorney, any district attorney or the attorney general. Proceeds of the penalty collected shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

(j) For purposes of subsection (c) of this section the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate subsection (c) of this section. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. Subsection (c) of this section does not limit political contributions by political parties, nor expenditures by a candidate from his own funds nor from his candidate's campaign committee funds.

Section 2. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 175

SUBDIVISIONS LOCATED WITHIN IRRIGATION DISTRICTS

Original Senate File No. 21

AN ACT relating to subdivisions; providing for subdivision of lands within an irrigation district; requiring information on the location of irrigation easements and works; requiring a plan to reduce additional burdens or risks of liability created by a subdivision; and providing for an effective date.

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

Section 1. W.S. 18-5-306(a)(xi)(D) and by creating new subparagraphs (F) and (G) is amended to read:

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xi) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision-the subdivider shall provide:

(D) If the subdivision is located ~~within an irrigation district or~~ within lands, served by or crossed by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted, at least sixty (60) days prior to the submittal of the application for the subdivision permit to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; ~~and~~

(F) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the application shall include a review and recommendations from the irrigation district regarding the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the applicant shall certify that it has met with and made a good faith effort to resolve any conflicts with the irrigation district;

(G) If the subdivision will create a significant additional burden or risk of liability to the irrigation district, company, association or remaining appropriators including appropriators on an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability.

Section 2. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 176

PROPERTY TAX-DEFERRAL PROGRAM

Original Senate File No. 53

AN ACT relating to taxation and revenue; providing requirements for qualification for the deferral of property tax collection as specified; repealing old provision; and providing for an effective date.

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

Section 1. W.S. 39-13-107(b)(iii)(M) and (N) is amended to read:

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:

(M) As used in this paragraph, "limited income" means not to exceed a maximum gross monthly household income at or below ~~one hundred fifty percent (150%)~~ two hundred fifty percent (250%) of the federal poverty level for a household of four (4) as adjusted annually by the comparative cost-of-living index for the respective county as determined by the division of economic analysis, department of administration and information;

(N) An owner is qualified under this subparagraph for his primary residence if:

(I) The owner's affidavit adequately demonstrates limited income as defined in subparagraph (M) of this paragraph;

(II) The owner is a person over the age of sixty-two (62) years; ~~or~~

~~(III)~~ The owner is a ~~handicapped person~~ with a disability as determined by the social security administration; or

~~(HH)~~(IV) The owner purchased the property at least ten (10) years prior to the beginning of the tax year for which he is applying for deferral of taxes.

Section 2. W.S. 39-13-107(b)(iii)(O) 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 11, 2009.

Chapter 177

NATIONAL GUARD HEALTH CARE PROVIDER RETENTION PROGRAM

Original House Bill No. 46

AN ACT relating to the national guard; creating the Wyoming national guard health care provider retention program; providing a malpractice insurance premium reimbursement for national guard health care providers as specified; providing restrictions; providing conditions for repayment of assistance received; granting rulemaking authority; providing definitions; providing a sunset date; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 19-9-701 through 19-9-705 are created to read:

ARTICLE 7
HEALTH CARE PROVIDER RETENTION PROGRAM

19-9-701. National guard health care provider retention program; administration of program.

(a) The Wyoming national guard health care provider retention program is created to provide assistance to qualified health care providers actively serving in the Wyoming national guard for the reimbursement of medical malpractice insurance premiums.

(b) The program shall be administered by the adjutant general in accordance with the provisions of this article. The adjutant general shall promulgate rules for the administration of the program.

19-9-702. Definitions.

(a) As used in this article:

(i) "Program" means the national guard health care provider retention program; and

(ii) "Qualified health care provider" means an individual as defined in W.S. 27-14-102(a)(x), licensed pursuant to title 33, who is currently an officer in good standing in the Wyoming national guard or is currently fulfilling the requirements to become an officer in the Wyoming national guard.

19-9-703. Requirements for malpractice insurance premium reimbursements.

(a) Subject to legislative appropriation and in accordance with the provisions of this article, the adjutant general or his designee may authorize a one (1) time reimbursement of medical, dental and optometric malpractice insurance premiums for qualified health care providers. The maximum malpractice insurance premium reimbursement under the program shall be:

(i) For a qualified health care provider who enters into a two (2) year service contract, fifty percent (50%) of the total cost of malpractice insurance premiums paid by the qualified health care provider during the most recent calendar year in the term of the initial service contract required under paragraph (b)(iii) of this section, not to exceed fifteen thousand dollars (\$15,000.00), which shall be paid directly to the malpractice insurer and applied toward the health care provider's malpractice insurance at the execution of the service contract;

(ii) For a qualified health care provider who enters into a four (4) year service contract, one hundred percent (100%) of the total cost of malpractice insurance premiums paid by the qualified health care provider during the most recent calendar year in the term of the initial service contract required under paragraph (b)(iii) of this section, not to exceed thirty thousand dollars (\$30,000.00), which shall be paid directly to the malpractice insurer and applied toward the health care provider's malpractice insurance at the execution of the service contract.

(b) To be eligible to participate in the program the qualified health care provider shall:

(i) Be a resident of the state of Wyoming;

(ii) Be a qualified health care provider as defined in W.S. 19-9-702(a)(ii); and

(iii) Sign a new service contract after July 1, 2009 in which the qualified health care provider agrees to serve in the Wyoming national guard as a health care provider for the time period specified in paragraph (a)(i) or (ii) of this section after first receiving reimbursement benefits under the program.

(c) Any individual receiving benefits under this section who fails to meet the requirements of this section or otherwise ceases to be a qualified health care provider as defined in W.S. 19-9-702(a)(ii) shall repay all medical malpractice insurance premium reimbursements received under the program.

(d) The adjutant general may promulgate rules waiving or suspending repayment otherwise required under subsection (c) of this section. The adjutant general shall immediately transmit all repayments of benefits under the plan to the state treasurer for deposit in the state general fund.

19-9-704. National guard health care provider retention fund; creation; source of funds.

There is created the national guard health care provider retention account. The account shall be administered by the adjutant general and shall consist of monies appropriated or designated to the account by law. All monies in the account not immediately necessary for the purposes of this article, which amount is certified by the adjutant general to the state treasurer, shall be invested and any interest earned shall be credited to the account. All funds in the account are appropriated to the adjutant general to be used for the purposes authorized under this article. All monies in the account that are not expended, encumbered or obligated shall revert to the general fund in accordance with the provisions of W.S. 19-9-705 on June 30, 2013.

19-9-705. Sunset.

W.S. 19-9-701 through 19-9-704 are repealed effective June 30, 2013.

Section 2. There is appropriated one hundred fifty-four thousand dollars (\$154,000.00) from the general fund to the health care provider retention account created by W.S. 19-9-704. This appropriation shall be expended only for the purposes described in W.S. 19-9-701 through 19-9-704.

Section 3. All monies appropriated for purposes of this article shall not lapse until the program is terminated as provided by W.S. 19-9-705.

Section 4. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 178

STATE EMPLOYEES RETIREMENT-MILITARY CREDIT

Original House Bill No. 162

AN ACT relating to state employee retirement; providing an appropriation for payment of retirement credits for state employees' while serving in the United States military, as specified; providing a sunset date; and providing for an effective date.

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

Section 1. W.S. 9-3-417(c) is amended to read:

9-3-417. Determination of eligibility for retirement; board to determine equivalent of years of service; credit for military service.

(c) Credit shall be allowed for any period of time which a member spends in active military or other emergency service of the United States in accordance with rules adopted by the board pursuant to the Veterans' Reemployment Rights Act (38 U.S.C. 4321, et seq. P.L. 93-508). ~~Subject to amounts made available by legislative appropriation and~~ In accordance with rule and regulation of the board, until June 30, 2018 up to two (2) years of credit allowed under this subsection may be provided at no cost to the member. After June 30, 2010, each state agency, department or institution, including the University of Wyoming and the community colleges shall estimate the amount required for provision of credits under this subsection for the next biennium and shall include the estimate in the agency's biennial budget request. Provision for payment of employer's contributions under this subsection shall be as provided in W.S. 9-3-414.

Section 2. Two hundred fifty thousand dollars (\$250,000.00), or as much thereof as may be necessary, is appropriated from the general fund to the Wyoming retirement board for fiscal years 2009 and 2010 to fund military service retirement credits for retirement system members pursuant to W.S. 9-3-417(c).

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 11, 2009.

Chapter 179

VETERAN'S LICENSE PLATES

Original House Bill No. 211

AN ACT relating to motor vehicles; providing for special license plates for veterans; providing for a fee and disposition and use of the fee; and providing for an effective date.

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

Section 1. W.S. 31-2-217(a), (b), (d) and (e) by creating a new paragraph (iv) and by creating a new subsection (j) is amended to read:

31-2-217. Special plates; Pearl Harbor survivors; national guard members; armed forces veterans; purple heart recipients.

(a) The county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned by a survivor of Pearl Harbor, ~~or by a member of the Wyoming army or air national guard;~~ a purple heart recipient or honorably discharged veteran of the United States armed forces in accordance with this section for the year 1990 and thereafter. For the year 1993 and thereafter, the county treasurer shall issue one (1) set of special license plates to each applicant for either a passenger car, truck, motorcycle, handicapped motorcycle or motor home owned by a purple heart recipient. These license plates shall be displayed upon the vehicle for which they are issued.

(b) Application for license plates under subsection (a) of this section shall be annually made to the county treasurer as provided by W.S. 31-2-201. Application forms shall be available at all county treasurer's offices. The registration fees prescribed by W.S. 31-3-101 shall accompany each application, except as provided in subsection (j), no additional fee shall be charged for the license plates provided by this section.

(d) The special license plates shall be the same color as regular motor vehicle license plates, but shall bear a distinctive symbol or letters identifying the registrant as a survivor of Pearl Harbor, a member of the Wyoming army or air national guard, ~~or~~ a purple heart recipient or as a veteran of the United States armed forces. The armed forces license plate shall specify the branch of service in which the applicant served, or is serving. The department shall prescribe the symbol or letters which need not include arabic numerals designating the county. The symbol or letters for a survivor of Pearl Harbor license plate shall be different from the symbol or letters for a national guard member, and for the armed forces license plate as well as a purple heart recipient license plate.

(e) Any person who is a Wyoming resident at the time of application may apply under this section for:

(iv) An armed forces license plate by presenting documentation that he is an honorably discharged veteran of the United States armed forces.

(j) Each applicant for an armed forces special license plate shall submit a fee of fifty dollars (\$50.00) upon which the Wyoming veteran's commission shall issue a written statement establishing the applicant's eligibility to receive an armed forces license plate from the county treasurer. The fee shall be deposited into the highway fund.

Section 2. This act is effective January 1, 2010.

Approved March 11, 2009.

Chapter 180

STATE PARKS MATCHING ACCOUNT

Original House Bill No. 130

AN ACT relating to state parks and cultural resources; providing an appropriation to match private donations as specified; and providing for an effective date.

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

Section 1. There is appropriated nine hundred thousand dollars (\$900,000.00) from the general fund to the department of state parks and cultural resources which shall only be used to match dollar for dollar any private donations received by the department for the construction of a visitor's center at Curt Gowdy state park. 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, 2013.

This appropriation shall not be included in the department's 2011-2012 standard biennial budget request.

Section 2. This act is effective July 1, 2009.

Approved March 11, 2009.

Chapter 181

BOARD OF DENTAL EXAMINERS-REVISIONS

Original House Bill No. 177

AN ACT relating to the board of dental examiners; providing for compensation for travel time; providing for signing of vouchers by a designee; specifying examinations required of dentists; repealing limitation on timing of application after failure of an examination; providing grace period for renewal of dental licenses; providing for passage of an examination for dental hygienist licensees; providing applicability; and providing for an effective date.

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

Section 1. W.S. 33-15-104, 33-15-105(a), 33-15-108(a) and (h), 33-15-109(a) and 33-15-120(a) are amended to read:

33-15-104. Board of dental examiners; indebtedness; compensation.

The board shall not create any indebtedness on behalf of the state of Wyoming, except as provided in this section. Out of the funds assessed by the board, each of the members of the board shall receive compensation for each day or part of a day in which they are engaged in performance of their official duties, including necessary travel, at the same rate as state legislators and shall be reimbursed for actual and necessary expenses, and mileage incurred in the performance of their official duties. The secretary of the board shall receive compensation for his services.

33-15-105. Disposition of monies received and collected under provisions of chapter; report.

(a) All monies shall be received and collected as provided by law. The state treasurer shall place the money in a separate account, which shall only be paid out upon an authorized voucher duly verified by the board president and signed by the president and either the secretary of the board, or his designee, showing that the expenditure is a necessary expense and has been actually and properly incurred by the board. Upon presentation of the voucher, the auditor shall draw the warrant upon the treasurer but no warrant shall be drawn unless and until there are sufficient monies in the account to pay same and the expenses of the board shall not be charged upon any other state fund or account. Any money on hand at the

dissolution of the board or the repeal of this act shall be paid to the credit of the common school permanent land fund account.

33-15-108. Licensing; qualifications; examinations; fees.

(a) Any person of good moral character, who has graduated and attained the degree of doctor of dental surgery or doctor of dental medicine from a college or university in the United States or Canada accredited by the commission on dental accreditation of the American Dental Association, may apply to the board to have the applicant's qualifications considered for licensure to practice dentistry. The applicant shall pass a written and practical examination in a manner satisfactory to the board. The written examination shall consist of part I and part II of the national board of dental examinations administered by the joint commission on national dental examinations of the American Dental Association and an examination on the Wyoming Dental Practice Act and the rules and regulations of the board of dental examiners. The clinical practical examination shall be based on satisfactory completion of a clinical examination acceptable to the board.

(h) The board may make and prescribe rules and regulations for the licensure and practice of dentistry in the state of Wyoming, not inconsistent with this act. For purposes of this subsection, "practice of dentistry" includes the work of dental hygienists, dental auxiliaries, dental technicians and dental laboratories.

33-15-109. Renewal license certificate.

(a) On or before December 31 each year, each dentist licensed to practice dentistry in this state and wishing to continue in the practice of dentistry shall submit a license renewal application with the applicable renewal fee. Any license granted by the board shall be cancelled after ten (10) days notice by registered mail if the holder fails to secure the renewal certificate within three (3) months after December 31 each year.

33-15-120. Dental hygienists; qualifications; examination; fees and license.

(a) Any person of good moral character who is a graduate of a dental hygiene program accredited by the commission on dental accreditation of the American Dental Association, who has ~~completed~~ passed in a manner satisfactory to the board the dental hygiene national board examination administered by the joint commission on national dental examinations of the American Dental Association and who ~~has completed~~ passes any clinical board accepted by the board may apply to the board to have the person's qualifications considered for licensure to practice dental hygiene. Applicants shall be required to pass a written examination satisfactory to the board.

Section 2. W.S. 33-15-108(d) is repealed.

Section 3. W.S. 33-15-109(a) as amended by this act shall apply to license renewal applications due on or before December 31, 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 11, 2009.

Chapter 182

PUBLIC TRANSIT ACCOUNT FUNDING

Original House Bill No. 180

AN ACT relating to public transit funding; providing an appropriation; specifying uses for the appropriation; providing for distribution of funds; requiring rules and regulations; and providing for an effective date.

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

Section 1.

(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the department of transportation. The funds appropriated under this act shall be deposited in a separate account within the public transit account created by W.S. 24-15-102.

(b) The funds appropriated under this act and any interest earned therefrom shall be distributed to eligible grantees under the public transit program created by W.S. 24-15-101, pursuant to rules promulgated by the department of transportation. The department of transportation shall promulgate rules and regulations specifying that funds within the separate account shall be used only for operational expenses and bus purchases.

(c) For the fiscal year beginning July 1, 2009, not more than one million five hundred thousand dollars (\$1,500,000.00) may be distributed from the separate account created by this act.

(d) The funds distributed by the department of transportation from the separate account created by this act shall be in addition to any funds distributed under W.S. 24-15-102 and shall not be considered funds distributed under W.S. 24-15-102.

(e) The appropriation made under this act shall be a one (1) time appropriation and shall not be considered part of the department of transportation's standard 2011-2012 biennium budget.

(f) Notwithstanding any other provision of law, the appropriation made under this act 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 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 183

COMMERCIAL MOTOR VEHICLES-DEFINITIONS

Original House Bill No. 267

AN ACT relating to commercial motor vehicles; amending definitions to comply with federal definitions; repealing exemptions from commercial vehicle requirements; and providing for an effective date.

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

Section 1. W.S. 31-18-101(a)(iii) by creating new subparagraphs (D), (E), (ix), (x)(intro), (A), (D), by creating a new subparagraph (F) and by creating new paragraphs (xxi) and (xxii), 31-18-103(a)(iv), (v), (vi) and (ix) and 31-18-201(a) by creating a new paragraph (vii) are amended to read:

31-18-101. Definitions.

(a) As used in this act:

(iii) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(D) With respect to interstate operation:

(I) Any vehicle engaged in transporting of persons or property, having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of ten thousand one (10,001) pounds or more;

(II) Any vehicle transporting eight (8) or more passengers, including the driver, for compensation;

(III) Any vehicle transporting sixteen (16) or more passengers, including the driver, without compensation;

(IV) Any vehicle requiring a hazardous materials placard; or

(V) Any power unit having three (3) or more axles regardless of weight.

(E) With respect to intrastate operation:

(I) Any vehicle engaged in transporting of persons or property, having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of twenty-six thousand one (26,001) pounds or more;

(II) Any vehicle transporting eight (8) or more passengers, including the driver, for compensation;

(III) Any vehicle transporting sixteen (16) or more passengers, including the driver, without compensation;

(IV) Any vehicle requiring a hazardous materials placard;

(V) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(VI) A power unit having three (3) or more axles regardless of weight; or

(VII) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

(ix) "Highway" means any road, ~~thoroughfare~~ street or public way, whether on public or private property, open to public travel of any kind in Wyoming. For purposes of this paragraph, "open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars and open to the general public for use without restrictive gates, prohibitive signs or regulation other than restriction based on size, weight or class of registration. Toll plazas of public toll roads are not considered restrictive gates;

(x) "Motor carrier" or "carrier" means a contract, ~~or private or interstate~~ commercial vehicle operating on state-highways as hereafter defined:

(A) "Contract motor carrier" means any person engaged in the intrastate or interstate transportation of persons or property by motor vehicle on state-highways for compensation;

(D) "Private motor carrier" means any person engaged in business and operating a vehicle which has a gross vehicle weight, gross vehicle

weight rating, gross combination weight or gross combination weight rating exceeding twenty-six thousand (26,000) pounds operating intrastate or has a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating exceeding ten thousand (10,000) pounds operating interstate who, without compensation, transports intrastate-over state-highways his employees or property of which the person is the owner, lessee or bailee, used in the furtherance of any commercial enterprise including transporting placardable amounts of hazardous materials or operating a vehicle designed to transport sixteen (16) or more passengers, including the driver. As used in this paragraph "commercial enterprise" means activities of those persons engaged in the exchange, purchase or selling of commodities or rendering a service in related financial transactions;

(F) "Interstate motor carrier" means any person engaged in the transportation of person or property by motor vehicle from one (1) state to another for compensation, including locations outside of the United States.

(xxi) "Gross combination weight rating" means as defined in W.S. 31-7-102(a)(xxi);

(xxii) "Gross vehicle weight rating" means as defined in W.S. 31-7-102(a)(xxii).

31-18-103. Exemptions.

(a) The provisions contained in W.S. 31-18-104, 31-18-209, 31-18-301 and 31-18-304 do not apply to:

(iv) Intrastate transportation on his own motor vehicle or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch;

(v) The exchange of intrastate transportation in their own motor vehicles, or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by farmers or ranchers, or the employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;

(vi) The exclusive noncommercial transportation of children to and from school;

(ix) ~~Motor carriers~~ Noncommercial vehicles engaged in the exclusive transportation of the United States mail;

31-18-201. Commercial vehicles; registration; exemptions.

(a) As used in this article:

(vii) “Commercial vehicle” means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(A) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(B) A power unit having three (3) or more axles regardless of weight;
or

(C) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

Section 2. W.S. 31-18-101(a)(iii)(A) through (C), 31-18-103(a)(i) through (iii) and (xi), 31-18-303(d) and 31-18-304(c)(i) and (ii) are repealed.

Section 3. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 184

MORTGAGE LOAN ORIGINATORS

Original House Bill No. 169

AN ACT relating to mortgage loan originators; modifying the Wyoming Residential Mortgage Practices Act; modifying the Uniform Consumer Credit Code; amending and providing new definitions; providing exceptions for licenses; providing for surety bonds; providing for confidentiality; providing coordination with and disclaimer to a national registry system; providing for enforcement; requiring reports; providing for loan origination licensing and registration; authorizing rulemaking; providing for processing applications; providing for prelicensing education; providing for continuing education; requiring testing; providing for license renewal; requiring fees; making conforming amendments; repealing a license exemption; and providing for an effective date.

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

Section 1. W.S. 40-14-637 through 40-14-649 and 40-23-124 through 40-23-133 are created to read:

40-14-637. Surety bonds.

(a) Any organization employing or contracting with a mortgage loan originator shall maintain a surety bond to the state of Wyoming in

accordance with this section. The surety bond shall be used to cover individual mortgage loan originators employed by or under contract with the organization. The amount of the bond shall be established by rule of the administrator based upon the volume of residential mortgage loan activity transacted by the organization under this act.

(b) The surety bond shall be a continuing obligation of the issuing surety. The surety's liability under the bond for any claims made under the bond either individually or in the aggregate shall in no event exceed the face amount of the bond issued. The bond shall be issued by a surety authorized to do business in the state of Wyoming. The bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, shall be placed on file with the administrator.

(c) In the event an organization or mortgage loan originator employed by or under contract with an organization has violated any of the provisions of this act or a rule or order lawfully made pursuant to this act pertaining to a residential mortgage loan transaction, 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.

(d) Surety bonds shall remain effective continuously until released in writing by the administrator. If a bond has not been previously released by the administrator, the bond shall expire two (2) years after the date of the surrender, revocation or expiration of the license.

40-14-638. Mortgage call reports.

Each organization employing or contracting with a mortgage loan originator shall submit to the registry reports of condition, which shall be in such form and shall contain such information as required by the registry.

40-14-639. Report to the registry.

The administrator shall regularly report violations of this act relating to transactions conducted by mortgage loan originators, as well as enforcement actions and other relevant information, to the registry subject to the provisions contained in W.S. 40-14-636. The administrator shall establish by rule a process where a mortgage loan originator may challenge information entered into the registry by the administrator.

Part 4. Mortgage Loan Originator Licensing

40-14-640. Additional definitions.

(a) As used in this part:

(i) "Channeling agent" means the third party licensing system that gathers the application information and distributes it to Wyoming for review for the approval or denial decision;

(ii) "Clerical or support duties" means:

(A) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(B) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms;

(iii) "Depository institution" means an organization as defined in 12 U.S.C. 1813 of the Federal Deposit Insurance Act and includes any credit union;

(iv) "Dwelling" means a residential structure that contains one (1) to four (4) units, whether or not that structure is attached to real property. "Dwelling", if it is used as a residence, includes an individual condominium unit, cooperative unit, mobile home and trailer;

(v) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration or the federal deposit insurance corporation;

(vi) "Immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, stepsibling and any adoptive relationship included in this paragraph;

(vii) "Individual" means a natural person;

(viii) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of an organization employing or contracting with a mortgage loan originator, or an exempt person under W.S. 40-14-121;

(ix) "Mortgage loan originator":

(A) Means an individual who for compensation or gain or in the expectation of compensation or gain:

(I) Takes a residential mortgage loan application; or

(II) Offers or negotiates the terms of a residential mortgage loan.

(B) Shall not include any individual engaged solely as a loan processor or underwriter except as otherwise described in W.S. 40-14-641(d);

(C) Shall not include a person who only performs real estate brokerage activities and is licensed or registered in accordance with Wyoming law, unless the person is compensated by a lender, a mortgage broker or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator; and

(D) Shall not include a person solely involved in extensions of credit relating to timeshare plans.

(x) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage;

(xi) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor or lessee of real property;

(B) Arranging meetings or communicating with any party interested in the sale, purchase, lease, rental or exchange of real property;

(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental or exchange of real property, unless the negotiating relates to the financing of these transactions, which shall then constitute engaging in the business as a mortgage loan originator;

(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C) or (D) of this paragraph.

(xii) "Registered mortgage loan originator" means any individual who:

(A) Is registered with, and maintains a unique identifier through, the registry; and

(B) Meets the definition of mortgage loan originator and is an

employee of:

- (I) An institution regulated by the farm credit administration;
- (II) A depository institution; or
- (III) A subsidiary that is:
 - (1) Owned and controlled by a depository institution; and
 - (2) Regulated by a federal banking agency.

(xiii) "Registry" means the nationwide mortgage licensing system and registry which is a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage lenders, mortgage brokers and mortgage loan originators;

(xiv) "Residential mortgage loan" means a consumer loan as defined in W.S. 40-14-304 or a consumer credit sale as defined in W.S. 40-14-204, made primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling;

(xv) "Timeshare plan" means as defined in 11 U.S.C. § 101(53D);

(xvi) "Unique identifier" means a number or other identifier assigned by protocols established by the registry.

40-14-641. Loan originator licensing; registration; rulemaking.

(a) An individual, unless specifically exempted under subsection (c) of this section, shall not engage in the business of a mortgage loan originator for any dwelling located in Wyoming without first obtaining and maintaining annually a license in accordance with part 4 of this article. Each licensed mortgage loan originator shall register with and maintain a valid unique identifier issued by the registry.

(b) In order to facilitate an orderly transition to licensing and minimize disruption in the marketplace, the effective date for subsection (a) of this section shall be July 1, 2010.

(c) An individual is exempt from subsection (a) of this section if he is:

(i) A registered mortgage loan originator, when acting for an entity described in W.S. 40-14-640(a)(xii)(B)(I), (II) or (III);

(ii) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

(iii) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that serves as a seller's residence;

(iv) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator;

(v) An individual engaging solely in loan processor or underwriter activities, who does not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator.

(d) A loan processor or underwriter who is an independent contractor shall not engage in the activities of a loan processor or underwriter unless the independent contractor loan processor or underwriter obtains and maintains a license pursuant to subsection (a) of this section. Each independent contractor loan processor or underwriter licensed as a mortgage loan originator shall have and maintain a valid unique identifier issued by the registry.

(e) For the purpose of implementing an orderly and efficient licensing process the administrator may establish licensing rules or regulations and interim procedures for licensing and acceptance of applications.

40-14-642. Loan originator application; processing.

(a) Applicants for a mortgage loan originator license shall apply in a form prescribed by the administrator. Each application form shall contain content as established by the administrator and may be changed or updated as necessary by the administrator in order to carry out the purposes of part 4 of this article.

(b) In order to fulfill the purposes of this act, the administrator may establish relationships or contract with the registry or any other entity designated by the registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this act.

(c) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the registry

information concerning the applicant's identity, including:

(i) Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national and international criminal history background check; and

(ii) Personal history and experience, including the submission of authorization for the registry and the administrator to obtain:

(A) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(d) For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of paragraph (c)(i) of this section and subparagraph (c)(ii)(B) of this section, the administrator may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(e) For the purposes of this section and in order to reduce the points of contact which the administrator may have to maintain for purposes of subparagraphs (c)(ii)(A) and (B) of this section, the administrator may use the registry as a channeling agent for requesting and distributing information to and from any source as directed by the administrator.

(f) Each application submitted under subsection (a) of this section shall be accompanied by an application fee not to exceed three hundred dollars (\$300.00), as established by rule of the administrator. When an application for licensure is denied or withdrawn, the administrator shall retain all fees paid by the applicant.

40-14-643. Issuance of loan originator licenses.

(a) The administrator shall not issue a mortgage loan originator license unless the administrator makes at a minimum the following findings:

(i) The applicant has not had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation;

(ii) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign or military court:

(A) During the seven (7) year period preceding the date of the

application for licensing and registration; or

(B) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust or money laundering. Any pardon of a conviction shall not be a conviction for the purposes of this paragraph.

(iii) The applicant has demonstrated financial responsibility, character and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly and efficiently within the purposes of this act;

(iv) The applicant has completed the prelicensing education requirement pursuant to W.S. 40-14-644;

(v) The applicant has passed a written test that meets the test requirement described in W.S. 40-14-645.

(b) For purposes of paragraph (a)(iii) of this section, a person has shown that he is not financially responsible when he has shown a disregard in the management of his own financial condition. A determination that an individual has not shown financial responsibility shall include, but not be limited to:

(i) Having any outstanding judgment, except a judgment solely as a result of medical expenses;

(ii) Having any outstanding tax lien or other government lien;

(iii) Having any foreclosure within the past three (3) years;

(iv) Having a pattern of seriously delinquent accounts within the past three (3) years.

(c) Upon written request, an applicant is entitled to a hearing on the question of his qualifications for a license if:

(i) The administrator has notified the applicant in writing that his application has been denied, or objections to the application have been filed with the administrator;

(ii) The administrator has not issued a license within sixty (60) days after a complete application for the license was filed.

(d) If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the administrator for his reasonable and necessary expenses incurred as a result of the hearing. Notwithstanding any provision under the Wyoming Administrative Procedure Act, a request for hearing shall not be made more than fifteen (15) days after the applicant

has received notification by certified mail that the application has been denied and stating in substance the administrator's finding supporting denial of the application or that objections have been filed and the substance thereof.

40-14-644. Prelicensing and relicensing education of loan originators.

(a) In order to meet the prelicensing education requirement referred to in W.S. 40-14-643(a)(iv), a person shall complete at least twenty (20) hours of education approved in accordance with subsection (b) of this section, which shall include at least:

(i) Three (3) hours of federal law and regulations related to mortgage origination;

(ii) Three (3) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues; and

(iii) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subsection (a) of this section, prelicensing education courses shall be reviewed and approved by the registry. The review and approval of a prelicensing education course shall include review and approval of the course provider.

(c) Nothing in this section shall preclude any prelicensing education course, as approved by the registry, that is provided by the employer of the applicant or an entity which is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such employer or entity.

(d) Prelicensing education may be offered either in a classroom, online or by any other means approved by the registry.

(e) The prelicensing education requirements approved by the registry in paragraphs (a)(i), (ii) and (iii) of this section for any state shall be accepted as credit towards completion of prelicensing education requirements in Wyoming.

(f) An individual licensed under W.S. 40-14-641 after July 1, 2009 and who subsequently applies to be licensed again:

(i) Shall not have to complete prelicensing education requirements;

(ii) Shall have completed all the continuing education requirements pursuant to W.S. 40-14-647.

40-14-645. Testing of mortgage loan originators.

(a) In order to meet the written test requirement under W.S. 40-14-643(a)(v), an individual shall pass, in accordance with the standards established under this section, a qualified written test developed by the registry and administered by a test provider approved by the registry.

(b) A written test shall not be treated as a qualified written test for purposes of subsection (a) of this section unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

(i) Ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) Wyoming law and regulation pertaining to mortgage origination;
and

(iv) Federal and Wyoming law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace and fair lending issues.

(c) Nothing in this section shall prohibit a test provider from providing a test at the location of the employer of the applicant, the location of any subsidiary or affiliate of the employer of the applicant or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(d) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent (75%) correct answers to test questions.

(e) An individual may retake a test three (3) times with each test taking occurring at least thirty (30) days after the preceding test.

(f) After failing three (3) tests, an individual shall wait at least six (6) months before taking the test again.

(g) A licensed mortgage loan originator who fails to maintain a valid license for at least five (5) years shall retake the written test. Any time the individual spends working as a registered mortgage loan originator shall not be counted against this five (5) year period.

40-14-646. Standards for loan originator license renewal; rulemaking.

(a) The minimum standards for license renewal for mortgage loan

originators shall include the following:

(i) The mortgage loan originator continues to meet the minimum standards for license issuance under W.S. 40-14-643(a)(i) through (v);

(ii) The mortgage loan originator has satisfied the annual continuing education requirements described in W.S. 40-14-647;

(iii) The mortgage loan originator has paid the license renewal fee not to exceed three hundred dollars (\$300.00), as established by rule of the administrator.

(b) Each mortgage loan originator license shall expire on December 31. The license shall be renewed annually by satisfying the minimum standards for license renewal not less than thirty (30) days before the stated expiration date. The administrator may establish rules for the reinstatement of expired licenses consistent with the standards established by the registry.

40-14-647. Continuing education for mortgage loan originators; rulemaking.

(a) In order to meet the annual continuing education requirements required by W.S. 40-14-646(a)(ii), a licensed mortgage loan originator shall complete at least eight (8) hours of education approved in accordance with subsection (b) of this section, which shall include at least:

(i) Three (3) hours of federal law and regulations relating to mortgage origination;

(ii) Two (2) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues; and

(iii) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subsection (a) of this section, continuing education courses shall be reviewed and approved by the registry. The review and approval of a continuing education course shall include review and approval of the course provider.

(c) Nothing in this section shall preclude any education course, as approved by the registry, that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity.

(d) Continuing education may be offered either in a classroom, online or by any other means approved by the registry.

(e) A licensed mortgage loan originator:

(i) Except as provided in W.S. 40-14-646(b), shall only receive credit for a continuing education course in the year in which the course is taken; and

(ii) Shall not take the same approved course in the same year or successive years to meet the annual requirements for continuing education.

(f) A licensed mortgage loan originator who is an instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two (2) hours credit for every one (1) hour taught.

(g) An individual having successfully completed the education requirements approved by the registry in paragraphs (a)(i), (ii) and (iii) of this section for any state shall be accepted as credit towards completion of continuing education requirements in Wyoming.

(h) An individual meeting the requirements of W.S. 40-14-646(a)(i) and (iii) may make up any deficiency in continuing education as established by rule of the administrator.

(j) An individual licensed under W.S. 40-14-641 after July 1, 2009 and who subsequently applies to be licensed again shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

40-14-648. Authority to require license.

(a) In addition to any other duties imposed upon the administrator by law, the administrator shall require mortgage loan originators to be licensed and registered through the registry. In order to carry out this requirement the administrator may participate in the registry. For this purpose, the administrator may establish by rule any requirements as necessary, including but not limited to:

(i) Background checks for:

(A) Criminal history through fingerprint or other databases;

(B) Civil or administrative records;

(C) Credit history; or

(D) Any other information as deemed necessary by the registry.

(ii) The payment of fees to apply for or renew licenses through the registry; and

(iii) Requirements for amending or surrendering a license or any other such activities as the administrator deems necessary for participation in the registry.

40-14-649. Unique identifier; rulemaking.

The unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan applications forms, solicitations or advertisements, including business cards or websites, and any other documents as established by rule of the administrator.

40-23-124. Loan originator licensing; registration; rulemaking.

(a) An individual, unless specifically exempted under subsection (c) of this section, shall not engage in the business of a mortgage loan originator for any dwelling located in Wyoming without first obtaining and maintaining annually a license in accordance with this act. Each licensed mortgage loan originator shall register with and maintain a valid unique identifier issued by the registry.

(b) In order to facilitate an orderly transition to licensing and minimize disruption in the marketplace, the effective date for subsection (a) of this section shall be July 1, 2010.

(c) An individual is exempt from subsection (a) of this section if he is:

(i) A registered mortgage loan originator, when acting for an entity described in W.S. 40-23-102(a)(xxx)(B)(I), (II) or (III);

(ii) An individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

(iii) An individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that serves as a seller's residence;

(iv) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator;

(v) An individual engaging solely in loan processor or underwriter activities, who does not represent to the public, through advertising or other

means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(d) A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless the independent contractor, loan processor or underwriter obtains and maintains a license pursuant to subsection (a) of this section. Each independent contractor, loan processor or underwriter licensed as a mortgage loan originator shall have and maintain a valid unique identifier issued by the registry.

(e) For the purposes of implementing an orderly and efficient licensing process the commissioner may establish licensing rules or regulations and interim procedures for licensing and acceptance of applications.

40-23-125. Loan originator application; processing.

(a) Applicants for a mortgage loan originator license shall apply in a form prescribed by the commissioner. Each application form shall contain content as set forth by rule of the commissioner and may be changed or updated as necessary by the commissioner in order to carry out the purposes of this act.

(b) In order to fulfill the purposes of this act, the commissioner may establish relationships or contracts with the registry or other entities designated by the registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this act.

(c) In connection with an application for licensing as a mortgage loan originator, the applicant shall, at a minimum, furnish to the registry information concerning the applicant's identity, including:

(i) Fingerprints for submission to the federal bureau of investigation, and any governmental agency or entity authorized to receive such information for a state, national and international criminal history background check; and

(ii) Personal history and experience, including the submission of authorization for the registry and the commissioner to obtain:

(A) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(d) For the purposes of this section and in order to reduce the points of contact which the federal bureau of investigation may have to maintain for purposes of paragraph (c)(i) of this section and subparagraph (c)(ii)(B) of this section, the commissioner may use the registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(e) For the purposes of this section and in order to reduce the points of contact which the commissioner may have to maintain for purposes of subparagraphs (c)(ii)(A) and (B) of this section, the commissioner may use the registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

(f) Each application submitted under subsection (a) of this section shall be accompanied by an application fee not to exceed three hundred dollars (\$300.00), as established by rule of the commissioner. When an application for licensure is denied or withdrawn, the commissioner shall retain all fees paid by the applicant.

40-23-126. Issuance of loan originator license.

(a) The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

(i) The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation;

(ii) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign or military court:

(A) During the seven (7) year period preceding the date of the application for licensing and registration; or

(B) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust or money laundering;

(C) A pardon of a conviction shall not be a conviction for the purposes of this paragraph.

(iii) The applicant has demonstrated financial responsibility, character and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly and efficiently within the purposes of this act;

(iv) The applicant has completed the prelicensing education requirement pursuant to W.S. 40-23-127;

(v) The applicant has passed a written test that meets the test requirement of W.S. 40-23-128.

(b) For purposes of paragraph (a)(iii) of this section, a person has shown that he is not financially responsible when he has shown a disregard in the management of his own financial condition. A determination that an individual has not shown financial responsibility shall include, but not be limited to:

(i) Having any outstanding judgment, except a judgment solely as a result of medical expenses;

(ii) Having any outstanding tax lien or other government lien;

(iii) Having any foreclosure within the past three (3) years;

(iv) Having a pattern of seriously delinquent accounts within the past three (3) years.

(c) Upon written request, an applicant is entitled to a hearing on the question of his qualifications for a license if:

(i) The commissioner has notified the applicant in writing that his application has been denied, or objections to the application have been filed with the commissioner;

(ii) The commissioner has not issued a license within sixty (60) days after a complete application for the license was filed.

(d) If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the commissioner for his reasonable and necessary expenses incurred as a result of the hearing. Notwithstanding any provision under the Wyoming Administrative Procedure Act, a request for hearing shall not be made more than fifteen (15) days after the applicant has received notification by certified mail that the application has been denied and stating in substance the commissioner's finding supporting denial of the application or that objections have been filed and the substance thereof.

40-23-127. Prelicensing and relicensing education of loan originators.

(a) In order to meet the prelicensing education requirement referred to in W.S. 40-23-126(a)(iv), a person shall complete at least twenty (20) hours of education approved in accordance with subsection (b) of this section, which shall include at least:

(i) Three (3) hours of federal law and regulations related to mortgage

origination;

(ii) Three (3) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues; and

(iii) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of subsection (a) of this section, preclicensing education courses shall be reviewed and approved by the registry. The review and approval of a preclicensing education course shall include review and approval of the course provider.

(c) Nothing in this section shall preclude any preclicensing education course, as approved by the registry, that is provided by the employer of the applicant or an entity which is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such employer or entity.

(d) Preclicensing education may be offered either in a classroom, online or by any other means approved by the registry.

(e) The preclicensing education requirements approved by the registry in paragraphs (a)(i), (ii) and (iii) of this section for any state shall be accepted as credit towards completion of preclicensing education requirements in Wyoming.

(f) An individual licensed under W.S. 40-23-124 after July 1, 2009 and who subsequently applies to be licensed again:

(i) Shall not have to complete preclicensing education requirements;

(ii) Shall have completed all the continuing education requirements pursuant to W.S. 40-23-130.

40-23-128. Testing of mortgage loan originators.

(a) In order to meet the written test requirement under W.S. 40-23-126(a)(v), an individual shall pass, in accordance with the standards established under this section, a qualified written test developed by the registry and administered by a test provider approved by the registry.

(b) A written test shall not be treated as a qualified written test for purposes of subsection (a) of this section unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

(i) Ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) Wyoming law and regulation pertaining to mortgage origination;
and

(iv) Federal and Wyoming law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace and fair lending issues.

(c) Nothing in the section shall prohibit a test provider from providing a test at the location of the employer of the applicant, the location of any subsidiary or affiliate of the employer of the applicant or the location of any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

(d) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent (75%) correct answers to questions.

(e) An individual may retake a test three (3) times with each test taking occurring at least thirty (30) days after the preceding test.

(f) After failing three (3) tests, an individual shall wait at least six (6) months before taking the test again.

(g) A licensed mortgage loan originator who fails to maintain a valid license for at least five (5) years shall retake the written test. Any time the individual spends working as a registered mortgage loan originator shall not be counted against this five (5) year period.

40-23-129. Standards for loan originator license renewal; rulemaking.

(a) The minimum standards for license renewal for mortgage loan originators shall include the following:

(i) The mortgage loan originator continues to meet the minimum standards for license issuance under W.S. 40-23-126(a)(i) through (v);

(ii) The mortgage loan originator has satisfied the annual continuing education requirements described in W.S. 40-23-130;

(iii) The mortgage loan originator has paid the license renewal fee not to exceed three hundred dollars (\$300.00), as established by rule of the commissioner.

(b) Each mortgage loan originator license shall expire on December 31. The license shall be renewed annually by satisfying the minimum

standards for license renewal under subsection (a) of this section not less than thirty (30) days before the stated expiration date. The commissioner may establish rules for the reinstatement of expired licenses consistent with the standards established by the registry.

40-23-130. Continuing education for mortgage loan originators; rulemaking.

(a) In order to meet the annual continuing education requirements referred to in W.S. 40-23-129(a)(ii), a licensed mortgage loan originator shall complete at least eight (8) hours of education approved in accordance with subsection (b) of this section, which shall include at least:

(i) Three (3) hours of federal law and regulations relating to mortgage origination;

(ii) Two (2) hours of ethics, which shall include instruction on fraud, consumer protection and fair lending issues; and

(iii) Two (2) hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of section (a) of this section, continuing education courses shall be reviewed and approved by the registry. The review and approval of a continuing education course shall include review and approval of the course provider.

(c) Nothing in this section shall preclude any education course, as approved by the registry, that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity.

(d) Continuing education may be offered either in a classroom, online or by any other means approved by the registry.

(e) A licensed mortgage loan originator:

(i) Except as provided in W.S. 40-23-129(b), shall only receive credit for a continuing education course in the year in which the course is taken; and

(ii) Shall not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(f) A licensed mortgage loan originator who is an instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate

of two (2) hours of credit for every one (1) hour taught.

(g) An individual having successfully completed the education requirements approved by the registry in paragraphs (a)(i), (ii) and (iii) of this section for any state shall be accepted as credit towards completion of continuing education requirements in Wyoming.

(h) An individual meeting the requirements of W.S. 40-23-129(a)(i) and (iii) may make up any deficiency in continuing education as established by rule of the commissioner.

(j) An individual licensed under W.S. 40-23-124 after July 1, 2009 and who subsequently applies to be licensed again shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

40-23-131. Mortgage call reports.

Each licensee shall submit to the registry reports of condition, which shall be in such form and shall contain all information as required by the registry.

40-23-132. Report to the registry.

The commissioner shall regularly report violations of this act, as well as enforcement actions and other relevant information, to the registry subject to the provisions contained in W.S. 40-23-112. The commissioner shall establish by rule a process where a mortgage loan originator may challenge information entered into the registry by the commissioner.

40-23-133. Unique identifier; rulemaking.

The unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan applications forms, solicitations or advertisements, including business cards or websites and any other documents as established by rule of the commissioner.

Section 2. W.S. 7-19-106(a) by creating a new paragraph (xx), 7-19-201(a) by creating a new paragraph (xiii), 40-14-120(a)(i), (ii) and by creating a new paragraph (iii), 40-14-121(a)(intro), 40-14-140(a)(xii), by creating a new paragraph (xx) and by renumbering (xx) as (xxi), 40-14-142(a) by creating new paragraphs (lx) through (lxxvi) and by renumbering (lx) as (lxxvii), 40-14-204(a)(v), 40-14-304(a)(iv), 40-14-633, 40-14-634 by creating new subsections (m) and (n), 40-14-635 by creating a new subsection (h), 40-14-636, 40-23-102(a)(v), (vi), (ix), (xv), by creating new paragraphs (xviii) through (xxxiii) and by amending and renumbering (xviii) as (xxxiv), 40-23-103(a)(ii), 40-23-104, 40-23-107(b)(ii), (iv), (vi) and by creating a new paragraph (vii), 40-23-109(a), 40-23-110, 40-23-112(b), by creating new

subsections (f) through (j) and by renumbering (f) as (k) and 40-23-118 by creating a new subsection (d) 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:

(xx) The state banking commissioner for purposes of licensing and registration pursuant to W.S. 40-14-642, 40-23-103 and 40-23-125.

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:

(xiii) Mortgage lenders, mortgage brokers, mortgage loan originators and persons identified in W.S. 40-23-107(a)(iii), as necessary to perform the background checks required by W.S. 40-14-642(c)(i), 40-23-103(a)(viii) and 40-23-125(c)(i).

40-14-120. Territorial application.

(a) Except as otherwise provided in this section, this act applies to consumer credit transactions made in this state. For purposes of this act, a consumer credit transaction is made in this state if:

(i) A signed writing evidencing the obligation or offer of the consumer is received by the creditor in this state;~~or~~

(ii) The creditor induces consumers who are residents of this state to enter into credit transactions by a continuous and systematic solicitation either personally or by mail and the goods or money are delivered in this state and payment is made from this state;~~;~~ or

(iii) The credit transaction is secured by a dwelling, as defined in W.S. 40-14-640(a), located in Wyoming.

40-14-121. Exclusions.

(a) Except as required by W.S. 40-14-641, this act does not apply to:

40-14-140. General definitions.

(a) In addition to definitions appearing in subsequent articles, in this act:

(xii) "Organization" means a sole proprietorship, limited liability

company, corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association or other entity, public or private;

(xx) "Licensee" means an organization licensed under this act;

~~(xx)~~(xxi) "This act" means W.S. 40-14-101 through 40-14-702.

40-14-142. Index of definitions.

(a) Definitions in this act and the sections in which they appear are:

(lx) "Channeling agent" – W.S. 40-14-640(a)(i);

(lxi) "Clerical or support duties" – W.S. 40-14-640(a)(ii);

(lxii) "Depository institution" – W.S. 40-14-640(a)(iii);

(lxiii) "Dwelling" – W.S. 40-14-640(a)(iv);

(lxiv) "Federal banking agency" – W.S. 40-14-640(a)(v);

(lxv) "Immediate family member" – W.S. 40-14-640(a)(vi);

(lxvi) "Individual" – W.S. 40-14-640(a)(vii);

(lxvii) "Licensee" – W.S. 40-14-140(a)(xx);

(lxviii) "Loan processor or underwriter" – W.S. 40-14-640(a)(viii);

(lxix) "Mortgage loan originator" – W.S. 40-14-640(a)(ix);

(lxx) "Nontraditional mortgage product" – W.S. 40-14-640(a)(x);

(lxxi) "Real estate brokerage activity" – W.S. 40-14-640(a)(xi);

(lxxii) "Registered mortgage loan originator" – W.S. 40-14-640(a)(xii);

(lxxiii) "Registry" – W.S. 40-14-640(a)(xiii);

(lxxiv) "Residential mortgage loan" – W.S. 40-14-640(a)(xiv);

(lxxv) "Timeshare plan" – W.S. 40-14-640(a)(xv);

(lxxvi) "Unique identifier" – W.S. 40-14-640(a)(xvi);

~~(lx)~~(lxxvii) "This act" - means W.S. 40-14-101 through 40-14-702.

40-14-204. Definition of "consumer credit sale".

(a) Except as provided in subsection (b) of this section, "consumer credit

sale” is a sale of goods, services or an interest in land in which:

(v) With respect to a sale of goods or services, the amount financed does not exceed fifty thousand dollars (\$50,000.00) or the debt is secured by personal property used or expected to be used as the principal a dwelling, of the buyer as defined in W.S. 40-14-640(a)(iv), located in Wyoming.

40-14-304. Definition of “consumer loan”.

(a) Except with respect to a loan primarily secured by an interest in land, “consumer loan” is a loan made by a person regularly engaged in the business of making loans in which:

(iv) Either the principal does not exceed fifty thousand dollars (\$50,000.00) or the debt is secured by an interest in land or by personal property used or expected to be used as the principal a dwelling, place of the debtor as defined in W.S. 40-14-640(a)(iv), located in Wyoming.

40-14-633. Crediting of monies.

All fees and other monies received by the administrator under the provisions of this act shall be deposited by the administrator with the state treasurer and credited to the consumer credit administration account, except the amount paid for data processing by a national mortgage licensing system and database. The funds deposited in the account under this act shall be subject to appropriation by the legislature to the administrator and shall be expended only to carry out the duties of the administrator. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the administrator.

40-14-634. License required; application; fee; conditions and execution; license nontransferable; display; renewal.

(m) A license shall not be issued under subsection (b) of this section if the applicant has been convicted of, pled guilty or nolo contendere to, a felony in a domestic, foreign or military court during the seven (7) year period preceding the date of the application for licensing, or at any time preceding such date of application if such felony involved an act of fraud, dishonesty, breach of trust or money laundering.

(n) A license may be issued at the discretion of the administrator under subsection (b) of this section if the applicant has been convicted of, pled guilty or nolo contendere to a misdemeanor in a domestic, foreign or military court involving an act of fraud, dishonesty, breach of trust or money laundering.

40-14-635. Revocation or suspension of license.

(h) For purposes of this section, “licensee” shall also mean a licensed mortgage loan originator pursuant to W.S. 40-14-641.

40-14-636. Records; confidentiality.

(a) For purposes of this section, "licensee" shall also mean a licensed mortgage loan originator pursuant to W.S. 40-14-640 and an organization employing or contracting with a mortgage loan originator.

(b) Every licensee shall maintain records in a manner that will enable the administrator to determine whether the licensee is complying with the provisions of this act. The administrator may by rule, and in accordance with W.S. 40-14-606(c), specify the manner in which records are to be made available. The records need not be kept in the place of business of the licensee, if the administrator is given free access to the records wherever located. The records pertaining to any transaction governed by this act need not be preserved for more than two (2) years after making the final entry relating to the transaction. In the case of a revolving loan account the two (2) years is measured from the date of each entry.

(c) Except as provided in subsections (d), (e) and (j) of this section, all information or reports obtained by the administrator from an applicant or licensee are confidential.

(d) Except as provided in P.L. 110-289, section 1512, the requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to the registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the registry. Such information and any other confidential material obtained by the administrator may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

(e) The administrator may enter into cooperative, coordinating or information sharing agreements with any other supervisory agency or any organization affiliated with or representing one (1) or more supervisory agencies with respect to the periodic examination or other supervision of any office in Wyoming of an out-of-state licensee, and the administrator may accept the parties' reports of examination and reports of investigation in lieu of conducting his own examinations or investigations.

(f) Information or material that is subject to a privilege or confidentiality protection under subsection (d) of this section shall not be subject to:

(i) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or agency of the federal government or the respective state; or

(ii) Subpoena, discovery or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the registry with respect to such information or material, the person

to whom such information or material pertains waives that privilege, in whole or in part.

(g) Any Wyoming law relating to the disclosure of confidential supervisory information or any information or material described in subsection (d) of this section that is inconsistent with subsection (d) of this section shall be superceded by the requirements of this section.

(h) This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originator that is included in the registry for access by the public.

(j) The administrator may enter into contracts with any supervisory agency having concurrent jurisdiction over a Wyoming licensee pursuant to this act to engage the services of the agency's examiners at a reasonable rate of compensation. Any contract under this subsection shall not be subject to the provisions of W.S. 9-2-1016(b).

(k) This section does not prohibit the administrator from disclosing to the public a list of persons licensed under this act.

40-23-102. Definitions.

(a) As used in this act:

(v) "Licensee" means a ~~person~~company licensed under this act ~~as a mortgage broker or a mortgage lender;~~

(vi) "Mortgage broker" means any ~~person, other than those exempt under W.S. 40-23-105~~company, who for compensation, or in the expectation of compensation, assists a person in obtaining or applying to obtain a residential mortgage loan or holds ~~himself~~itself out as being able to assist a person in obtaining or applying to obtain a residential mortgage loan;

(ix) "Mortgage lender" means any ~~person, other than those exempt under W.S. 40-23-105~~company, who makes residential mortgage loans to borrowers or holds ~~himself~~itself out as able to make mortgage loans;

(xv) "Residential mortgage loan" means a first mortgage loan made primarily for personal, family or household use ~~and primarily secured by a security interest on residential real property that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in Wyoming upon which is constructed or intended to be constructed a dwelling;~~

(xviii) "Channeling agent" means the third party licensing system that gathers the application information and distributes it to Wyoming for review for the approval or denial decision;

(xix) "Clerical or support duties" means:

(A) The receipt, collection, distribution and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(B) Communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(xx) "Company" means a sole proprietorship, partnership, corporation, limited liability company or other entity, public or private;

(xxi) "Depository institution" means a company as defined in 12 U.S.C. 1813 of the federal deposit insurance act, and includes any credit union;

(xxii) "Dwelling" means a residential structure that contains one (1) to four (4) units, whether or not that structure is attached to real property. "Dwelling", if it is used as a residence, includes an individual condominium unit, cooperative unit, mobile home and trailer;

(xxiii) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration or the federal deposit insurance corporation;

(xxiv) "Immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, stepsibling and any adoptive relationship included in this paragraph;

(xxv) "Individual" means a natural person;

(xxvi) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a licensee, or an exempt person under W.S. 40-23-105;

(xxvii) "Mortgage loan originator":

(A) Means an individual who for compensation or gain or in the expectation of compensation or gain:

(I) Takes a residential mortgage loan application; or

(II) Offers or negotiates the terms of a residential mortgage loan.

(B) Shall not include any individual engaged solely as a loan processor

or underwriter except as otherwise described in W.S. 40-23-124(d);

(C) Shall not include a person who only performs real estate brokerage activities and is licensed or registered in accordance with Wyoming law, unless the person is compensated by a lender, a mortgage broker or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator; and

(D) Shall not include a person solely involved in extensions of credit relating to timeshare plans.

(xxviii) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage;

(xxix) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor or lessee of real property;

(B) Arranging meetings or communicating with any party interested in the sale, purchase, lease, rental or exchange of real property;

(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental or exchange of real property, unless the negotiating relates to the financing of these transactions, which shall then constitute engaging in the business as a mortgage loan originator;

(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C) or (D) of this paragraph.

(xxx) "Registered mortgage loan originator" means any individual who:

(A) Is registered with, and maintains a unique identifier through, the registry; and

(B) Meets the definition of mortgage loan originator and is an employee of:

(I) A depository institution;

(II) A subsidiary that is:

- (1) Owned and controlled by a depository institution; and
- (2) Regulated by a federal banking agency; or

(III) An institution regulated by the farm credit administration.

(xxxi) "Registry" means the nationwide mortgage licensing system and registry which is a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage lenders, mortgage brokers and mortgage loan originators;

(xxxii) "Timeshare plan" means as defined in 11 U.S.C. § 101(53D);

(xxxiii) "Unique identifier" means a number or other identifier assigned by protocols established by the registry;

(xviii)(xxxiv) "This act" means W.S. 40-23-101 through 40-23-123 40-23-133.

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:

(ii) Order any licensee mortgage broker, mortgage lender or mortgage loan originator to cease any activity or practice which the commissioner deems to be deceptive, dishonest, a violation of state or federal laws or regulations or unduly harmful to the interests of the public;

40-23-104. License requirements.

(a) With the exception of those persons exempt pursuant to W.S. 40-23-105, on and after July 1, 2005, no person-company shall engage in mortgage lending activities or mortgage brokering activities without first obtaining a license in accordance with this act.

(b) A person-company engaged in mortgage lending or mortgage brokering activities who advertises, offers or provides services to Wyoming residents through any medium including, but not limited to, internet or other electronic means with any dwelling located in Wyoming shall first obtain a license in accordance with this act.

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, pled guilty or nolo contendere to, a felony or misdemeanor involving any aspect of the mortgage lending business, breach of trust or fraudulent or dishonest dealing in a domestic, foreign or military court during the seven (7) year period preceding the date of the application for licensing, or at any time preceding such date of application if such felony involved an act of fraud, dishonesty, breach of trust or money laundering;

(iv) The applicant has not filed an application for a license which is false or misleading with respect to any material fact;and

(vi) The applicant has provided information on the application as required by the commissioner pursuant to subsection (a) of this section;and

(vii) The applicant has not been convicted of, pled guilty or nolo contendere to a misdemeanor in a domestic, foreign or military court involving an act of fraud, dishonesty, breach of trust or money laundering.

40-23-109. License renewal and annual report.

(a) Each mortgage broker and mortgage lender license issued under this act shall expire on 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.

(a) All licensees shall maintain a surety bond to the state of Wyoming in accordance with this section. The surety bond shall be used to cover individual loan originators employed or under contract with a licensee. The bond to be maintained shall be in the amount:

(i) Until December 31, 2009, of twenty-five thousand dollars (\$25,000.00). This amount shall be increased by an additional sum of ten thousand dollars (\$10,000.00) for each licensed office;:

(ii) Effective January 1, 2010, as established by rule of the commissioner based upon the volume of business activity transacted by the licensee under this act.

(b) The surety bond shall be a continuing obligation of the issuing surety. The surety's liability under the bond for any claims made under the bond either individually or in the aggregate shall in no event exceed the face amount of the bond issued. The bond shall be issued by a surety authorized to do business in the state of Wyoming. The bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, shall be placed on file with the commissioner.

~~(b)~~(c) 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.

~~(e)~~(d) 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.

40-23-112. Records; confidentiality of records; exception.

(b) Except as provided in ~~subsection (e)~~ subsections (c) through (f) of this section, all information or reports obtained by the commissioner from an applicant or licensee are confidential.

(f) Except as provided in P.L. 110-289, section 1512, the requirements under any federal law or state law regarding the privacy or confidentiality of any information or material provided to the registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the registry. Such information and any other confidential material obtained by the commissioner may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or any state law.

(g) Information or material that is subject to a privilege or confidentiality under subsection (f) of this section shall not be subject to:

(i) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or agency of the federal government or the respective state; or

(ii) Subpoena, discovery or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the registry with respect to such information or material, the person to whom such information or material pertains waives that privilege, in whole or in part.

(h) Any Wyoming law relating to the disclosure of confidential supervisory information or any information or material described in subsection (f) of this section that is inconsistent with subsection (f) of this section shall be superceded by the requirements of this section.

(j) This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary

and enforcement actions against, any mortgage loan originator that is included in the registry for access by the public.

(f)(k) This section does not prohibit the commissioner from disclosing to the public a list of persons licensed under this act.

40-23-118. License suspension or revocation.

(d) For purposes of this section, “licensee” shall also mean a licensed mortgage loan originator pursuant to W.S. 40-23-124.

Section 3. W.S. 40-23-105(a)(v) is repealed.

Section 4. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 185

UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT

Original House Bill No. 118

AN ACT relating to institutional funds; adopting the Uniform Prudent Management of Institutional Funds Act (UPMIFA); providing definitions; providing standards for the management and investment of certain funds as specified; providing conditions; providing for management and investment functions; providing applicability; repealing conflicting law; and providing for an effective date.

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

Section 1. W.S. 17-7-301 through 17-7-307 are created to read:

ARTICLE 3

UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT

17-7-301. Short title.

This act shall be known and may be cited as the Uniform Prudent Management of Institutional Funds Act.

17-7-302. Definitions.

(a) As used in this act:

(i) “Charitable purpose” means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a

governmental purpose or any other purpose the achievement of which is beneficial to the community;

(ii) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use;

(iii) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to or held by an institution as an institutional fund;

(iv) "Institution" means:

(A) A person, other than an individual, organized and operated exclusively for charitable purposes;

(B) A government or governmental subdivision, agency or instrumentality to the extent that it holds funds exclusively for a charitable purpose; or

(C) A trust that had both charitable and noncharitable interests, after all noncharitable interests have been terminated.

(v) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. The term does not include:

(A) Program-related assets;

(B) A fund held for an institution by a trustee that is not an institution; or

(C) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(vi) "Person" means as defined by W.S. 8-1-102;

(vii) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment;

(viii) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(ix) "This act" means W.S. 17-7-301 through 17-7-307.

17-7-303. Standard of conduct in managing and investing institutional fund.

(a) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(b) In addition to complying with the duty of loyalty imposed by law other than this act, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(c) In managing and investing an institutional fund, an institution:

(i) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution and the skills available to the institution; and

(ii) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(d) An institution may pool two (2) or more institutional funds for purposes of management and investment.

(e) Except as otherwise provided by a gift instrument, the following rules shall apply:

(i) In managing and investing an institutional fund, the following factors if relevant shall be considered:

(A) General economic conditions;

(B) The possible effect of inflation or deflation;

(C) The expected tax consequences, if any, of investment decisions or strategies;

(D) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(E) The expected total return from income and the appreciation of investments;

(F) Other resources of the institution;

(G) The needs of the institution and the fund to make distributions

and to preserve capital; and

(H) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(ii) Management and investment decisions about an individual asset shall be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the fund and to the institution;

(iii) Except as otherwise provided by law other than this act, an institution may invest in any kind of property or type of investment consistent with this section;

(iv) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification;

(v) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio in order to bring the institutional fund into compliance with the purposes, terms and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this act;

(vi) A person who has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

17-7-304. Appropriation for expenditure or accumulation of endowment fund; rules of construction.

(a) Subject to subsection (d) of this section and to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

(i) The duration and preservation of the endowment fund;

- (ii) The purposes of the institution and the endowment fund;
 - (iii) General economic conditions;
 - (iv) The possible effect of inflation or deflation;
 - (v) The expected total return from income and the appreciation of investments;
 - (vi) Other resources of the institution; and
 - (vii) The investment policy of the institution.
- (b) To limit the authority to appropriate for expenditure or accumulate under subsection (a) of this section, a gift instrument shall specifically state the limitation.
- (c) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only “income”, “interest”, “dividends”, or “rents, issues or profits”, or “to preserve the principal intact” or words of similar import:
- (i) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and
 - (ii) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (a) of this section.
- (d) The appropriation for expenditure in any year of an amount greater than five percent (5%) of the fair market value of an endowment fund, calculated on the basis of market values determined at least quarterly and averaged over a period of not less than three (3) years immediately preceding the year in which the appropriation for expenditure is made, creates a rebuttable presumption of imprudence. For an endowment fund in existence for fewer than three (3) years, the fair market value of the endowment fund shall be calculated for the period the endowment fund has been in existence. This subsection shall not:
- (i) Apply to an appropriation for expenditure permitted under law other than this act or by the gift instrument; or
 - (ii) Create a presumption of prudence for an appropriation for expenditure of an amount less than or equal to five percent (5%) of the fair market value of the endowment fund.

17-7-305. Delegation of management and investment functions.

(a) Subject to any specific limitation set forth in a gift instrument or in law other than this act, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

(i) Selecting an agent;

(ii) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(iii) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(b) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(c) An institution that complies with subsection (a) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(d) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(e) An institution may delegate management and investment functions to its committees, officers or employees as authorized by law of this state other than this act.

17-7-306. Release or modification of restrictions on management, investment or purpose.

(a) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(b) The court upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction

will further the purposes of the fund. If the institution is a governmental institution as defined by W.S. 17-7-302(a)(iv), the institution shall notify the attorney general of the application, and the attorney general shall be given an opportunity to be heard. To the extent practicable, any modification shall be made in accordance with the donor's probable intention.

(c) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. If the institution is a governmental institution as defined by W.S. 17-7-302(a)(iv), the institution shall notify the attorney general of the application, and the attorney general shall be given an opportunity to be heard.

(d) If an institution determines that a restriction contained in a gift instrument on the management, investment or purposes of an institutional fund is unlawful, impracticable, impossible to achieve or wasteful, the institution, not less than sixty (60) days after notification to the attorney general, may release or modify the restriction, in whole or part, if:

(i) The institutional fund subject to the restriction has a total value of less than twenty-five thousand dollars (\$25,000.00);

(ii) More than twenty (20) years have elapsed since the fund was established; and

(iii) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

17-7-307. Reviewing compliance.

Compliance with this act shall be determined in light of the facts and circumstances existing at the time a decision is made or action is taken.

Section 2. W.S. 17-7-201 through 17-7-205 are repealed.

Section 3. This act shall apply to any institutional fund existing on or established after the effective date of this act. As applied to institutional funds existing on the effective date of this act, this act shall govern only a decision made or action taken on or after that date.

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, 2009.

Chapter 186**PHASE TWO STUDY-I-80 TOLLING**

Original House Bill No. 179

AN ACT relating to highway funding; requiring a phase two study of tolling on interstate 80; and providing for an effective date.

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

Section 1.

(a) The Wyoming department of transportation shall conduct, or contract with other persons to conduct, a study of tolling on Wyoming's portion of interstate 80. The study shall be a follow-up to the phase one tolling study completed in the fall of 2008 and, in addition to other pertinent issues, shall consider the following issues as they relate to the implementation of the tolling and improvement scenarios listed below:

(i) Roadway safety enhancements;

(ii) Constructing additional lanes to be shared by all vehicles;

(iii) Constructing additional lanes that would be restricted to certain vehicles.

(b) The following issues shall be reviewed:

(i) Refine the roadway concept. This task shall provide a more detailed description of the roadway under the specific improvement scenarios listed in paragraphs (a)(i) through (iii) of this section. It shall entail a review of the corridor, identify areas where the roadway footprint and associated costs could be reduced while meeting the improvement objectives and where appropriate, shall utilize cost estimates from the Wyoming department of transportation's engineering programs, including bridge, project development, right-of-way and utilities programs. This task shall identify and highlight any safety improvements that expansion may provide, identify safety enhancements from tolling operations including additional patrols and enforcement, and provide information on developing a strategy to gain federal approval under applicable federal programs that require applications;

(ii) Refine the tolling concept. In conjunction with paragraph (a)(i) of this section, this task shall analyze staging for tolling implementation to assess options for potential precompletion tolling, which, in addition to financing, may provide early cash flow for construction. This task shall include a review of the number and location of tolling points needed to maximize revenue while minimizing operations costs and inconvenience

to the public;

(iii) Fiscal and other impacts analysis. This task shall assess the impacts arising from tolling, including how traffic diversion related to tolling may affect local businesses and change regional and state economic metrics. The impacts analysis shall include analyses of state and federal fuel tax, sales tax and other tax revenues as well as likely impacts to businesses operating along the I-80 corridor. The review also shall be conducted on the impact of toll diversion on annual roadway maintenance outlays including the net effect to wear and tear on I-80 due to reduced truck traffic;

(iv) Federal funding impacts. This task shall assess concerns over loss of interstate maintenance funding and potential impacts to other federal highway funding allocations for each improvement scenario. This task shall clearly document the issues and provide potential strategies for minimizing the loss of any funding. This task shall provide information needed for discussions with the federal highway administration regarding federal tolling programs that could meet goals for I-80;

(v) Define financing scenarios. In the wake of the recent financial market crisis, this task shall review all financing assumptions, including the ability and need of Wyoming to provide additional financial assurance for any debt, the availability of bond insurance and the likelihood that investment-grade ratings can be obtained. This task also shall consider the cost of the debt plus a projection of operation costs to be used to derive a "breakeven" toll schedule for each improvement scenario;

(vi) Public outreach. This task shall require the department or persons retained by the department to present tolling concepts, including information gathered pursuant to this act, to the public and to stakeholders through outreach, education and focus groups. One (1) goal of this task shall be to gather and understand the concerns of all stakeholders and provide accurate information to stakeholders and the public so as to avoid reactions based on insufficient or inaccurate information;

(vii) Review of tolling technology. A basic electronic toll collection/cash operation has been modeled in phase one but other potential technology shall be evaluated for use on I-80.

Section 2. The phase two study required by section 1 of this act shall be completed on or before September 1, 2009 and a copy of the report shall be provided to the joint transportation, highways and military affairs interim committee on or before that date.

Section 3. The Wyoming department of transportation shall implement the study and report required in section 1 of this act using federal highway planning funds.

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, 2009.

Chapter 187

MOTOR CARRIER TRANSPORTATION CONTRACTS

Original House Bill No. 191

AN ACT relating to motor carrier transportation contracts; declaring specified indemnification provisions unenforceable against negligent or intentional acts; providing a definition; creating exceptions; and providing for an effective date.

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

Section 1. W.S. 40-17-102 is created to read:

40-17-102. Motor carrier indemnity agreements void.

(a) Notwithstanding any other provision of law, any provision, clause, covenant or agreement contained in a motor carrier transportation contract or a related access agreement under which the motor carrier transporter enters on property for the purpose of loading, unloading or transporting property, to the extent that the contract purports to indemnify, defend or hold harmless or has the effect of indemnifying, defending or holding harmless the indemnitee from or against any liability for loss or damage resulting from its own negligence or intentional acts or omissions is against the public policy of this state and is void and unenforceable. For purposes of this section, "motor carrier transportation contract" means a contract, agreement or understanding regarding:

(i) The transportation of property for compensation or hire;

(ii) Entrance on property for the purpose of loading, unloading or transporting property for compensation or hire; or

(iii) A service incidental to activity described in paragraphs (i) and (ii) of this subsection.

(b) Subsection (a) of this section shall not apply to a contract, subcontract or agreement that concerns or affects transportation involving a railroad. As used in this section, "motor carrier transportation contract" shall not include the uniform intermodal interchange and facilities access agreement

administered by the intermodal association of North America, or other agreements providing for the interchange, use or possession of intermodal chassis, containers or other intermodal equipment.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 188

ESTABLISHMENT OF PRIVATE ROADS

Original House Bill No. 222

AN ACT relating to establishment of private roads; specifying procedures for hearings; providing for access to the district court; and providing for an effective date.

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

Section 1. W.S. 24-9-101(h), (k) and (m) is amended to read:

24-9-101. Petition; initial hearing; appointment of viewers and appraisers; bond; rules; certification to district court.

(h) 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 thirty (30) days of the completion of the hearing enter its order so finding and certify the application directly to the district court unless the board elects to retain jurisdiction. If the application is certified the court shall proceed as provided in subsection (m) of this section. If the board elects to retain jurisdiction it shall proceed with the application as provided in this subsection, subsections (j) through (k) of this section and W.S. 24-9-103. The board shall appoint three (3) disinterested freeholders and electors of the county, as viewers and appraisers. Before entering upon their duties the viewers shall take and subscribe to an oath that they will faithfully and impartially perform their duties under their appointment as viewers and appraisers. The board shall cause an order to be issued directing them to meet on a day named in the order on the proposed road, and view and appraise any damages and make a recommendation to the board. Prior to meeting on-site to view the proposed road, the viewers shall give notice in writing to the applicant and affected parties of the lands through which the proposed road or any alternative road may pass, of the time and place where the viewers will meet, at least ten (10) days before viewing the road, at which time and place all persons interested may appear and be heard by the viewers. The viewers and appraisers shall then proceed to locate and mark out a private road and alternative routes as they deem appropriate, provided the location of the road shall not be marked out to cross the lands of any affected party who was not given

notice under subsection (e) of this section. The viewers and appraisers shall recommend the most reasonable and convenient route, provided that access shall be along section and boundary lines whenever practical. The viewers and appraisers may recommend specific conditions that the board place on the road as the board deems necessary, including provisions for maintenance and limitations on the amount and type of use. The proposed road shall not exceed thirty (30) feet in width from a certain point on the land of the applicant to some certain point on the public road, and shall be located so as to do the least possible damage to the lands through which the private road is located. The viewers and appraisers shall also appraise any damages sustained by the owner over which the road is to be established and make full and true returns, with a plat of the road to the board of county commissioners. The viewers and appraisers shall also determine whether or not any gates or cattleguards shall be placed at proper points on the road, and appraise any damages in accordance with that determination.

(k) All hearings conducted by the board of county commissioners under this section and W.S. 24-9-103 shall be held in accordance with the Wyoming Administrative Procedure Act, as it applies to a contested case. The board shall enforce the provisions of this article in accordance with the Wyoming Administrative Procedure Act.

~~(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~~ certifies the application directly to the district court ~~unless the board elects to retain jurisdiction. the board shall within twenty (20) days of entering its order send 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 certification shall be filed as a civil action in district court upon payment of a filing fee by the applicant as provided in W.S. 5-3-206(a)(i). The certification shall be an interlocutory decision by the board. The certification and order finding necessity shall not be subject to appellate nor de novo review by the district court. The court shall proceed with the matter in the manner provided in and consistent with subsections (h) and (j) of this section and W.S. 24-9-103, except that the case shall be conducted in accordance with the rules of civil procedure, the court shall act in place of the board of county commissioners, and the provisions of the Wyoming Administrative Procedure Act shall not apply. Entry of a final order by the court shall constitute a final decision of the board under the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure and a final order of the court under the Wyoming Rules of Civil Procedure and the Wyoming Administrative Procedure Act.~~

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 189**VEHICLE SALES AND USE TAX-2**

Original House Bill No. 230

AN ACT relating to vehicle sales and use tax; exempting sales of vehicles to residents of other states from the sales tax; and providing for an effective date.

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

Section 1. W.S. 39-15-105(a)(ix)(A) and by creating a new subparagraph (B) and 39-16-105(a)(x)(A) and by creating a new subparagraph (B) are amended to read:

39-15-105. Exemptions.

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(ix) For the purpose of avoiding application of the sales tax more than once on the same article of tangible property for the same taxpayer:

(A) The trade-in value of tangible personal property shall be excluded from the sales price of new tangible personal property when trade-in and purchase occur in one (1) transaction;: and

(B) The sales price paid for a motor vehicle, house trailer, trailer coach, trailer or semitrailer as defined in W.S. 31-1-101 if the vehicle is purchased by a nonresident of Wyoming and the vehicle is to be removed from the state of Wyoming within thirty (30) days of purchase. The purchaser shall declare under penalty of perjury on a form prescribed by the department that he is not a resident of Wyoming.

39-16-105. Exemptions.

(a) The following purchases or leases are exempt from the excise tax imposed by this article:

(x) For the purpose of avoiding application of the use tax more than once on the same article of tangible property for the same taxpayer:

(A) The trade-in value of tangible personal property shall be excluded from the sales price of new tangible personal property when trade-in and purchase occur in one (1) transaction;: and

(B) The purchase price paid for a motor vehicle, house trailer, trailer coach, trailer or semitrailer as defined in W.S. 31-1-101 if the vehicle is purchased by a nonresident of Wyoming and the vehicle is to be removed from the state of Wyoming within thirty (30) days of purchase. The purchaser shall declare under penalty of perjury on a form prescribed by the department that he is not a resident of Wyoming.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 190

TRANSPARENCY IN GOVERNMENT

Original House Bill No. 144

AN ACT relating to government information; providing definitions; creating the Wyoming public finance website; requiring the creation and maintenance of the website; providing rulemaking authority; requiring a report; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-2-1035 through 9-2-1037 are created to read:

9-2-1035. Definitions.

(a) As used in this act:

(i) "Committee" means the joint appropriations committee;

(ii) "Department" means the department of administration and information;

(iii) "Internet" means the internet, World Wide Web or a similar proprietary or common carrier electronic system;

(iv) "Participating state entity" means the state of Wyoming government including the executive, legislative and judicial branches of government and any department, division, agency, board, commission or other instrumentality of those branches;

(v) "Public financial information" means official public records as defined in W.S. 16-4-201(a)(vi)(A) that are required to be made available on the Wyoming public finance website as required by this act, but shall not include any information:

(A) Provided pursuant to W.S. 26-34-129, 26-34-130, 28-8-108, 35-2-605 through 35-2-617, 35-2-910 or 35-17-105;

(B) Relating to benefits paid under the Worker's Compensation Act that would reveal the identity of the recipient;

(C) Relating to services provided to juveniles under title 14 or title

21 of the Wyoming statutes that would reveal the identity of the juvenile or his family;

(D) That would violate the Health Insurance Portability and Accountability Act or the Health Care Quality Improvement Act.

(vi) "This act" means W.S. 9-2-1035 through 9-2-1037.

9-2-1036. Wyoming public finance website.

(a) There is created the Wyoming public finance website to be administered by the department.

(b) The purpose of the Wyoming public finance website is to:

(i) Permit Wyoming taxpayers to view and track the use of taxpayer dollars by making participating state entities' public financial information available on the internet;

(ii) Allow a person who has internet access to use the website without paying a fee;

(iii) Allow the public to search public financial information on the Wyoming public finance website using criteria established by the department;

(iv) Provide access to financial reports, financial audits, budgets or other financial documents that are used to allocate, appropriate, spend and account for government funds as may be established by rule under W.S. 9-2-1037;

(v) Have a unique and simplified website address;

(vi) Be directly accessible via a link from the main page of the official state website; and

(vii) Include other links, features or functions that will assist the public in obtaining and reviewing public financial information.

(c) The department shall be:

(i) Establish and maintain the website, including the provision of equipment, resources and personnel as necessary;

(ii) Maintain an archive of all information posted to the website;

(iii) Coordinate and process the receipt and posting of public financial information from participating state entities.

(d) The department may:

(i) Develop plans and make recommendations to the committee related to the implementation of the provisions of this act;

(ii) Determine what public financial information shall be provided by participating state entities, provided that the public financial information:

(A) Only includes records that:

(I) Are classified as official public records under W.S. 16-4-201 through 16-4-205;

(II) Are an accounting of monies, funds, accounts, bonds, loans, expenditures or revenues, regardless of source; and

(III) Are owned, held or administered by the participating state entity that is required to provide the record.

(B) Is of the type or nature that should be accessible to the public via a website based on considerations of:

(I) The cost effectiveness of providing the information;

(II) The value of providing the information to the public; and

(III) Privacy and security implications.

(iii) Evaluate the cost effectiveness of implementing specific information resources and features on the website and report that information to the committee.

(e) A participating state entity shall permit the public to view the public financial information of the participating state entity via the website, beginning with information that is generated on or after July 1, 2009.

(f) Not later than January 1, 2010, the website shall be operational and permit access to the public financial information of participating state entities.

(g) The state chief information officer shall provide an annual report to the committee on all initiatives, projects and expenditures under this act.

9-2-1037. Rulemaking authority.

(a) The department shall adopt rules to:

(i) Require participating state entities to provide public financial information for inclusion on the Wyoming public finance website provided legislative appropriations are available to permit entities to generate the information;

(ii) Define the term “public financial information” as it applies to participating state entities in accordance with the provisions of this act; and

(iii) Establish procedures for obtaining, submitting, reporting, storing and providing public financial information on the Wyoming public finance website which may include a specified reporting frequency and form.

(b) The department may adopt rules to require a participating entity to list the following information regarding expenditures made by a person under a contract with the participating entity:

(i) The name of the participating entity making the expenditure;

(ii) The name of the person receiving the expenditure;

(iii) The date of the expenditure;

(iv) The amount of the expenditure;

(v) The purpose of the expenditure;

(vi) The name of each party to the contract;

(vii) An electronic copy of the contract; and

(viii) Any other criteria designated by rule of the department.

Section 2. There is appropriated twelve thousand three hundred dollars (\$12,300.00) from the general fund to the department of administration and information. 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 carrying out the provisions of W.S. 9-2-1035 through 9-2-1037 as created in this act.

Section 3. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 191**WEIGHTS AND MEASURES**

Original House Bill No. 97

AN ACT relating to weights and measures; providing definitions; providing for laboratory accreditation or recognition of physical standards; providing for modifications to comply with federal standard requirements; providing exceptions; establishing labeling requirements; providing for field standards; providing for training; providing for fees; modifying requirements on delivery tickets for bulk sales; providing for rulemaking; repealing certain provisions for fees; providing an appropriation; authorizing a full-time position; and providing for an effective date.

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

Section 1. W.S. 40-10-117 by creating a new subsection (b), 40-10-119, 40-10-120, 40-10-121 by creating new subsections (b) and (c), 40-10-122(a)(i), (iii) through (vi), (viii)(intro), (ix) through (xii) and by creating new paragraphs (xiii) through (xx), 40-10-123, 40-10-125(a)(ii), (iii) and (b), 40-10-128(a)(iii) through (v) and by creating a new paragraph (vi), 40-10-130, 40-10-131, 40-10-132(a)(i) through (iv), by creating new paragraphs (v) and (vi) and by renumbering (v) as (vii), 40-10-135 and 40-10-136 are amended to read:

40-10-117. Definitions.

(b) As used in this chapter:

(i) "Accreditation" means a formal recognition by the national institute of standards and technology, as a laboratory that is competent to carry out specific tests or calibrations or types of tests or calibrations;

(ii) "Calibration" means a set of operations which establishes, under specified conditions, the relationship between values indicated by a measuring instrument or measuring system or values represented by a material measure, to the corresponding known values of a measurement;

(iii) "Commerce" means the buying and selling of goods;

(iv) "Commercial weighing and measuring equipment" means weighing and measuring devices commercially used or employed to establish the size, quantity, extent, area or measurements of goods purchased, offered or submitted for sale, hire or award, or in computing a basic charge or payment for services;

(v) "Condemned for repairs" means a weight or measure found to be incorrect and which, following policies set forth by the director, can be repaired. Weights or measures which are condemned for repair shall be marked as such and be sealed so that the weight or measure cannot be

used and is made inoperable until all appropriate repairs are completed;

(vi) "Confiscation and seizure" means that an incorrect weight or measure is taken into custody by the department following procedures and policies set forth by the director. Weights or measures which are confiscated shall be marked as such and if possible shall be removed from the premises to the direct custody of the department;

(vii) "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this act;

(viii) "Department" means the department of agriculture;

(ix) "Director" means the director of the department of agriculture or his duly authorized representative;

(x) "Field standard" means a physical standard that meets specifications and tolerances in the National Institute of Standards and Technology Handbook 105-series standards, is traceable to the reference or working standards through comparisons or using acceptable laboratory procedures as adopted by the National Conference on Weights and Measures and published in the United States Department of Commerce National Institute of Standards and Technology Handbook 143, "State Weights and Measures Laboratories Program Handbook," and is used in conjunction with commercial weighing and measuring equipment. All field standards may be defined by rule and regulation and shall be verified upon their initial receipt and as often thereafter as deemed necessary by the director;

(xi) "International system of units" means the modernized metric system as established in 1960 by the general conference on weights and measures as interpreted or modified for the United States by the secretary of commerce;

(xii) "Mass" means the same as "weight";

(xiii) "Net weight" means the weight of a commodity excluding any materials, substances or items not considered to be part of the commodity. Materials, substances or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments and coupons, except that packaging materials may be considered to be part of services such as shipping;

(xiv) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale;

(xv) "Physical standard" means weights and measures that are traceable to the United States prototype standards supplied by the federal

government, including, but not limited to, standards adopted by the United States department of the interior, bureau of land management applicable to onshore oil and gas leases, the United States federal energy regulatory commission, the United States department of transportation, the state of Wyoming public service commission, or approved as being satisfactory by the National Institute of Standards and Technology. Physical standards shall be the state reference and working standards for weights and measures and shall be maintained in such calibration as prescribed by the National Institute of Standards and Technology as demonstrated through laboratory accreditation or recognition;

(xvi) "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived;

(xvii) "Random weight package" means a package that is one of a lot, shipment or delivery of packages of the same commodity with no fixed pattern of weights;

(xviii) "Recognition" means a formal recognition by the National Institute of Standards and Technology weights and measures division that a laboratory has demonstrated the ability to provide traceable measurement results and is competent to carry out specific tests or calibrations or specific types of tests or calibrations;

(xix) "Reference standard" means:

(A) A standard, generally of the highest metrological quality available at a given location, from which measurements made at that location are derived; or

(B) The physical standards of the state that serve as the legal reference from which all other standards for weights and measures within that state are derived.

(xx) "Registered service person" means an individual who for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and who is registered with the director;

(xxi) "Reject" means a weight or measure found to be incorrect, and following policies set forth by the director may be used until repaired. A weight or measure which is rejected shall be marked as such, and may be used for the period of time specified pursuant to rule and regulation;

(xxii) "Sale from bulk" means a sale of commodities in which the quantity is determined at the time of sale;

(xxiii) "Secondary standards" means the physical standards that are

traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations;

(xxiv) “Standard package” means a package that is one of a lot, shipment or delivery of packages of the same commodity with identical net contents declarations, such as, one (1) liter bottles or twelve (12) fluid ounce cans of carbonated soda, five hundred (500) gram or five (5) pound bags of sugar, one hundred (100) meter or three hundred (300) foot packages of rope;

(xxv) “Traceability” means the result of a measurement or the value of a standard which can be verified as correct when compared with a national or international standard;

(xxvi) “Uncertainty” means a parameter associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the measurement;

(xxvii) “Verification” means the formal evaluation of a standard or device against the specifications and tolerances for determining conformance;

(xxviii) “Weight” as used in connection with any commodity or service means net weight. When a commodity is sold by drained weight, the term means net drained weight. When used in this chapter, “weight” and “mass” have the same meaning;

(xxix) “Weight and measure” means weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance or accessory associated with such instruments or devices;

(xxx) “Working standard” means:

(A) A standard that is usually calibrated against a reference standard and is used routinely to calibrate or check material measures, measuring instruments or reference materials; or

(B) The physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures and used in the enforcement of weights and measures laws and regulations.

(xxxi) “This act” or “this chapter” means W.S. 40-10-117 through 40-10-136.

40-10-119. Physical standards.

Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being

~~satisfactory~~ by the United States Department of Commerce National Institute of Standards and Technology, shall be the state primary standards of weights and measures, and shall be maintained in such calibration as prescribed by the United States Department of Commerce National Institute of Standards and Technology or demonstrated through laboratory accreditation or recognition. ~~All secondary-Field standards may be prescribed by the director and shall be verified upon their initial receipt, and as often thereafter as deemed necessary by the director specified by rule and regulation.~~

40-10-120. Technical requirements for weighing and measuring devices.

(a) The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the United States Department of Commerce National Institute of Standards and Technology Handbook 44, "Specification, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," shall apply to weighing and measuring devices in this state, unless modified or rejected and may be amended by rule or regulation.

(b) The Uniform Regulation for National Type Evaluation as adopted by the National Conference on Weights and Measures and published in the United States Department of Commerce National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," are adopted and shall apply to type evaluation in this state, unless modified or rejected and may be amended by rule or regulation.

40-10-121. Department of agriculture duties and powers.

(b) Unless requested by the operator of the weighing or measuring equipment, the department shall have no authority over weights and measures used in activities subject to the authority of the United States department of the interior associated with on shore oil and gas, the United States federal energy regulatory commission, the Wyoming public service commission associated with pipelines and utilities or the Wyoming oil and gas conservation commission.

(c) Except as otherwise required by law, rule, regulation or third party agreement, the department shall have no authority over weights and measures used pursuant to a written agreement between the parties using the weighing device.

40-10-122. Powers and duties of the director.

(a) The director shall:

(i) Maintain traceability of the state standards to the national

~~standards in the possession of~~ established by the United States Department of Commerce National Institute of Standards and Technology as demonstrated through laboratory recognition or accreditation;

(iii) Issue reasonable rules and regulations for the enforcement of this act, ~~which regulations shall have the force and effect of law;~~

(iv) Grant ~~any~~ exemptions from the provisions of this act or any regulations promulgated pursuant thereto when appropriate ~~to~~ for the maintenance of good commercial practices within the state;

(v) Conduct investigations to ensure compliance with this act and the rules and regulations promulgated pursuant to this act;

(vi) Delegate authority to appropriate personnel ~~any of these responsibilities as required~~ for the proper administration and enforcement of this act;

(viii) ~~Inspect and test, to ascertain if they are correct,~~ Promulgate rules and regulations regarding inspecting and testing weights and measures used commercially, used to ascertain if they are correct:

(ix) Approve for use; and ~~may mark, such weights and measures as are found to be correct, and shall reject and mark as rejected, or condemn; and mark as condemned; and make inoperable such weights and measures as are found to be incorrect. Rejected weights and measures that have been rejected shall be condemned and made inoperable if not corrected within the time specified or if used in a manner not specifically authorized;~~

(x) Weigh, measure or inspect packaged commodities kept, offered or exposed for sale, sold or in the process of delivery; to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this act or rules and regulations promulgated pursuant to this act. In carrying out the provisions of this ~~subsection paragraph,~~ the director shall employ recognized sampling procedures, ~~such as are designated in adopted by National Conference on Weights and Measures and published in the~~ United States Department of Commerce National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods;"

(xi) Prescribe, by rule and regulation, the appropriate term, ~~or unit of weight or unit of measure to be used, whenever he determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, time or combination thereof, does not facilitate value comparisons by consumers; or offers an opportunity for~~ may lead to consumer confusion;

(xii) Allow reasonable variations from the stated quantity of contents, ~~which shall include those caused by to allow for loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered~~

intrastate commerce;

(xiii) Establish labeling requirements, requirements for the presentation of cost-per-unit information, establish standards of weight, measure, count and fill for any packaged commodity and establish requirements for open dating information;

(xiv) Verify the field standards for weights and measures used by any jurisdiction or registered service person operating within Wyoming before being put into service, and as often thereafter as deemed necessary by the director, and approve the same when found to be correct;

(xv) Provide for registration of persons qualified by training and experience to install, service and repair weighing or measuring devices;

(xvi) Provide that only persons who are registered are authorized to place in service devices which have been rejected or condemned and repaired or newly installed devices, whether new or used, until an official inspection by an authorized inspector is made;

(xvii) Provide for the training of weights and measures personnel and establish minimum training and performance requirements, for all weights and measures personnel, including county, municipal, state or registered servicepersons;

(xviii) Verify advertised prices, price representations and point-of-sale systems, as necessary to determine:

(A) The accuracy of prices and computations and proper use of the equipment; and

(B) The accuracy of prices printed or recalled from a database in systems utilizing scanning or coding means in lieu of manual entry. In carrying out the provisions of this paragraph, the director shall:

(I) Employ recognized procedures, as adopted by the National Conference on Weights and Measures and published in the United States Department of Commerce National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations, Examination Procedures for Price Verification"; and

(II) Conduct inspections and investigations to ensure compliance.

(xix) Establish fees for testing and inspection, which may include actual hourly cost plus mileage for any inspections requested other than the routine inspection. The hourly cost shall be as determined by the director and the mileage cost shall be as provided by W.S. 9-3-103;

(xx) Establish reasonable laboratory fees for testing, inspection and calibration of standards or weight and measuring devices.

40-10-123. Special enforcement powers.

(a) When necessary for the enforcement of this act or rules and regulations promulgated pursuant to this act, the director ~~or his designee~~ is:

(i) Authorized to enter any commercial premises open to the public during normal business hours, ~~except that in the event~~ ~~If~~ the premises are not open to the public, he shall ~~first present his credentials and obtain consent before making entry, unless or obtain~~ a search warrant; ~~has previously been obtained;~~

(ii) Empowered to issue stop-use, hold and removal orders with respect to any weights and measures commercially used, ~~and stop-sale, hold and removal orders with respect to~~ or any packaged commodities or bulk commodities kept, offered or exposed for sale; and

(iii) Empowered to seize, ~~for use as evidence, without formal warrant,~~ any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of the provisions of this act or rules and regulations promulgated pursuant to this act;

(iv) Authorized to report the results of investigations and inspections to the owner or person in charge by hand delivering, mailing or sending electronically.

40-10-125. Misrepresentation of quantity or pricing.

(a) No person shall:

(i) Take more than the represented quantity when, ~~as buyer,~~ he furnishes the weight or measure by means of which the quantity is determined; or

(ii) Represent the quantity in any manner ~~calculated or intending~~ tending to mislead or ~~in any way~~ deceive another person.

(b) No person shall misrepresent the price of any commodity ~~or service sold,~~ offered, exposed or advertised for sale by weight, measure or count, nor represent the price in any matter ~~calculated or intending~~ tending to mislead or in any way deceive ~~a~~ another person.

40-10-128. Sale from bulk.

(a) Except when the parties agree in advance that a delivery ticket is not required, all bulk sales in which the buyer and seller are not both present to witness the measurement shall be accompanied by a delivery ticket

containing the following information:

(iii) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, such as when temperature compensated sales are made;

(iv) The identity of the product in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale; and

(v) The count of individually wrapped packages, if more than one (1): for commodities purchased from bulk, but delivered in packages;

(vi) The unit price, unless all parties agree the unit price is not required.

40-10-130. Declarations of unit price on random weight packages.

In addition to the declarations required by W.S. 40-10-128, any package ~~being one of in~~ a lot containing random weights of the same commodity, ~~at the time it is offered or exposed for sale at retail,~~ shall ~~bear~~ include on the outside of the package a plain and conspicuous declaration of the price per pound or kilogram and the total selling price of the package, at the time it is offered or exposed for sale at retail.

40-10-131. Advertising packages for sale.

Whenever a packaged commodity is advertised ~~in any manner~~ with the retail price stated, there shall be ~~closely and conspicuously associated with the retail price~~ a conspicuous declaration of quantity ~~as is required by law or rule or regulation to appear on the package.~~

40-10-132. Prohibited acts.

(a) No person shall:

(i) Use or ~~have in possession for use in commerce~~ possess any incorrect weight or measure for use in commerce;

(ii) Sell or offer for sale ~~for use in commerce~~ any incorrect weight or measure for use in commerce;

(iii) Remove any tag, seal or mark from any weight or measure or weighing or measuring device, without specific written authorization from the proper authority;

(iv) Hinder or obstruct any weights and measures official in the performance of his duties; ~~or~~

(v) Use or possess any weight, measure, weighing or measuring device

that for use in commerce has not been tested and certified as correct by the department or a registered service person;

(vi) Place any weight, measure, weighing or measuring device into commercial service without having a current certificate of registration as a registered service person; or

~~(v)~~(vii) Violate any provision of this act or rules or regulations promulgated under this act.

40-10-135. Presumptive evidence.

Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that the weight or measure or weighing or measuring device is regularly used ~~for the business purposes of that place in commerce.~~

40-10-136. License required; fee.

(a) Every person who owns or is responsible for a ~~weights, measures~~ weight, measure, weighing or measuring device regulated by this act shall obtain an annual license for each establishment on or before April 1 from the department of agriculture in the amount authorized by W.S. 11-1-104 and pay a fee as provided in this subsection. The fees collected by the department under this section shall be deposited in the general fund. Fees shall be set by the department as follows:

(i) Not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for establishments with no more than five (5) devices;

(ii) Not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for establishments with more than five (5) and less than eleven (11) devices;

(iii) Not more than seventy-five dollars (\$75.00) for establishments with eleven (11) or more devices.

(b) The director shall define premise and inspection locations, including physical addresses and circumstances for special events.

(c) For purposes of this section, "establishment" means a place of business under one (1) management at one (1) physical location.

Section 2. W.S. 11-1-104(b)(xiii) and 40-10-117(a) are repealed.

Section 3. There is authorized one (1) additional full-time position and appropriated one hundred forty-five thousand dollars (\$145,000.00) from the general fund to the department of agriculture. 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 to manage the weights and measures program. 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, 2009.

Approved March 12, 2009.

Chapter 192

YOUTHFUL DRIVERS RESTRICTED LICENSES

Original Senate File No. 74

AN ACT relating to restricted licenses; allowing young drivers to hold both class C and class M licenses; and providing for an effective date.

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

Section 1. W.S. 31-7-117(c)(intro) is amended to read:

31-7-117. Restricted licenses.

(c) The division may issue a restricted class “C” or “M” license, or both such licenses, to a person who is between the ages of fourteen (14) and sixteen (16) years upon receipt of application, payment of the proper fees, an affidavit of extreme inconvenience signed by the parent or guardian having custody of the applicant and a finding by the highway patrol that extreme inconvenience actually exists. The applicant shall successfully pass the examination required by W.S. 31-7-114. The licensee may drive a vehicle only between the hours of 5:00 a.m. and 8:00 p.m., within a fifty (50) mile radius of his domicile and only at the direction of his parent or guardian. If any person while licensed under this subsection, receives a citation for a moving violation, the division, upon receipt of the notice of conviction, shall suspend the license and any other license or permit evidencing that person’s privilege to operate a motor vehicle. For purposes of this subsection “extreme inconvenience” includes the following circumstances:

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, 2009.

Chapter 193**FINES FOR SPEEDING TRUCKS**

Original Senate File No. 98

AN ACT relating to the regulation of traffic; providing increased penalties for speeding in certain vehicles; specifying the speeding offenses to which the increased penalties apply; and providing for an effective date.

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

Section 1. W.S. 31-5-1201(g) is amended to read:

31-5-1201. Violation of provisions to constitute misdemeanor; penalties.

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii) by ~~exceeding a speed of eighty (80) miles per hour, or W.S. 31-5-301(b)(iv) by exceeding a speed of seventy (70) miles per hour, or W.S. 31-5-301(c) 31-5-301(b)(iii), (iv) or (c) or 31-5-302~~ by exceeding the posted speed limit in a construction zone established under W.S. 31-5-302 by six (6) or more miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined ~~one hundred dollars (\$100.00)~~ three hundred dollars (\$300.00).

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 194**VICTIMS OF CRIMES-REPORTING AND NOTIFICATION**

Original House Bill No. 73

AN ACT relating to crime victims; conditioning receipt of funds by crime victim service providers on the provider's agreement to submit an annual unduplicated count of the number of victims served; and providing for an effective date.

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

Section 1. W.S. 1-40-118(e) and 9-1-638(a)(v) are amended to read:

1-40-118. Distribution of monies to crime victim service and victim assistance providers.

(e) In determining whether a victim service provider is eligible to receive grants under subsection (d) of this section, the primary consideration shall be whether the eligibility requirements of the granting source are met, including the provider's agreement to submit an annual unduplicated count of the number of victims served in accordance with rules and regulations promulgated by the division.

9-1-638. Division of victim services; duties and responsibilities.

(a) The division of victim services shall:

(v) Establish minimum program standards and uniform reporting procedures for community based services and programs for victims supported by state funds and state administered federal funds, including a requirement that such community based services and providers submit an annual unduplicated count of the number of victims served in accordance with rules and regulations promulgated by the division;

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, 2009.

Chapter 195

AGGRAVATED ASSAULT

Original Senate File No. 84

AN ACT relating to crimes and offenses; adding attempt to cause serious bodily injury manifesting extreme indifference to the value of human life as a new means of committing aggravated assault; and providing for an effective date.

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

Section 1. W.S. 6-2-502(a)(i) is amended to read:

6-2-502. Aggravated assault and battery; penalty.

(a) A person is guilty of aggravated assault and battery if he:

(i) Causes or attempts to cause serious bodily injury to another intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

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, 2009.

Chapter 196**CHILD ABUSE AND NEGLECT AMENDMENTS**

Original Senate File No. 103

AN ACT relating to child protection; authorizing transfer of jurisdiction from district court to juvenile court in specified actions; authorizing permanency hearings if a court determines that efforts to reunify the family are unnecessary; authorizing constructive service of process or service by publication under specified conditions; specifying contents of notices; limiting objections to services provided under a case plan if the parent refused to comply with or participate in the case plan process; and providing for an effective date.

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

Section 1. W.S. 1-22-104(a), 3-2-101 by creating a new subsection (b), 14-3-403(b) and by creating a new subsection (c), 14-3-413 by creating new subsections (d) through (f), 14-3-414 by creating a new subsection (f), 14-3-427(k) and 14-3-440(g) are amended to read:

1-22-104. Petition for adoption of minor; by whom filed; requisites; confidential nature; inspection; separate journal to be kept.

(a) Adoption proceedings shall be commenced by a petition filed in district court. The district court may transfer jurisdiction of a petition to adopt a child to the juvenile court if the child proposed for adoption in the petition is under the prior and continuing jurisdiction of the juvenile court.

3-2-101. Petition for appointment of guardian.

(b) The district court may transfer jurisdiction of a petition for appointment of a guardian to the juvenile court if the proposed ward is a child who is under the prior and continuing jurisdiction of the juvenile court.

14-3-403. Juvenile court authority over certain issues.

(b) Nothing contained in this act is construed to deprive the district court of jurisdiction to determine questions of custody, parental rights, guardianship or any other questions involving minors, when the questions are the subject of or incidental to suits or actions commenced in or transferred to the district court as provided by law, except:

(i) If a petition involving the same child is pending in juvenile court or if continuing jurisdiction has been previously acquired by the juvenile court, the district court may certify the question of custody to the juvenile court; and

(ii) The district court at any time may request the juvenile court to make recommendations pertaining to guardianship or legal custody.

(c) A party to the proceeding may file a petition for adoption or an

appointment of guardianship in the underlying juvenile action in lieu of filing a petition with the district court.

14-3-413. Order to appear; contents thereof; when child taken into immediate custody; waiver of service.

(d) With respect to a child who is alleged to have been abused or neglected, a noncustodial parent or putative father who has not had parental rights to the child removed by a court, and who is not alleged in the petition to have abused or neglected the child, shall be served with notice of the child protective proceeding pursuant to W.S. 14-3-414 and 14-3-415. The notice shall inform the noncustodial parent or putative father of the following:

(i) A petition has been filed;

(ii) The noncustodial parent or putative father has been named as such in the petition;

(iii) A response from the noncustodial parent or putative father is required within sixty (60) days of the date of service; and

(iv) Failure to respond to the notice, appear at hearings or participate in the case may result in the termination of his parental rights;

(v) The noncustodial parent or putative father may be considered for possible placement of the child.

(e) A noncustodial parent or putative father served with notice of the child protective proceeding shall:

(i) Respond and appear as required by this section and W.S. 14-3-414 and 14-3-415;

(ii) Admit or deny that he is the noncustodial parent or putative father of the child;

(iii) Submit to the jurisdiction of the court;

(iv) Provide information and abide by any order as required by the court.

(f) A parent or putative father who is served pursuant to W.S. 14-3-414 and 14-3-415 and fails to respond as required by this section may not thereafter assert parental rights in contravention of any permanency plan for the child required by W.S. 14-3-431(j) and (k) unless good cause can be shown for failure to respond.

14-3-414. Service of process; order of custody.

(f) If the person's residence is unknown, service may be had by constructive service or by publication as provided in the Wyoming Rules of Civil Procedure.

14-3-427. Predisposition studies and reports.

(k) The department shall develop a case plan for a child when there is a recommendation to place the child outside the home. If a parent chooses not to comply with or participate in the case plan developed by the department, that parent is prohibited from later objecting to or complaining about the services that were provided to the child and family.

14-3-440. Reasonable efforts for family reunification; exceptions.

(g) If the court determines as provided in W.S. 14-2-309(a)(vi), (b) or (c) that reasonable efforts to preserve and reunify the family are not required:

(i) A permanency hearing as provided in W.S. 14-3-431(e) shall be held for the child within thirty (30) days after the determination; and

(ii) Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 197

SERVE WYOMING

Original House Bill No. 161

AN ACT relating to the administration of government; transferring Serve Wyoming, a not-for-profit organization originally known as the commission for national and community service, from the department of workforce services to the office of the governor; repealing a prior transfer of the organization; specifying membership of the organization; specifying powers and duties; providing for continuation of terms of appointments; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-1-223 is created to read:

9-1-223. Serve Wyoming; composition; powers and duties;

definitions.

(a) Serve Wyoming is transferred from the department of workforce services to the office of the governor and shall operate as a private not-for-profit corporation, as specified in this section.

(b) The membership of Serve Wyoming shall be as provided in 42 U.S.C. 12638.

(c) In addition to voting members appointed under subsection (b) of this section, there shall be at least one (1) ex officio nonvoting member of the corporation serving on Serve Wyoming. Other nonvoting members may be appointed as provided in 42 U.S.C. 12638.

(d) Appointed members of Serve Wyoming shall serve terms of three (3) years and may be reappointed to serve additional terms. Voting members of Serve Wyoming shall elect a chairman and a vice chairman from among the voting members.

(e) The purpose of Serve Wyoming shall be to:

(i) Receive federal, state and private funds or donations;

(ii) Administer funds received under this subsection to foster community services, volunteerism, mentoring and literacy;

(iii) Develop and implement a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Wyoming;

(iv) Communicate and cooperate with national and state organizations that support the mission of Serve Wyoming;

(v) Fulfill federal program administration requirements, including working with the corporation on national and community service to assist in the provision of health care and childcare for service program participants;

(vi) Submit annual state applications for federal funding for selected Americorps programs;

(vii) Monitor the performance and progress of programs receiving funds from Serve Wyoming;

(viii) Provide technical assistance to local not-for-profit organizations and other entities in planning programs, applying for funds and in implementing and operating high quality programs;

(ix) Develop mechanisms for recruitment and placement of people

interested in participating in service programs;

(x) Delegate nonpolicy making duties to a public or private not-for-profit organization, subject to requirements that the corporation on national and community service may prescribe.

(f) As used in this section:

(i) "Corporation" means the corporation on national and community service created by the National and Community Service Act of 1990;

(ii) "Serve Wyoming" means the not-for-profit corporation within the governor's office to implement the purposes of the National and Community Service Act of 1990.

Section 2. 2002 Wyoming Session Laws, Chapter 100, Section 1(a)(iii)(A) is repealed.

Section 3. There is appropriated seventy-five thousand dollars (\$75,000.00) from the general fund to the governor's office. This appropriation shall be for the period beginning July 1, 2009 and ending June 30, 2010. This appropriation shall only be expended for the purpose of funding the administrative costs incurred by Serve Wyoming. 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. Any appointment to Serve Wyoming made prior to July 1, 2009 shall continue for the period of the appointment and may be renewed as provided by W.S. 9-1-223(d), created by section 1 of this act.

Section 5. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 198**YOUTH ACCESS TO TOBACCO CESSATION PROGRAMS**

Original Senate File No. 35

AN ACT relating to the age of majority and health care; providing that certain minor children may consent to health care for purposes of tobacco cessation programs; and providing for an effective date.

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

Section 1. W.S. 14-1-101(b)(intro), (iv), (v) and by creating a new paragraph (vi) is amended to read:

14-1-101. Age of majority; rights on emancipation.

(b) A minor may consent to health care treatment to the same extent as if he were an adult when any one (1) or more of the following circumstances apply:

(iv) The minor is living apart from his parents or guardian and is managing his own affairs regardless of his source of income;~~or~~

(v) The minor is emancipated under W.S. 14-1-201 through 14-1-206;:

(vi) The minor is twelve (12) years of age or older, is a smoker or user of tobacco products and the health care to which the minor consents is a tobacco cessation program approved by the department of health pursuant to W.S. 9-4-1204.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 199**LONG-TERM CARE FACILITIES**

Original Senate File No. 108

AN ACT relating to the Wyoming business council; providing an appropriation for grants under the community development block grant program; restricting appropriated funds to grants to long-term care facilities; and providing for an effective date.

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

Section 1. There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the Wyoming business

council, community development block grant account. 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 planning grants under the community development block grant program for existing or proposed new long-term care facilities. For purposes of this act, "long-term care facilities" means a facility providing long-term care services as defined in W.S. 9-2-1302(a)(v). Grants funded under this act shall meet any other requirements of the community development block grant program provided under rules of the business council. 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 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 200

HOSPITAL AND HEALTH CARE DISTRICTS-SERVICES TO PROVIDERS

Original Senate File No. 145

AN ACT relating to memorial hospitals, special hospital districts and rural health care districts; authorizing sales of health care services to health care providers; authorizing sales of services for nonhealth care purposes; and providing for an effective date.

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

Section 1. W.S. 18-8-301(c)(i) and (d) is amended to read:

18-8-301. Additional powers; requirements and conditions; approval by governing body.

(c) The authority granted under subsection (a) of this section shall only be exercised:

(i) For the delivery of health care services, provided that an entity primarily organized and operated to sell services to health care providers may also sell such services for nonhealth care purposes; and

(d) No county memorial hospital, special hospital district or rural health care district shall exercise any authority granted by subsection (a) of this section in any Wyoming municipality in which a hospital currently exists unless and until that hospital has been given an opportunity to participate with the undertaking hospital, special hospital district or rural health care district. This subsection shall not apply to any entity which is organized

for the purpose of selling administrative services to health care providers.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 201

MEDICAL PRACTICE ACT REVISIONS

Original House Bill No. 298

AN ACT relating to the Medical Practice Act; correcting and updating definitions; amending the composition, powers, duties and operations of the board of medicine; providing for criminal background checks; amending compensation and reimbursement of expenses of board of medicine members; amending licensure provisions of physicians and physician assistants; authorizing emeritus physician and physician assistant licenses as specified; providing for the regulation of the practice of medicine by physicians and physician assistants; providing processes and procedures for discipline of physicians and physician assistants; 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 (xx), 7-19-201(a) by creating a new paragraph (xiii), 33-26-102(a)(vii)(intro), (D), (xviii), (xix), (xx) and by creating new paragraphs (xxii) through (xxix), 33-26-103(a)(iii) and (iv), 33-26-201(a), (e) and by creating a new subsection (f), 33-26-202(b)(x), (xii) and by creating new paragraphs (xv) through (xix), 33-26-203, 33-26-301(a), (b)(iv) and by creating new paragraphs (vi) through (viii), 33-26-303(a)(intro), (ii), (iv), (vi), (vii), (ix) and by creating new subsections (c) and (d), 33-26-304(a)(intro), (ii), (b), (c)(ii), (iii), (vi) and by creating new subsections (e) and (f), 33-26-305(c) and by creating a new subsection (e), 33-26-307(b), 33-26-402(a)(xxv), (xxvi)(A) and (xxvii)(P), 33-26-405(b)(ii), 33-26-406(a), (b) and (c)(i), 33-26-501(a)(v)(A) and (B), 33-26-502(d), 33-26-503(b) by creating a new paragraph (vii), 33-26-504(f) and (g), 33-26-505(b), 33-26-506(a), 33-26-601(a), (c), (d)(intro), (iv)(A) and (e) through (j) 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:

(xx) The board of medicine for purposes of obtaining background information on applicants for licensure or certification by the board whose application or other information received by the board indicates the applicant has or may have been convicted of a crime, and for purposes of investigation of complaints and disciplinary action against licensees of the

board.

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:

(xiii) All persons applying for licensure or certification to the Wyoming board of medicine on or after July 1, 2009, whose application or other information received by the board indicates that the applicant has or may have been convicted of a crime, and any licensee of the board of medicine upon written request from the board of medicine as part of an ongoing investigation of or disciplinary action against the licensee.

33-26-102. Definitions.

(a) As used in this chapter:

(vii) "Impaired" means a person who ~~cannot~~ is unable to practice medicine with reasonable skill and safety to patients by reason of one (1) or more of the following:

(D) Chemical or alcohol impairment, addiction, dependence or abuse.

(xviii) "FLEX examination" means the federation of state medical boards ~~post-licensure competency licensing~~ examination;

(xix) "R.C.P.S.C." means the royal college of physicians and surgeons of Canada;

(xx) "Physician-patient relationship" means a relationship between a licensee and any person formed for the purpose of the licensee providing medical diagnosis or treatment to the person, whether or not for compensation; ~~and~~

(xxii) "Board counsel" means an attorney designated by the board to provide legal counsel to the board and its staff in the conduct of the board's business;

(xxiii) "Board prosecutor" means an attorney designated by the board to prosecute, and to provide legal counsel to interviewers and petitioners in, disciplinary cases pending before the board pursuant to this act and the Wyoming Administrative Procedure Act;

(xxiv) "COMLEX" means the comprehensive osteopathic medical licensing examination, administered by the national board of osteopathic medical examiners;

(xxv) "Condition" means a specific requirement or prohibition imposed

by any medical licensing board of any jurisdiction, or by any health care facility on an applicant's or licensee's clinical privileges at that facility, that shall be fulfilled by an applicant or licensee in order to obtain or continue to hold a license in that jurisdiction, or clinical privileges at that facility;

(xxvi) "E.C.F.M.G." means the educational commission for foreign medical graduates;

(xxvii) "Restriction" means a limitation placed by any medical licensing board of any jurisdiction on an applicant's or licensee's scope of practice in that jurisdiction, or by any health care facility on an applicant's or licensee's clinical privileges at that facility;

(xxviii) "SPEX examination" means the federation of state medical boards special purpose post-licensure competency examination;

(xxix) "Telemedicine" means the practice of medicine by electronic communication or other means from a physician in a location to a patient in another location, with or without an intervening health care provider.

33-26-103. Applicability of chapter.

(a) This chapter does not apply to:

(iii) Commissioned medical officers of the United States armed services and medical officers of the United States public health service or the United States department of veterans administration of the United States affairs in the discharge of their official duties or within federally controlled facilities or enclaves, provided that the persons who are licensees of the board shall be subject to the provisions of this act and further provided that all such persons shall be the holder of a full and unrestricted license to practice medicine in one (1) or more jurisdictions of the United States;

(iv) Any individual residing in and licensed in good standing to practice medicine in another state or country called brought into this state for consultation by a physician licensed to practice medicine in this state, provided the physician licensed in this state notifies the board of the consultation in compliance with regulations adopted by the board;

33-26-201. State board of medicine; composition; appointment; terms; qualifications; removal; vacancies; quorum.

(a) The Wyoming state board of medicine shall consist of five (5) physicians licensed to practice medicine in Wyoming, not less than one (1) of whom shall possess the degree of doctor of osteopathy and not less than two (2) of whom shall possess the degree of doctor of medicine, one (1) physician assistant and two (2) lay members, not directly related to physicians, appointed by the governor by and with the consent of the senate as required by W.S. 28-12-101 through 28-12-103. Board members appointed by the governor shall serve at the pleasure of the governor. The board members

shall annually elect a president, a vice-president, and a secretary.

(e) A quorum of the board consists of five (5) board members, including a lay member, unless otherwise specified in subsection (f) of this section.

(f) If the board president determines that due to conflicts of interest or other circumstances it may not be possible to seat a quorum of board members to hear a disciplinary case brought pursuant to this act, the president may submit a written request to the governor for the appointment of one (1) or more acting board members to hear the disciplinary case in question. Upon receipt of the request, the governor shall appoint the requested number of temporary board members for the sole purpose of hearing the disciplinary case in question. Only persons who previously served as members of the board shall be eligible for temporary appointment to hear disciplinary cases before the board. Appointments made under this subsection shall not require the consent of the senate pursuant to W.S. 28-12-101 through 28-12-103. Persons appointed pursuant to this subsection shall be compensated and have their expenses reimbursed in the same manner as regular board members under W.S. 33-26-203(c). The appointment of a person under this subsection shall automatically terminate upon the entering of a final order in the disciplinary case for which he was appointed.

33-26-202. Board; duties; general powers.

(b) The board is empowered and directed to:

(x) Verify the status of licenses and privileges held by licensees and applicants for licensure with the federation of state licensing—medical boards, medical licensing boards in other jurisdictions and federal data banks, and make a similar inquiry with regard to all applicants for licensure to provide verification of the status of licenses held in this state by licensees to the entities specified in this paragraph;

(xii) Participate in and ~~contribute to~~ contract with a program or programs to assist in the return to practice of licensees who have exhibited disruptive behaviors, substance dependence or abuse or are suffering from physical or mental impairment;

(xv) Publish nonbinding advisory opinions or other guidance on the application and interpretation of this act and the rules and regulations promulgated pursuant to this act;

(xvi) Request criminal history background information for purposes of licensure and discipline, as authorized under W.S. 7-19-106(a);

(xvii) Use, retain or employ investigators, the offices of the attorney general, the state division of criminal investigation, any other investigatory or fact finding agency and medical specialty consultants, as necessary,

to investigate and evaluate complaints against licensees and possible violations of this act and the board's rules;

(xviii) Adopt rules and regulations for the practice of medicine in Wyoming by physicians and physician assistants not otherwise licensed in Wyoming in the event of a public health emergency or pandemic;

(xix) Adopt rules and regulations for the practice of telemedicine.

33-26-203. Board; employment and salary of executive director; and other employees; per diem and expenses of members.

(a) The board may employ or contract with an executive ~~secretary~~director, board counsel, board prosecutor and other necessary staff. The executive ~~secretary~~director shall not be a board member.

(b) The executive ~~secretary's salary~~director's compensation and terms of employment shall, and board counsel's ~~salary~~and the board prosecutor's compensation may, be set by the board. The ~~salaries~~compensation of other staff shall be set by the human resources division of the department of administration and information.

(c) Board members ~~shall not receive compensation for their services but~~ shall receive ~~mileage and per diem salary~~ in the same manner and amount as members of the Wyoming legislature and shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their official duties. Any incidental expenses necessarily incurred by the board or any member, if approved by the board, shall be paid from the account from fees collected pursuant to this chapter.

33-26-301. License required.

(a) No person shall practice medicine in this state without a license granted by the board, or as otherwise provided by law.

(b) Upon appropriate application, fulfillment of eligibility criteria and successful completion of all other requirements, the board may grant:

(iv) An inactive license, provided the qualifications for and the conditions of this license shall be established by rule; ~~or~~

(vi) An emeritus license, allowing retired physicians to provide health care without remuneration, provided the qualifications for and the conditions of this license shall be established by rule;

(vii) A volunteer license, allowing physicians not otherwise licensed in Wyoming to practice medicine in the state without remuneration, provided the qualifications for and conditions of this license shall be established by rule;

(viii) An administrative medicine license for physicians not providing patient care, provided the qualifications for and the conditions of this license shall be established by rule.

33-26-303. Requirements for granting license.

(a) The board may grant a license to practice medicine in this state to any applicant who demonstrates, to the satisfaction of a majority of the board, that he:

(ii) Has graduated from a school of medicine accredited by the L.C.M.E., a school of osteopathy accredited by the A.O.A., ~~or a Canadian accredited school of medicine~~ or has been certified by the E.C.F.M.G.;

(iv) Has provided written evidence that he has completed at least one (1) year of postgraduate training in an A.C.G.M.E., A.O.A. or R.C.P.S.C. accredited program; ~~An applicant who graduated from a medical school not accredited by the L.C.M.E. or A.O.A. shall present written evidence that he has completed at least two (2) years of medical education at the medical school from which he graduated and that he has completed at least two (2) years of postgraduate training in an A.C.G.M.E., A.O.A. or R.C.P.S.C. accredited program;~~

(vi) Has successfully completed all three (3) parts of the USMLE, national boards, the FLEX, a board approved, state constructed licensing examination, the examination by the licentiate of the medical council of Canada; or the examination developed by the national board of osteopathic medical examiners COMLEX, provided the conditions and requirements for completion of all parts of the examinations shall be established by board rule;

(vii) Has completed an application form provided or approved by the board;

(ix) Has completed to the satisfaction of a majority of board members, if required pursuant to board rule, a personal interview consisting of inquiry and oral response to medical knowledge, personal and professional history and intentions for practicing medicine in this state; and

(c) A person whose medical license has been revoked, suspended, restricted, had conditions placed on it or been voluntarily or involuntarily relinquished or surrendered, by or to another state medical or licensing board, or has a disciplinary action pending before another state medical or licensing board, may apply for licensure provided, however, the board may deny licensure based upon the revocation, suspension, restrictions, conditions, relinquishment, surrender of licensure or pending disciplinary action alone.

(d) A person whose clinical privileges at a health care facility have been revoked, suspended, restricted, had conditions placed upon them or been

voluntarily or involuntarily resigned, or against whom a clinical privilege action is pending at a health care facility, may apply for licensure provided, however, the board may deny licensure based upon the revocation, suspension, restrictions, conditions, resignation of privileges or pending clinical privilege action alone.

33-26-304. Temporary license to practice medicine; medical training license; application; qualifications.

(a) The board may issue a temporary license for a term that expires at 8:00 a.m. on the ~~date~~ first day of the next regularly scheduled board meeting to a person who:

(ii) Meets all licensing requirements of W.S. 33-26-303 except that the board may defer the interview required by W.S. 33-26-303(a)(ix) at its discretion until no later than the next board meeting;

(b) ~~A temporary license is valid until the date of the next board meeting following the date of issuance.~~—The board, in its discretion may extend a temporary license for an additional term no longer than 8:00 a.m. on the date ~~first day~~ of the second ~~regular~~ regularly scheduled board meeting following the date of the initial issuance of a temporary license.

(c) The board may issue a medical training license for a term that expires at 12:01 a.m. July 1 of each year to a person who:

(ii) Has graduated from a school of medicine accredited by the L.C.M.E., a school of osteopathy accredited by the A.O.A. or a Canadian accredited school of medicine, or has been certified by the E.C.F.M.G.;

(iii) Has successfully completed steps one (1) and two (2) of the USMLE or the COMLEX;

(vi) Has paid the appropriate fees pursuant to W.S. 33-26-307; and

(e) A person whose medical license has been revoked, suspended, restricted, had conditions placed on it or been voluntarily or involuntarily relinquished or surrendered, by or to another state medical or licensing board, or has a disciplinary action pending before another state medical or licensing board, may apply for licensure provided, however, the board may deny licensure based upon the revocation, suspension, restrictions, conditions, relinquishment, surrender of licensure or pending disciplinary action alone.

(f) A person whose clinical privileges at a health care facility have been revoked, suspended, restricted, had conditions placed upon them or been voluntarily or involuntarily resigned, or against whom a clinical privilege action is pending at a health care facility, may apply for licensure provided, however, the board may deny licensure based upon the revocation, suspension, restrictions, conditions, resignation of privileges or pending

clinical privilege action alone.

33-26-305. Annual renewal; expiration; reactivation of lapsed and inactive licenses; restoration of emeritus licenses to active status; duplicates.

(c) The board may reactivate a lapsed or inactive license if the applicant pays a reactivation fee and fulfills all requirements for the granting of an initial license meets the requirements established by the rules and regulations promulgated by the board.

(e) The board may restore an emeritus license to active status if the applicant meets the requirements established by the rules and regulations promulgated by the board.

33-26-307. Fees.

(b) All money received or collected under this chapter shall be paid to the state treasurer for deposit in a separate account. The money in the account is subject at all times to the warrant of the state auditor drawn upon written requisition of the president and attested by the executive secretary director of the board, with seal attached, for the payment of any board expenses.

33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action.

(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or more of the following grounds:

(xxv) Suspension, probation, imposition of conditions or restrictions, relinquishment, surrender or revocation of a license to practice medicine in another jurisdiction;

(xxvi) Any action by a health care entity that:

(A) Adversely affects clinical privileges for a period exceeding of thirty (30) or more consecutive days;

(xxvii) Unprofessional or dishonorable conduct not otherwise specified in this subsection, including but not limited to:

(P) Intentionally or negligently releasing or disclosing confidential patient information. This restriction shall not apply to disclosures permitted or required by state or federal law or when disclosure is necessary to prevent imminent risk of harm to the patient or others;

33-26-405. Order of the board.

(b) Restriction of a license may include, but is not limited to, the following:

(ii) Requiring the licensee to practice medicine under the supervision of another physician in a clinic or other controlled setting, and setting the conditions of the licensee's practice of medicine;

33-26-406. Reinstatement of license; removal of restrictions or conditions from a license.

(a) A person whose license has been voluntarily relinquished, revoked, restricted or suspended, ~~under this chapter or had conditions or restrictions placed upon his license~~, voluntarily or by action of the board, may petition for reinstatement of his license or for removal of any restrictions or conditions placed upon his license pursuant to W.S. 33-26-405 not less than six (6) months after final judicial review of a board order accepting relinquishment of, or revoking, restricting, placing conditions upon or suspending the petitioner's license or six (6) months after the date of the board order if there is no judicial review.

(b) The petitioner shall submit a petition in writing to the board that, at a minimum, sets forth and provides information regarding the petitioner's fulfillment of any and all conditions or compliance with all restrictions imposed upon petitioner by any prior order of the board or success in correcting the conduct that formed the basis for revocation or relinquishment of petitioner's license.

(c) Upon receipt of the petition, the board shall set the matter for hearing in accordance with the provisions of the Wyoming Administrative Procedure Act. The burden of proof upon the petitioner at the hearing shall be to demonstrate, by a preponderance of evidence, that:

(i) Petitioner has corrected the conduct that formed the basis for the revocation or relinquishment of petitioner's license and that petitioner is able to safely, skillfully and competently resume the practice of medicine; or

33-26-501. Definitions.

(a) As used in this article:

(v) "Supervising physician" means a:

(A) Board-approved physician who utilizes and agrees to be responsible for the medical acts of ~~an approved~~ a board-approved physician assistant; or

(B) Back-up physician when acting in the absence of the supervising physician.

33-26-502. Scope of W.S. 33-26-501 through 33-26-511.

(d) Nothing in this article shall be construed to conflict with or alter the provisions and requirements of W.S. 33-26-101 through 33-26-410 and 33-26-601 et seq.

33-26-503. Board powers and duties.

(b) The board shall:

(vii) Pass upon the qualifications and ability of physicians desiring to serve as a supervising physician or back-up physician including, but not limited to, the compatibility of the supervising physician's or back-up physician's specialty and scope of practice with that of the physician assistant to be supervised.

33-26-504. License required; application; qualifications; consideration of applications.

(f) The board, with the concurrence of the advisory committee, shall approve an application by a licensed physician to supervise physician assistants if the board is satisfied that each proposed physician assistant is a graduate of an approved program, has satisfactorily completed a certification examination and is fully qualified to assist in the practice of medicine under the responsible supervision of a licensed physician. ~~It shall be the policy of the board to allow at least three (3) physician assistants per physician and the board and the advisory committee shall not deny an application due to the number of physician assistants supervised up to at least three (3), except for good cause specific to the circumstances of that individual.~~ The board shall provide by rule for requirements and limitations on the practice by and supervision of physician assistants. However, a physician shall be limited to the supervision of three (3) or fewer physician assistants only for good cause specific to the circumstances of that individual physician.

(g) ~~The board may allow~~ provide by rule for arrangements for other physicians to serve as back up or on call physicians for multiple physician assistants.

33-26-505. Temporary license.

(b) A temporary license is valid until the next board meeting following the date of issuance, ~~but not to exceed one (1) year.~~ The board may extend the temporary license at its discretion upon a showing of good cause for a period not to exceed one (1) year from the original date of issuance of the temporary license.

33-26-506. Term of license; renewal; duplicates.

(a) All licenses other than temporary licenses expire annually on December 31. A physician assistant may renew his license by ~~sending his signature, current address, practice related information requested~~ completing and submitting a renewal application form published by the board and renewal fee to the board prior to expiration of his current license.

33-26-601. Emeritus physician and physician assistant licenses.

(a) As used in this section, “low income uninsured person” and “~~nonprofit health care facility~~” ~~have~~ has the same meanings ~~meaning~~ as in W.S. 33-15-131(a).

(c) The state board of medicine may issue, with or without examination, ~~a volunteer’s~~ an emeritus physician or emeritus physician assistant license to a person who is retired from practice so that the person may provide medical services, ~~to low income uninsured persons at nonprofit health care facilities.~~ The board shall deny issuance of ~~a volunteer’s~~ an emeritus physician or emeritus physician assistant license to a person who is not qualified under this section to hold ~~a volunteer’s~~ an emeritus license.

(d) An application for ~~a volunteer’s~~ an emeritus license shall include all of the following:

(iv) A notarized statement from the applicant, on a form prescribed by the board, that the applicant:

(A) Will not accept any form of remuneration for any medical services rendered while in possession of ~~a volunteer’s~~ an emeritus license; and

(e) The holder of ~~a volunteer’s~~ an emeritus license may provide medical services ~~only on the premises of a nonprofit health care facility or a medical practice in this state and only to low income uninsured persons.~~ The holder shall not accept any form of remuneration for providing medical services while in possession of the license. The board may revoke ~~a volunteer’s~~ an emeritus license on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the license.

(f) ~~A volunteer’s~~ An emeritus license shall be valid for a period of one (1) year, unless earlier revoked under subsection (e) of this section or pursuant to title 33, chapter 26 of the Wyoming statutes. ~~A volunteer’s~~ An emeritus license may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold ~~volunteer’s~~ emeritus licenses. The board shall not charge a fee for issuing or renewing a license pursuant to this section.

(g) To be eligible for renewal of ~~a volunteer’s~~ an emeritus license, the holder of the license shall certify to the board completion of any continuing education required under this chapter as if the holder of the license were in active practice. The board shall not renew a license if the holder has not complied with the continuing education requirements. ~~The nonprofit~~ A health care facility or a medical practice in which the holder of an emeritus

license provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education.

(h) The board shall issue to each person who qualifies under this section ~~a volunteer's an~~ emeritus license. ~~The volunteer's emeritus~~ medical license shall permit the general practice of medicine under this chapter. The emeritus physician assistant license shall permit the practices authorized for physician assistants under W.S. 33-26-501 through 33-26-512.

(j) Except as provided in this section, any person holding a ~~volunteer's an~~ emeritus license issued by the board under this section shall be subject to the requirements of this chapter and the jurisdiction of the board.

Section 2. W.S. 33-26-303(a)(x), 33-26-304(c)(vii) and 33-26-601(d)(iv)(B) 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 12, 2009.

Chapter 202

CERTIFICATE OF AUTHORITY-HIGH VOLTAGE TRANSMISSION LINES

Original House Bill No. 288

AN ACT relating to utilities; providing for issuance of certificates of authority for construction of high voltage electric lines by segments; and providing for an effective date.

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

Section 1. W.S. 37-2-205 by creating a new subsection (h) is amended to read:

37-2-205. Certificate of convenience and necessity; hearings.

(h) Notwithstanding subsection (f) of this section, the commission may authorize the construction of segments of a transmission line before right-of-way is acquired for an entire transmission line provided that:

(i) The public utility has satisfied all requirements for the issuance of a certificate except subsection (f) of this section;

(ii) The public utility has obtained all required right-of-way within the authorized segment;

(iii) Authorization to construct the transmission line within the authorized segment shall not exceed ten (10) miles from the advancing end of an authorized segment, provided that the commission may waive the ten (10) mile limitation if the transmission line segment is:

(A) Located entirely between substations or switching stations;

(B) Located between a substation or switching station and the state line; or

(C) Located entirely within state or federal land.

(iv) Notice has been provided to all private property owners along the entire length of the proposed transmission line;

(v) The commission provides an opportunity for private property owners who are adversely affected by the location of the segment an opportunity to be heard before the authorization of a segment concerning the location of the segment or the impact of any future extension of the transmission line.

Section 2. This act is effective July 1, 2009.

Approved March 12, 2009.

Chapter 203

BIG HORN BASIN DISCOVERY CENTER

Original House Bill No. 239

AN ACT relating to Wyoming Big Horn basin nature and discovery center; providing funding for project planning for a center on state park land to be located near the entrance to Hot Springs state park; requiring a lease agreement; requiring a report; providing an appropriation; providing for reversion of appropriations; and providing for an effective date.

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

Section 1.

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the budget reserve account to the state loan and investment board to be expended as provided in this act. None of this appropriation shall be expended until a joint powers board is created by Hot Springs County and the town of Thermopolis for purposes of constructing and managing the Big Horn Basin nature and discovery center. This appropriation shall only be expended for the purpose of funding the project planning and

investigating economic viability and funding options for the Wyoming Big Horn basin nature and discovery center to be located on state park land near the entrance to Hot Springs state park. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose.

(b) The design and construction of the discovery center shall follow the process for design and construction contracts with public entities provided in W.S. 16-6-701 through 16-6-708.

(c) Notwithstanding subsection (a) of this section, no funds will be expended until the joint powers board has entered into a lease agreement pursuant to W.S. 36-8-304 with the department of state parks and cultural resources that authorizes the construction of the Wyoming Big Horn basin nature and discovery center located on state park land near the entrance to Hot Springs state park.

(d) By December 1, 2009, the joint powers board created by Hot Springs County and the town of Thermopolis shall report to the joint travel, recreation wildlife and cultural resources interim committee and the joint minerals, business and economic development interim committee on the planning, economic viability and funding options of the discovery center.

(e) Any unexpended, unencumbered or unobligated funds appropriated by this act shall lapse to the budget reserve account on June 30, 2010.

Section 2. This act is effective July 1, 2009.

Approved March 13, 2009.

Chapter 204

PROVISIONAL OPPORTUNITY HATHAWAY SCHOLARSHIP

Original House Bill No. 174

AN ACT relating to the Hathaway student scholarship program; providing for a provisional opportunity scholarship in lieu of the career scholarship; extending scholarship use as specified; specifying application of scholarship modification; and providing for an effective date.

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

Section 1. W.S. 21-16-1305(a)(intro) and (iii), 21-16-1307(e)(intro) and 21-16-1308(b)(iv)(C)(I) are amended to read:

21-16-1305. Hathaway provisional opportunity scholarships.

(a) Any student who meets the criteria under W.S. 21-16-1303 is eligible to receive a Hathaway ~~career-provisional opportunity~~ scholarship to pursue a certificate or degree as follows:

(iii) A student who receives a scholarship under paragraph (i) of this subsection and who earns a certificate from the community college with a minimum cumulative GPA of 2.25 may ~~receive an additional~~ extend the provisional opportunity scholarship at a Wyoming community college to pursue either a certificate or a degree at a Wyoming community college or if the student earns a degree from the community college with a minimum GPA of 2.25, may extend the scholarship to pursue a degree at the University of Wyoming if the student maintains a minimum cumulative GPA of 2.25 and otherwise remains eligible for a scholarship under this article. The scholarship under this paragraph shall be for the same amounts and subject to the same limitations as provided for scholarships under paragraph (a) (i) of this section, except that the student may pursue either an additional certificate or a degree and the student may use this scholarship while attending a Wyoming community college or the University of Wyoming.

21-16-1307. Success curriculum; test standards.

(e) The success curriculum required to qualify for ~~career-provisional opportunity~~ 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:

21-16-1308. Administration; rules and regulations.

(b) The department shall, in consultation with University of Wyoming and community college admissions officers and financial aid officers and school districts, promulgate rules and regulations necessary to implement this article, including:

(iv) Criteria and procedures under which students who receive a general educational development (GED) equivalency diploma can qualify for scholarships under this article. A student receiving a GED shall:

(C) If otherwise eligible, be eligible for a scholarship as follows:

(I) With a minimum GED standard score of 500, a scholarship at the same level and to the same extent as a Hathaway opportunity scholarship or career-provisional opportunity scholarship;

Section 2.

(a) This act shall apply to scholarships available to eligible students graduating from high school in school year 2008-2009 and each school year thereafter.

(b) Any student receiving a career scholarship whose initial year of scholarship eligibility as determined under W.S. 21-16-1303(d) occurred prior to the fall semester of the 2009-2010 academic year shall, for the 2009-2010 academic year and each academic year thereafter for which the student maintains scholarship eligibility under W.S. 21-16-1301 through 21-16-1310, be entitled to receive the provisional opportunity scholarship in accordance with this act.

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, 2009.

Chapter 205

HATHAWAY STUDENT SCHOLARSHIP PROGRAM ADMINISTRATION

Original Senate File No. 47

AN ACT relating to the Hathaway student scholarship program; appropriating funds for the administration and implementation of specified scholarship program administrative components and reporting functions; imposing reporting requirements on the use of appropriated funds; and providing for effective dates.

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

Section 1.

(a) For the period commencing on the effective date of this section and ending June 30, 2010, twenty-five thousand dollars (\$25,000.00) is appropriated from the public school foundation program account to the state superintendent to continue the task force established pursuant to 2008 Wyoming Session Laws, Chapter 95, Section 1001, for purposes of reviewing and evaluating the addition of sign language as fulfillment of foreign language requirements under the Hathaway student scholarship program prescribed by W.S. 21-16-1307. The amount appropriated under this subsection shall be in addition to any other nongeneral funds or nonfoundation program account funds available for purposes of this section, which combined amount shall not exceed fifty thousand dollars (\$50,000.00). This combined amount shall be expended by the state superintendent through the department of education for:

(i) Establishing cooperative partnerships with appropriate post secondary education institutions to develop course requirements for instructor certification in American sign language as a second language and to deliver courses in American sign language which may include distance education or concurrent enrollment;

(ii) Developing an assessment instrument to determine proficiency standards for both highly qualified instructors and secondary education students;

(iii) Determining necessary procedures for providing Hathaway student scholarship program access to transfer students with successful completion of American sign language coursework.

(b) The state superintendent shall report final recommendations and proposed requirements for including American sign language as a foreign language component of the success curriculum to the joint education interim committee on or before October 1, 2009.

Section 2.

(a) One hundred fifty-seven thousand dollars (\$157,000.00) is appropriated from the public school foundation program account to the department of education to establish a transcript data center within the department providing a common course coding capability between secondary schools. The transcript center will enable the department to provide required statistical studies and information to the legislature in accordance with W.S. 21-16-1308(c)(vii) and (viii), describing relationships between student high school coursework and subsequent student performance on required college entrance assessments and in enrolled post secondary programs.

(b) The amount appropriated under subsection (a) of this section shall be for the period beginning on the effective date of this section and ending on June 30, 2010, and shall be expended for necessary data software to enable automation of the course matching process between schools.

(c) Not later than October 1, 2009, the department shall report to the joint education interim committee on the expenditure of funds appropriated under this section and on the status of the transcript data center.

Section 3.

(a) Fifty thousand dollars (\$50,000.00) is appropriated from the public school foundation program account to the department of education for implementation of the one (1) week unit of eighth grade instruction regarding preparation for post secondary work as required under W.S. 21-16-1308(b)(i)(C). The appropriation is for the period commencing on the effective date of this section and ending June 30, 2010, and shall be expended for student career assessments prescribed under W.S. 21-16-1308(b)(i)(C) in developing curriculum necessary for success in post secondary education programs and meeting standardized test requirements for scholarships available for post secondary education.

(b) The department shall report on the use of funds appropriated under

this section to the joint education interim committee by October 1, 2009.

Section 4.

(a) Thirty thousand dollars (\$30,000.00) is appropriated from the public school foundation program account to the state superintendent for expansion of participation in the WORKKEYS job skills assessment to Wyoming high school seniors interested in attaining certification in career readiness as offered through the department of workforce services. This appropriation is for the period beginning July 1, 2009, and ending June 30, 2010, and shall apply to test administration in the 2009-2010 school year at a date determined by the school district, and shall apply to high school seniors who have not previously taken the WORKKEYS job skills assessment. This appropriation shall be expended for contractual services necessary to provide for the assessment opportunity required under this section.

(b) In sufficient time to enable expanded assessment administration pursuant to this section during the 2009-2010 school year, the state superintendent in cooperation with the department of workforce services shall provide notice to school districts of the expanded assessment opportunity provided under this section together with the requirements and availability of career readiness certification upon successful completion of the WORKKEYS assessment.

(c) On or before October 1, 2010, the state superintendent and the department of workforce services shall report to the joint education interim committee on the expansion of the WORKKEYS assessment administration pursuant to this section, on the attainment of career readiness certification and on recommendations for continuation of expanded assessment opportunities.

Section 5. All appropriations contained in this act shall be considered one time funding and shall not be contained in any agency's 2011-2012 biennial standard budget request.

Section 6.

(a) Except as provided by 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 4 of this act is effective July 1, 2009.

Approved March 13, 2009.

Chapter 206**DRIVER'S EDUCATION PROGRAM FUNDING**

Original House Bill No. 69

AN ACT relating to school finance; providing supplemental assistance to school districts for driver's education programs; specifying assistance requirements; imposing duties upon and delegating rulemaking authority to the department of education; imposing reporting requirements; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) Supplemental financial assistance shall be available to school districts through the department of education for the provision of driver's education programs. Financial assistance under this section shall 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. To qualify for supplemental assistance under this section, the driver's education program provided by a district shall be certified by the state coordinator of driver education programs under W.S. 21-3-501 and shall be in compliance with guidelines and standards prescribed by rule and regulation of the department of education under W.S. 21-3-501. Supplemental assistance under this section shall be limited to reimbursement for students within a school who are eligible for participation in the free and reduced price lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq.

(b) On or before September 15, 2009, each school district may apply to the department of education for financial assistance under this section on a form and in a manner prescribed by the department. In addition to verification that the district's driver's education program is certified under W.S. 21-3-501 and verification of student eligibility as provided in subsection (a) of this section, application shall include an estimate of the number of eligible students enrolling and completing the district's program during the 2009-2010 school year, including the 2009 summer session, together with any additional information which may be required by the department.

(c) Financial assistance under this section shall be computed by the department for each eligible applicant district by multiplying the number of estimated eligible students enrolling and completing the district's certified driver's education program during school year 2009-2010, including the 2009 summer session, by one hundred fifty dollars (\$150.00), less any per student fee which may be assessed by the district for enrolling in the driver's education program. Seventy-five percent (75%) of the amount computed under this subsection, based upon estimated eligible student enrollment,

shall be paid by the department to each eligible applicant district on or before October 15.

(d) Not later than June 15, 2010, each district receiving supplemental financial assistance under subsection (c) of this section shall report the actual number of eligible students enrolling and completing its certified driver's education program during school year 2009-2010, including the 2009 summer session. Based upon the report submitted by each recipient district and on or before June 30, 2010, the department shall pay each district the remaining twenty-five percent (25%) of the amount computed under subsection (c) of this section, adjusted to reflect actual program enrollment and completion. If the appropriation from the foundation program account under subsection (f) of this section is insufficient to make payments under this subsection, the department shall make a pro rata reduction in the final payment made to all districts under this subsection.

(e) In carrying out this section, the department shall promulgate necessary rules and regulations and shall notify districts of supplemental financial assistance available under this section in sufficient time for compliance with district application requirements imposed under this section. On or before December 1, 2009, the department shall report to the joint education interim committee on financial assistance distributions made under this section based upon estimated student enrollment numbers, and shall provide recommendations to the committee on program continuation.

(f) Two hundred twenty-five thousand dollars (\$225,000.00) is appropriated from the public school foundation program account to the department of education for distribution to districts as supplemental assistance in accordance with this section. This appropriation shall be for the period beginning July 1, 2009, and ending June 30, 2010.

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, 2009.

Chapter 207**SCHOOL FACILITIES-BUDGET PROCESS**

Original House Bill No. 299

AN ACT relating to school facilities; restricting allowable expenditures of major maintenance payments; modifying budget process forwarding school building projects recommended by the school facilities commission as specified; requiring an audit and imposing reporting requirements; providing an appropriation; and providing for effective dates.

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

Section 1. W.S. 9-2-1013(d)(i), 21-15-109(e), 21-15-119(a)(intro), (i) and by creating a new subsection (c), 21-15-121(a)(intro) and 28-11-301(b) by creating a new paragraph (ii) and by renumbering (ii) and (iii) as (iii) and (iv) and amending and renumbering (iv) as (v) and renumbering (v) as (vi), (c)(iii), by creating a new paragraph (iv) and by creating a new subsection (d) are amended to read:

9-2-1013. State budget; distribution of copies to legislators; copies and reports of authorizations.

(d) In addition to the items contained in subsection (a) of this section and notwithstanding any other recommendations made by the governor, the state budget shall also include the governor's recommendations for appropriations for the ensuing two (2) years, or if a supplemental budget request, the remainder of the budget period, subject to the following:

(i) The state budget shall include the governor's recommendations for a total appropriation from the school foundation program account and based upon recommendations of the ~~school facilities commission~~ select school facilities committee under W.S. ~~21-15-119-28-11-301~~, a total appropriation for school capital construction purposes for both fiscal years;

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 ~~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 performing 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.

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than ~~November 1~~, and after review by and in conjunction with the ~~select committee on school facilities~~ September 1, prepare and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The commission shall include with its recommended budget to the select committee the comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(i) The amount of funding estimated costs and proposed funding amounts for all projects determined under W.S. 21-15-117 and 21-15-118 and proposed for that budget period, together with estimated expenditures for major building and facility repair and replacement program payments under W.S. 21-15-109 for the same budget period;

(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and design phase projects and construction phase projects. With the approval of the governor, the commission may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv). Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the commission in accordance with facility guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii).

21-15-121. Annual school building status report to select committee on school facilities.

(a) ~~Not later than December 31~~ September 1 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 this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.

(b) The select committee shall:

(i) Meet at least quarterly;

~~(ii)~~(iii) Monitor the assessment of statewide school facility needs, prioritization of these needs and remediation of identified needs, as undertaken by the school facilities commission pursuant to law;

~~(iii)~~(iv) Develop knowledge and expertise among its members regarding issues pertaining to school facilities and commission programs and procedures to maintain statewide facility adequacy;

~~(iv)~~(v) ~~Review commission proposals~~ Not later than November 1 of each year, prepare and submit budget recommendations based upon information reported by the commission under W.S. 21-15-119 and 21-15-121, addressing statewide building and facility needs and provide recommendations to the joint appropriations committee and the governor. Based upon reports submitted under W.S. 21-15-119 and 21-15-121, the select committee may report recommendations to the legislature including any necessary implementing legislation;

~~(v)~~(vi) Review commission proposals for rules and regulations and provide recommendations to the commission concerning the proposed regulations.

(c) The school facilities commission shall:

(iii) Provide information to the select committee upon request to assist the select committee in monitoring progress under paragraph ~~(b)(ii)~~-(b)(iii) of this section: and in reviewing budget recommendations under paragraph (b)(v) of this section;

(iv) Using accepted accounting standards, account for all funds appropriated by the legislature for each fiscal period and not less than four (4) times during each fiscal year, report expenditures of appropriated amounts and separately identify and report any expenditures which are modified from those amounts specified within the proposed budget submitted to the select committee under W.S. 21-15-119. Any such modification of expenditures of legislative appropriations shall be executed only upon the express approval and authorization of the commission, shall be within the sole authority of the commission and shall not be delegated by the commission.

(d) The select committee may review the budgets prepared by the school facilities commission for each separate project contained within the total budget request submitted under W.S. 21-15-119 and may request additional documentation associated with the development of the project for inclusion within the budget request.

Section 2.

(a) The school facilities commission shall obtain an independent audit of all projects and processes included in the prioritization of building and facility needs and the scheduling of building and facility remediation pursuant to W.S. 21-15-117. On or before September 1, 2009, the audit findings shall be reported to the select school facilities committee and shall:

(i) Provide an accounting of the total costs of each project in its entirety, for all projects scheduled for remediation or otherwise receiving funds from the school capital construction account during the two (2) most recent fiscal years, identifying all project cost subcategories and the derivation of project cost components, reviewing the budgeting, allocation and obligation of funding each project component and identifying resulting balances between allocations and projected costs;

(ii) Examine the prioritization and remediation process used by the commission, clearly describing the linkage between prioritization under W.S. 21-15-117, school district facility plan approval under W.S. 21-15-116 and the budget recommendation forwarded under W.S. 21-15-118;

(iii) Review commission establishment and application of facility guidelines in forwarding project remedies, including the application of cost per square foot guidelines and the linkage to statewide adequacy standards set by the commission under W.S. 21-15-115;

(iv) Examine processes granting exceptions or deviations from established project facility and other cost-related guidelines;

(v) Review procedures for identifying local enhancements to commission approved projects and the management practices employed for and accounting of enhancement costs;

(vi) Provide recommendations for necessary improvement of processes examined and reviewed under this section;

(vii) Based upon audit findings, recommend an ongoing accounting, review and reporting process for use by the commission in reporting to the select school facilities committee, the joint appropriations committee, the governor and the legislature.

Section 3. One hundred ninety thousand dollars (\$190,000.00) is appropriated from the school capital construction account created under W.S. 21-15-111(a)(i) to the school facilities commission to obtain and carry out the independent audit required under section 2 of this act. This appropriation is effective for the period commencing on the effective date of this section and ending June 30, 2010.

Section 4.

(a) Except as provided under subsection (b) of this section, this act is effective July 1, 2009.

(b) Notwithstanding subsection (a) of this section, sections 2 and 3 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 13, 2009.

Chapter 208**SCHOOL FINANCE APPROPRIATIONS**

Original Senate File No. 56

AN ACT relating to school finance; continuing specified off-model school district financial assistance programs; imposing reporting requirements upon the department of education; modifying specified assistance amounts; providing appropriations; and providing for effective dates.

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

Section 1. 2008 Wyoming Session Laws, chapter 95, section 1101(a) through (e) is amended to read:

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 and 2009 summer school session~~sessions~~. 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, and on or before April 15, 2009 for the 2009 summer school session or the 2009-2010 school year, as applicable. 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. For the 2009 summer school session, notification to school districts shall be provided by May 1, 2009. 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 or May 31, 2009, as applicable, 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. To continue supplemental assistance for student enrichment instruction in the 2009 summer school session and into the 2009-2010 school year, an additional four hundred fifty thousand dollars (\$450,000.00) is appropriated from the public school foundation program account to the department of education for the period commencing on the effective date of this subsection and ending June 30, 2010.

(e) Each recipient district shall report by October 1, 2008, or by October 1, 2009, as applicable, 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. If the recipient district received student enrichment assistance for the 2008 summer school session or the 2008-2009 school year, and the 2009 summer school session or the 2009-2010 school year, the report shall include an analysis and evaluation of program impact on student performance and enrichment strategies over the combined two (2) year period. 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, and on or before December 1, 2009 for programs funded in the 2009 summer session and 2009-2010 school year. Program recommendations shall also address 2010 model recalibration and provide recommendations on future enrichment program funding as a cost-based component of the block grant model or continuation as an off-model categorical assistance program.

Section 2.

(a) 2008 Wyoming Session Laws, Chapter 95, Section 601(e) and (f) is amended to read:

Section 601.

(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. For school year 2009-2010, the amount of assistance for each qualifying applicant district shall be determined in accordance with this subsection subject to the following:

(i) The department shall use that number of qualifying meals served and program funding deficits reported by each district under subsection (c) of this section as was used in performing school year 2008-2009 assistance computations under this subsection;

(ii) The per meal reimbursement computed under this subsection for school year 2009-2010 shall be reduced by eighteen cents (\$.18);

(iii) The amount of assistance computed for each district shall be the lesser of the funding deficit experienced by that district as based upon data reported under paragraph (i) of this subsection, or the per meal reimbursement subject to the reduction imposed under paragraph (ii) of this subsection.

(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.~~

(b) For the period beginning July 1, 2009, and ending June 30, 2010, three million six hundred fifty thousand dollars (\$3,650,000.00) is appropriated from the public school foundation program account to the department of education to continue financial assistance to school districts for food service programs as provided under 2008 Wyoming Session Laws, chapter 95,

section 601. Program rules and regulations adopted under 2008 Wyoming Session Laws, chapter 95, section 602 for school year 2008-2009 shall apply to school year 2009-2010.

(c) Financial assistance for food service programs as provided under 2008 Wyoming Session Laws, Chapter 95, Section 601, as amended by this section, shall terminate effective June 30, 2010. In accordance with 2005 cost of education study recommendations, the legislature determines that school district food service programs are financially self-supporting in that fees and federal funds provide school districts with adequate resources to cover program costs.

Section 3. Three million seven hundred fifty-six thousand dollars (\$3,756,000.00) 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. This appropriation shall be for the period beginning July 1, 2009, and ending June 30, 2010.

Section 4.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2009.

(b) Notwithstanding subsection (a) of this section, section 1 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 13, 2009.

Chapter 209

FALLEN HEROES ENDOWMENTS

Original Senate File No. 89

AN ACT relating to higher education; providing for a matching program for fallen heroes endowments as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-902(a)(iii)(B), 21-16-904(a)(ii) and by creating a new paragraph (ix) and 21-16-1104(a), (d) and by creating a new subsection (k) are amended to read:

21-16-902. Definitions.

(a) As used in this article:

(iii) "Substantial endowment gift" means an irrevocable gift or transfer to the University of Wyoming foundation of money or other property by a donor where:

(B) Except as provided by W.S. 21-16-904(a)(ix) for fallen heroes endowments, the gift or property transferred has a fair market value of at least fifty thousand dollars (\$50,000.00); and

21-16-904. Endowment challenge fund matching fund program; matching payments; agreements with university foundation; annual reports; reversions of appropriations.

(a) The state treasurer shall administer the matching fund program established under this section. The following shall apply to the program:

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the gift is received. Where a gift is made through a series of payments or transfers, except as provided in paragraph (ix) of this subsection, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the gift totals at least fifty thousand dollars (\$50,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that gift are received by the foundation;

(ix) To the extent funds are available in the challenge account, the state treasurer shall distribute matching funds not to exceed five thousand dollars (\$5,000.00) for each fallen heroes endowment as follows:

(A) Two thousand dollars (\$2,000.00) for the first one thousand dollars (\$1,000.00) actually received in a fallen heroes endowment; and

(B) Three thousand dollars (\$3,000.00) for an additional one thousand dollars (\$1,000.00) received in a fallen heroes endowment, excluding any funds deposited in a fallen heroes endowment pursuant to this paragraph.

21-16-1104. 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 community college within the endowment challenge fund, the state treasurer shall match endowment gifts actually received by that community college's foundation. Except as provided in subsection (k) of this section, a match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a community college 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 community college an amount equal to the amount accumulated by its foundation. The recipient community college shall immediately transfer matching funds received under this subsection to the community college foundation.

(d) Except as provided in subsection (k) of this section, the state treasurer shall make transfers to the appropriate community college 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). Except as provided in subsection (k) of this section, 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).

(k) To the extent funds are available in the separate account of any community college within the endowment challenge fund, the state treasurer shall distribute matching funds not to exceed five thousand dollars (\$5,000.00) for each fallen heroes endowment as follows:

(i) Two thousand dollars (\$2,000.00) for the first one thousand dollars (\$1,000.00) actually received in a fallen heroes endowment; and

(ii) Three thousand dollars (\$3,000.00) for an additional one thousand dollars (\$1,000.00) actually received in a fallen heroes endowment, excluding any funds deposited in a fallen heroes endowment pursuant to this paragraph.

Section 2. It is the intent of the legislature that any matching funds provided under this act shall be used to initiate funding for any fallen heroes endowments at the community colleges in this state and the University of Wyoming. Any additional funding beyond the amount provided for in this act for any fallen heroes endowment shall be the responsibility of the appropriate community college or the University of Wyoming.

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, 2009.

Chapter 210**MOTOR VEHICLE CHAIN LAW**

Original House Bill No. 85

AN ACT relating to motor vehicles; amending requirements for use of tire chains on motor vehicles as specified; providing penalties; providing a definition; and providing for an effective date.

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

Section 1. W.S. 31-5-956(e) and by creating new subsections (j) and (k) is amended to read:

31-5-956. Tires; restriction of travel under hazardous conditions; penalties.

(e) Travel on a highway may be restricted to all wheel drive vehicles or motor vehicles equipped with tire chains or adequate snow tires When the superintendent or his authorized representative determines that travel is sufficiently hazardous due to snow, ice or other conditions travel on a highway may be restricted to use only by motor vehicles utilizing adequate snow tires or tire chains, motor vehicles that are all-wheel drive vehicles or necessary emergency vehicles as defined in W.S. 31-5-102(a)(ii), including snow plows. The superintendent or his authorized representative may further restrict travel in extremely hazardous conditions to use only by necessary emergency vehicles as defined in W.S. 31-5-102(a)(ii), including snow plows, and those vehicles utilizing tire chains or to all-wheel drive vehicles utilizing adequate snow tires with a mud and snow or all-weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions. The prohibition or restriction of use shall be effective when signs, including temporary or electronic signs, giving notice thereof are erected upon that portion of the highway, and it shall be unlawful to proceed in violation of the notice. The operator of a commercial vehicle shall affix tire chains to at least two (2) of the drive wheels of the vehicle at opposite ends of the same drive axle when the vehicle is required to utilize tire chains under this subsection. The state highway patrol shall cooperate with the department in the enforcement of any closing or restriction of use under this subsection.

(j) Any person who operates a motor vehicle in violation of restrictions imposed by the department or the highway patrol under subsection (e) of this section is guilty of a misdemeanor and upon conviction shall be subject to a penalty of not more than two hundred fifty dollars (\$250.00). Any person who operates a motor vehicle in violation of restrictions imposed by the department or the highway patrol under subsection (e) of this section, where the result of the violation is an incident that causes the closure of all lanes in one (1) or both directions of the highway, is guilty of a misdemeanor and upon conviction shall be subject to a penalty of not more than seven

hundred fifty dollars (\$750.00).

(k) As used in this section, “tire chains” means metal chains which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly spaced chains across the tire tread and any other traction devices differing from metal chains in construction, material or design but capable of providing traction equal to or exceeding that of metal chains under similar conditions.

Section 2. This act is effective July 1, 2009.

Approved March 13, 2009.

Chapter 211

COMMUNITY COLLEGES-AMENDMENTS

Original House Bill No. 114

AN ACT relating to community colleges; establishing a statewide college system operations and facility funding mechanism based upon a prescribed system wide strategic planning process attaching state funding to state interests; providing for system operational budgeting and program approval and termination aligned with strategic planning; accordingly aligning system components and system accountability measures; creating a mechanism for prioritizing and funding system capital construction needs; modifying facility major maintenance funding and accordingly restricting use of specified revenues; delegating authority and imposing duties upon the community college commission, the department of administration and information and upon community college districts; granting rulemaking authority; imposing reporting requirements; prescribing initial strategic plan development; providing transitional funding thresholds and funding considerations; providing appropriations and authorizing positions; and providing for effective dates.

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

Section 1. W.S. 21-18-225 is created to read:

21-18-225. College maintenance and capital construction funding.

(a) As part of its administrative functions, the community college commission shall identify community college building needs, develop a prioritized list of community college capital construction projects and forward recommendations for community college capital construction projects to the state building commission. The community college commission shall also submit major maintenance budget requests for college buildings to the legislature in accordance with this section. Major maintenance budget requests shall be based upon a formula, forms, and a format specified by the budget division of the department of administration and information. College building maintenance budget requests submitted by the community college commission to the legislature and capital construction budget

requests forwarded by the state building commission to the legislature shall include only necessary building square footage required for provision of those education programs comprising the statewide college system strategic plan developed and maintained under W.S. 21-18-202(a)(v).

(b) To carry out this section and in accordance with rules and regulations of the state building commission promulgated under W.S. 9-5-107(d) and (e) serving as guidelines for implementation and administration of this section, the commission shall establish and maintain:

(i) A statewide community college building data base comprised of building inventory, specific building condition, square footage, usage, space utilization and building capacity data;

(ii) Statewide planning and reporting criteria and guidelines for use by community college districts in developing and maintaining comprehensive long-range plans for district building needs as required under W.S. 21-18-304(a)(xi), providing necessary guidance to college districts for separating future building space needs and requests attached to the statewide college system strategic plan from other district space requests;

(iii) Methodologies for use by community college districts in computing future student enrollments, building space demands and future building needs in establishing long-range plans addressing district building needs.

(c) The commission shall conduct and maintain a comprehensive assessment of community college buildings and future space requirements as defined by the statewide strategic plan. The comprehensive building assessment shall be designed and maintained to provide timely and uniform statewide data on building condition and building longevity and future space requirements. The needs assessment shall be revised annually to reflect current conditions and shall be capable of providing data sufficient to accommodate a five (5) year planning cycle.

(d) On or before November 1 of each year, the commission shall, based upon the assessment performed under subsection (c) of this section and upon facility plans and annual reports submitted by each college pursuant to W.S. 21-18-304(a)(xi), prioritize community college construction needs for the current fiscal year and the succeeding four (4) fiscal years based upon:

(i) Criteria for statewide capacity for education programs aligned to the statewide college system strategic plan;

(ii) Analysis of student enrollment changes based upon commission approved enrollment projection methodology, to determine the need for changes in statewide building capacities over time for delivering statewide

education program needs identified within the strategic plan;

(iii) A methodology and process established by the commission for identifying the most critical building needs.

(e) The commission may modify construction needs prioritized under subsection (d) of this section in any subsequent fiscal year as necessary to address statewide needs as substantiated by data, condition assessments, needs analysis and other information assembled by the commission under this section. Needs receiving a lower priority than previously assigned may be removed or reprioritized by the commission. Construction needs modified under this subsection shall be reported to the general services division of the department of administration and information.

(f) In addition to subsection (d) of this section and on or before November 1 of each year, the commission shall report college building square footage to the general services division of the department of administration and information as necessary for computation of major maintenance funds for community college buildings. The reported square footage shall be restricted to that square footage necessary for the delivery of education programs comprising the statewide college system strategic plan.

(g) Upon prioritizing community college construction needs under subsection (d) of this section, the commission shall not later than November 15 of each year, report the prioritized list to the general services division of the department of administration and information. In accordance with W.S. 9-5-108(a)(ii), the general services division shall review, analyze and study construction needs prioritized under subsection (d) of this section and conduct necessary value engineering analysis, schematic design review, safety and security assessments and other analysis and review prior to submission of recommendations to the state building commission. The state building commission shall consider and incorporate prioritized construction needs recommendations into legislation requesting necessary funding, developed under W.S. 9-5-108(a)(ii)(J), for submission to the legislature for review, authorization and approval. The legislation shall also include a separate appropriation for contingency costs associated with recommended construction projects and a separate appropriation for administrative costs of the general services division for management of the recommended construction projects as required by subsection (j) of this section. The community college commission shall submit a separate budget request for project design and planning funds to be available to assist community colleges with costs incurred in developing and providing necessary plans, designs and other information to the general services division for purposes of this subsection. The general services division shall consult with the community college commission in developing recommendations under this subsection.

(h) The community college commission shall provide copies of the needs

assessment, construction priorities and major maintenance square footage established under this section to members of the legislature on or before December 1 of each year.

(j) Subject to amounts made available by legislative appropriation and to any conditions which may be attached to appropriation expenditures, the commission shall distribute state funds for building construction approved and authorized by the legislature. Distributions of state funds for any approved and authorized construction project shall be in accordance with payment schedules established by rule and regulation of the commission. Payments by the commission shall be contingent upon the receipt of any local district funding or commission approved documentation certifying the timely receipt of such funds for the capital construction project as may be required by legislative authorization, and shall also include the written approval of the general services division, department of administration and information, of prescribed phases of the construction project and the completion of certain project phases. Construction phases for which approval of the division is required shall be specified by commission rule and regulation, clearly prescribing a process for division review and approval of project plans and specifications, project development and project changes and change orders. In carrying out duties under this subsection, the division may execute powers prescribed under W.S. 9-5-108(a)(iii) in coordination with the commission and the appropriate community college district. No scheduled payment shall be made by the commission without the approval of the division as required by the prescribed process.

(k) Appropriations for major maintenance shall be distributed by the commission to community colleges in amounts determined by the funding formula developed by the general services division of the department of administration and information, subject to restrictions imposed on qualifying square footage pursuant to this section.

Section 2. W.S. 21-18-202(a) by creating a new paragraph (v), (c)(ii), (d)(i), (ii), (e)(v)(A), (B), (C)(intro) and by creating a new subsection (h), 21-18-203(a), 21-18-205(c) and (e) and 21-18-304(a) by creating a new paragraph (xi) are amended to read:

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

(a) The commission shall perform the following general functions:

(v) Develop and maintain a statewide college system strategic plan for the delivery of educational programs in Wyoming by each college pursuant to subsection (h) of this section.

(c) The commission shall perform the following administrative functions:

(ii) In accordance with W.S. 21-18-203(a), prepare budget requests for the operation and support of the colleges and the commission, and pursuant to W.S. 21-18-225, prepare budget requests for capital construction and major maintenance;

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

(i) Approve all new ~~credit certificate and degree~~ programs qualifying for state funding pursuant to the statewide community college strategic plan developed under subsection (h) of this section;

(ii) Review existing ~~certificate and degree~~ programs, determine the most effective and efficient delivery of programs qualifying for state funding pursuant to the statewide community college system strategic plan and terminate state funding for those programs ~~with consistently low enrollment which are inconsistent with the statewide community college system strategic plan;~~

(e) The commission shall perform the following review and report functions:

(v)(A) The commission shall provide annual reports to the legislature and governor on the performance of individual community colleges and the college system as well as on the achievement of 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 the reports and a reasonable time line for completion of reports;

(B) For the reporting effort under this paragraph, the commission shall maintain a management information system and each community college shall maintain accurate administrative records to provide the necessary data to the commission for these studies and reports. ~~The core measurements defined by the American Association of Community Colleges shall be used.~~ The colleges shall provide the commission with all data required in preparing each of the reports the commission shall request. The commission and the colleges shall safeguard all institutional and individual student record data under the provisions of the Privacy Act of 1974 and the Family Educational Rights and Privacy Act or subsequent similar enactments;

(C) Reports provided by the commission to the legislature and governor shall be: attached with and aligned to the college system performance benchmarks, outcome measures and other performance indicators specified in and defined by the strategic plan.

(h) The commission shall prior to the beginning of each biennial budget

period, review, update and modify the statewide college system strategic plan. The plan shall clearly prescribe the components of the educational program and attach program components to statewide system priorities. This plan shall serve as the basis for state operational and capital construction budget requests and funding of the statewide college system for the applicable biennial budget period. In developing, reviewing and updating the strategic plan, the commission shall:

(i) Consult with the seven (7) community colleges, state and local governmental agencies and other agencies and organizations representing state economic and industry sectors;

(ii) Include mechanisms within the planning process which adhere to the state's interests in establishing a statewide college system identified as assuring statewide access to academic programs, career-technical education and training programs, dual and concurrent enrollment programs, remedial and continuing education programs responding to needs of students, employers and the state workforce, including program access through outreach or coordinated electronic system technology;

(iii) Develop performance benchmarks, outcome measures and other performance indicators which serve as the basis for annual reporting to the legislature and the governor under paragraph (e)(v) of this section, including but not limited to:

(A) Student goal attainment and retention;

(B) Student persistence;

(C) Degree and certificate completion rates;

(D) Placement rate of graduates in the workforce;

(E) Licensure and certification pass rates;

(F) Demonstration of critical literacy skills;

(G) Success in subsequent, related coursework;

(H) Number and rate of students who transfer.

(iv) Attach performance indicators to funding to achieve established results.

21-18-203. Budget procedure.

(a) In collaboration with the boards of the community colleges, the commission shall submit state appropriation requests on behalf of the

community college system in compliance with the statewide community college system strategic plan, which are based upon amounts appropriated to the system by the legislature for the biennial period immediately preceding the biennium for which the budget request is to be made. Exception budget requests may be made for any biennial budget period by the commission on behalf of the college system which are in addition to the prior period adjusted amount and unless otherwise specified by the commission, are limited exclusively to the fiscal period for which the request is submitted and shall not be included in the standard budget request of any subsequent biennial budget request. The requests shall be made upon forms and in a format to be determined by the budget division of the department of administration and information.

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

(c) State funding for the assistance of community colleges shall be appropriated to the community college commission unless otherwise specified by law. Subject to the provisions of this section, funds appropriated for each biennium shall be distributed by the commission to community colleges in amounts determined by a funding allocation model adopted by rule of the commission. Funding allocation model components for fixed and variable costs shall be defined by and computed in accordance with guidelines and procedures prescribed by rule and regulation of the commission, applied to the distribution of state appropriations for each biennial budget period and reallocated at a schedule specified by rule and regulation of the commission, but in no event less than once every four (4) years. The commission may maintain a contingency reserve account utilizing any revenue derived under W.S. 9-4-601(b)(iv)(A) to be distributed as a component of the funding allocation model for specific use by the colleges for emergency repairs and preventive maintenance.

(e) The commission may by exception budget, request additional state funding to be designated as special purpose funding, accounted for and distributed separately from distributions under the funding allocation model. Special purpose funding under this subsection shall be limited to amounts and for the period of time specified by the legislature and shall not be included in any subsequent biennial budget unless specifically requested by the commission and approved by the legislature. Funds appropriated pursuant to this subsection shall be distributed in amounts and at times determined by the commission, subject to the following:

(i) Special purpose funding, accounted for separately, to be designated as adjustments to funding allocation model distributions for the effects of enrollment growth shall not be transferred to or expended for any other purpose. Any amount of this special purpose funding request remaining unexpended or unencumbered at the end of the budget period for which appropriated shall revert according to law;

(ii) Special purpose funding may be requested under this subsection for use by the commission in funding new programs addressing unanticipated and emerging statewide needs during the biennial budget period which are consistent with the statewide community college system strategic plan. Funds appropriated by the legislature for purposes of this paragraph shall be accounted for separately and shall not be transferred or expended for any other purpose or as part of state assistance under subsection (c) of this section. Any unexpended or unencumbered amount of special purpose funding under this paragraph remaining at the end of the budget period for which appropriated shall revert as provided by law.

21-18-304. District board generally; duties.

(a) The community college district board shall:

(xi) Develop and maintain a comprehensive plan of district buildings addressing district long-term building needs, clearly distinguishing those building needs associated with education space needs attached to the statewide college system strategic plan developed by the community college commission under W.S. 21-18-202(a)(v) from other district needs which may be included within the district's long-term plan. Building plans and capital construction requests shall be submitted to the commission in a form and format specified by commission rule and regulation. In addition, the board shall provide planning, design and other information required by the department of administration and information under W.S. 21-18-225(g) and shall cooperate with the department and the commission as necessary to undertake any building construction project receiving state funds and addressing needs prioritized by the commission in accordance with W.S. 21-18-225.

Section 3. W.S. 21-18-202(b)(vii), (e)(v)(C)(I) through (XIII) and (D) is repealed.

Section 4. [INITIAL STRATEGIC PLAN DEVELOPMENT]

(a) In executing W.S. 21-18-202(h), as amended by section 2 of this act, and prior to development of 2011-2012 biennial budget requests required by W.S. 21-18-202(c)(ii), as amended by section 2 of this act, and W.S. 21-18-225, as created by section 1 of this act, the commission shall:

(i) Following discussions with and consideration of contributions by the seven (7) community colleges, state and local governmental agencies and other agencies and organizations representing state economic and industry sectors required under W.S. 21-18-202(h)(i), as amended under section 2 of this act, report preliminary recommended components of the statewide strategic plan to the governor, to members of the joint appropriations and joint education interim committees of the legislature and to members of the

community college planning task force created by 2008 Wyoming session laws, chapter 48, section 327;

(ii) Schedule and conduct a joint meeting of the commission and representatives of the governor, the legislative joint appropriations and joint education interim committees and representatives of the community college planning task force, for purposes of joint consideration of the preliminary statewide strategic plan components and state interests identified and incorporated into the plan;

(iii) On or before July 31, 2009, prepare a draft statewide strategic plan forwarded as result of the joint meeting conducted in accordance with paragraph (ii) of this subsection, which shall be of sufficient content and scope to guide budget development under paragraph (iv) of this subsection;

(iv) Utilize the draft statewide strategic plan forwarded under paragraph (iii) of this subsection as the basis for assembling 2011-2012 biennial budget recommendations for operational and facility major maintenance funding required under W.S. 21-18-202(c)(ii), as amended by section 2 of this act, and facility prioritization and funding under W.S. 21-18-225, as created under section 1 of this act;

(v) Submit the draft statewide strategic plan forwarded under paragraph (iii) of this subsection to each president of the seven (7) community colleges. Each president shall provide the draft plan to his district board of trustees. Each board shall review the draft plan and shall appoint a designee to report back to the commission prior to the timelines specified under paragraph (vi) of this subsection and the November 1, 2009, final report date required under 2008 Wyoming Session Laws, chapter 84, section 2. Upon approval of a majority of the designees of each of the seven (7) community college boards of trustees, the commission shall forward the draft statewide strategic plan pursuant to paragraph (vi) of this subsection;

(vi) Prior to completion of the final statewide strategic plan by November 1, 2009 as required by and in accordance with 2008 Wyoming session laws, chapter 84, section 2, and following approval of the majority of the district board designees in accordance with paragraph (v) of this subsection, convene an additional joint meeting of the commission and representatives of the governor, the legislative joint appropriations and joint education interim committees and representatives of the community college planning task force. Recommendations for components of the statewide strategic plan, to be applied to the 2011-2012 biennium, shall be presented to meeting participants by the commission. No meeting shall occur unless a representative from each of the participants designated under this paragraph is in attendance. Based upon discussions resulting from this meeting, a statewide strategic plan reflecting meeting discussions

shall be forwarded by the commission to the governor, members of the joint appropriations and joint education interim committees and members of the community college planning task force;

(vii) Allow any participant of the joint meeting conducted under paragraph (vi) of this subsection to, within thirty (30) days after receipt of a plan forwarded under paragraph (vi) of this subsection, file an exception to or a concern with the forwarded plan. On or before January 1, 2010, the commission shall provide specific recommendations addressing any filed exceptions or concerns to the joint appropriations and joint education interim committees;

(viii) Report the final statewide strategic plan developed under this section and 2008 Wyoming session laws, chapter 84, section 2, and applicable to the 2011-2012 biennium, to the governor and members of the legislature prior to the commencement date of the 2010 budget session of the legislature, together with any specific recommendations forwarded under paragraph (vii) of this subsection.

Section 5. [CONSIDERATION OF COLLEGE RESERVES]

~~(a) In computing the distribution of state appropriations in accordance with W.S. 21-18-205(c) as amended by section 2 of this act, for the biennium commencing July 1, 2010, and ending June 30, 2012, the commission shall not consider the balance of any unrestricted operating funds carried forward by any college from previous biennial budget periods pursuant to W.S. 21-18-205(f) and existing on June 30, 2010. In addition, this balance of funds carried forward and existing on June 30, 2010, shall not be restricted in any manner by the commission.~~

~~(b) In addition to subsection (a) of this section and in computing the 2011-2012 biennial budget request for the community college system under W.S. 21-18-203(a), as amended by section 2 of this act, the commission shall adjust the total 2009-2010 state appropriations to the community college system, as approved and adopted by the legislature, combined with the total amount collected from the college four (4) mill levy required under W.S. 21-18-205(a)(ii) as considered by the funding allocation model during this same period, by adding to this amount the sum of the reserve fund balance authorized under W.S. 21-18-205(f) and existing for each college as of June 30, 2007. The total amount computed under this subsection shall constitute the baseline amount for purposes of determining the 2011-2012 biennial budget request. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 19, 2009.]~~

Section 6. [HOLD HARMLESS]

~~Using computations of community college district distributions under the funding allocation model pursuant to W.S. 21-18-202(c)(i) and 21-18-205(c),~~

~~as amended by section 2 of this act, the community college commission shall to the extent fiscally reasonable, recommend that its budget request for total state appropriations for subsequent distribution to each college district under the funding allocation model for each fiscal year during the biennium commencing July 1, 2010, and ending June 30, 2012, be of an amount sufficient that when combined with the total amount of revenues from the four (4) mill levy required under W.S. 21-18-205(a)(ii) as considered by the funding allocation model for each district during that same biennial period, shall not be less than one hundred percent (100%) of the total amount of state appropriations distributed to each college district during the biennial period beginning July 1, 2008, and ending June 30, 2010, adjusted by adding to this amount the sum of the total amount collected by that district under the required four (4) mill levy considered by the funding allocation model in that biennium and any reserve fund balance existing on June 30, 2007, for that college district. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 19, 2009.]~~

Section 7. [APPROPRIATIONS AND POSITION AUTHORIZATIONS]

(a) The Wyoming community college commission is authorized one (1) additional full-time at-will administrative support position to assist in the administration of this act. For purposes of this subsection, fifty thousand dollars (\$50,000.00) is appropriated from the general fund to the community college commission for the period commencing on the effective date of this subsection and ending June 30, 2010. This appropriation shall be expended for the costs of the additional position only.

(b) One hundred fifty thousand dollars (\$150,000.00) is appropriated from the general fund to the Wyoming community college commission for an additional full-time at-will position within the commission to manage data requirements associated with the administration of the strategic planning responsibilities imposed by W.S. 21-18-202(h), as amended by section 2 of this act. This appropriation is for the period commencing on the effective date of this subsection and ending June 30, 2010, and the expenditure of this appropriation shall be restricted to funding the additional position authorized by this subsection.

~~(c) The community college commission is authorized one (1) additional full-time at-will position to coordinate the commission's community college capital construction process established by W.S. 21-18-225, as created by section 1 of this act, with the general services division, department of administration and information. This position shall also work with the colleges to ensure required and necessary planning information and documentation is prepared and submitted to the general services division as necessary to perform necessary review, study and analysis for development of recommendations to the state building commission. One hundred fifty thousand dollars (\$150,000.00) is appropriated from the general fund to the commission for the period commencing with the effective date of this~~

~~subsection and ending June 30, 2010. This appropriation shall only be expended for the costs of the additional position. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 19, 2009.]~~

(d) Three hundred thousand dollars (\$300,000.00) is appropriated from the general fund to the community college commission to develop and maintain the comprehensive assessment of community college buildings and future space requirements as required under W.S. 21-18-225(c), as created by section 1 of this act, and to integrate the existing college facilities data base as maintained by the commission with the state facilities data base maintained by the department of administration and information, as necessary to administer W.S. 21-18-225, as created by section 1 of this act. This appropriation shall be expended only for purposes of this subsection and shall be for the period commencing upon the effective date of this subsection, and ending June 30, 2010.

(e) One hundred fifty thousand dollars (\$150,000.00) is appropriated from the general fund to the community college commission to develop guidelines and criteria necessary for segregating variable and fixed cost data as used in establishing components and component proportions for the funding allocation model in accordance with W.S. 21-18-205(c), as amended by section 2 of this act. Established guidelines and criteria shall be used by community college districts in reporting cost data to the commission. Guidelines and criteria shall be adopted by the commission in sufficient time to enable use in model computations effective for the biennium commencing July 1, 2010, and ending June 30, 2012. The appropriation under this subsection shall be for the period commencing upon the effective date of this subsection and ending June 30, 2010, shall be expended for purposes specified in this subsection only and may be used for contractual services as necessary to obtain required analytical expertise in carrying out this subsection.

Section 8. [EFFECTIVE DATES]

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2009.

(b) Notwithstanding subsection (a) of this section, sections 4 and 7 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 19, 2009.

Original Senate Joint Resolution No. 5

A JOINT RESOLUTION requesting Congress to preserve the exemption of hydraulic fracturing in the Safe Drinking Water Act and to not pass any future legislation which would remove the exemption.

WHEREAS, the United States Congress passed the Safe Drinking Water Act, 42 U.S.C § 300h (SDWA) to assure the protection of the nation's drinking water sources; and

WHEREAS, since the enactment of the SDWA, the United States Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the SDWA; and

WHEREAS, in 2004, the EPA published a final report summarizing a study to evaluate the potential threat to underground sources of drinking water (USDWs) from hydraulic fracturing of coalbed methane (CBM) production wells and concluded that "additional or further study is not warranted at this time..." and that "the injection of hydraulic fracturing fluids into CBM wells poses minimal threat to USDWs."; and

WHEREAS, the United States Congress, in the Energy Policy Act of 2005, explicitly exempted hydraulic fracturing from the provisions of the SDWA; and

WHEREAS, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states and found that there were no known cases of ground water contamination associated with hydraulic fracturing; and

WHEREAS, hydraulic fracturing is currently, and has been for decades, a common operation used in exploration and production by the oil and gas industry in all the member states of the IOGCC without groundwater damage; and

WHEREAS, approximately thirty-five thousand (35,000) wells are hydraulically fractured annually in the United States and nearly one million (1,000,000) wells have been hydraulically fractured in the United States since the technique's inception, with no known harm to groundwater; and

WHEREAS, the regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the province of the states; and

WHEREAS, the SDWA was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing", under the Underground Injection Control program; and

WHEREAS, the member states of the IOGCC have adopted comprehensive laws and regulations to provide for safe operations and to protect the

nation's drinking water sources, and have trained personnel to effectively regulate oil and gas exploration and production; and

WHEREAS, the Wyoming department of environmental quality and Wyoming oil and gas conservation commission provide oversight of operations which protects groundwater; and

WHEREAS, Wyoming promotes its policy of maintaining control over its water resources by enforcing the extensive groundwater protections provided by Wyoming law; and

WHEREAS, production of coal seam natural gas, natural gas from shale formations and natural gas from tight conventional reservoirs is increasingly important to domestic natural gas supply and will be more important in the future; and

WHEREAS, domestic production of natural gas will ensure that the United States continues on the path to energy independence; and

WHEREAS, hydraulic fracturing plays a major role in the development of virtually all unconventional oil and gas resources and, thus, should not be limited in the absence of any evidence that hydraulic fracturing has damaged the environment; and

WHEREAS, regulation of hydraulic fracturing as underground injection under the SDWA would impose significant administrative costs on the state and substantially increase the cost of drilling oil and gas wells with no resulting environmental benefits; and

WHEREAS, the United States Department of Energy recently studied the impacts of subjecting hydraulic fracturing to the EPA underground injection control program and projected that it would add an average of more than one hundred thousand dollars (\$100,000.00) in costs to each new natural gas well that requires fracturing, which would result in billions of dollars in deferred investment, reductions in new drilling of thirty-five percent (35%) to fifty percent (50%), foregone reserve additions of as much as fifty trillion (50,000,000,000,000) cubic feet of natural gas and foregone royalties from natural gas of nearly fifty billion dollars (\$50,000,000,000.00) over twenty-five (25) years; and

WHEREAS, regulation of hydraulic fracturing as underground injection under the SDWA would increase energy costs to the consumer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Wyoming State Legislature hereby declares its support for maintaining the exemption of hydraulic fracturing from the provisions of the SDWA and urges the Congress of the United States not to pass legislation that would remove the exemption for hydraulic fracturing.

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 2, 2009.

Original House Joint Resolution No. 2

A JOINT RESOLUTION requesting that Congress adequately fund Interstate 80.

WHEREAS, the federal government has assumed important responsibilities in helping fund the nation's interstate highway system; and

WHEREAS, the interstate highway system was created in the interests of the national defense; and

WHEREAS, Interstate 80 runs the length of southern Wyoming; and

WHEREAS, Interstate 80 serves as an essential link between the east and west coasts of the United States and is a vital freight corridor critical to the commerce of our nation; and

WHEREAS, approximately half of all traffic on Wyoming's section of Interstate 80 is heavy commercial truck traffic that causes much greater roadway damage than does a typical passenger car and which significantly increases maintenance costs; and

WHEREAS, the growth of heavy truck traffic on Interstate 80 is projected to outpace the growth of passenger car traffic almost two (2) to one (1) over the next thirty (30) years and average daily truck flows are projected to increase from six thousand eight hundred ninety-nine (6,899) in 2009 to twenty-two thousand three hundred (22,300) in 2049; and

WHEREAS, approximately eighty percent (80%) of the traffic on Wyoming's span of Interstate 80 originates and terminates outside of Wyoming and uses Wyoming's span of Interstate 80 for the benefit of interstate commerce, homeland security and the national economy; and

WHEREAS, current federal funding available to Wyoming for the operation and maintenance of Interstate 80 is insufficient not only for appropriate improvements, but also to maintain the Interstate in its current condition and configuration; and

WHEREAS, the federal government is not meeting its obligations to Wyoming or the good of the nation regarding its funding commitment for Interstate 80, is placing a financial strain on Wyoming and is jeopardizing the operational health of one of the nation's crucial freight corridors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the federal government appropriate funds to Wyoming in such an amount so as to allow Wyoming to maintain Interstate 80 in its best physical and safest condition.

Section 2. That the federal government recognize future demands that will be placed on Interstate 80 and protect this nation's infrastructure by beginning to make appropriate allocations and adjustments necessary to meet future funding requirements.

Section 3. 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 2, 2009.

Original House Joint Resolution No. 8

A JOINT RESOLUTION urging Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

WHEREAS, the processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States; and

WHEREAS, federal legislation was introduced to amend the 1970 Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines for processing and other purposes; and

WHEREAS, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses; and

WHEREAS, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry; and

WHEREAS, the increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public's ability to care for surplus domestic horses; and

WHEREAS, the annual number of unwanted or unusable surplus domestic horses is estimated to be one hundred thousand (100,000), compounding annually; and

WHEREAS, issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issue; and

WHEREAS, state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Congress is urged to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, President of the Senate and the Speaker of the House of Representatives of the United States Congress and the members of the Wyoming Congressional delegation.

Approved March 3, 2009.

Original Senate Joint Resolution No. 4

A JOINT RESOLUTION expressing Wyoming's opposition to inclusion of the black tailed prairie dog on the list of candidate species to be considered for listing as a threatened or endangered species under the Endangered Species Act of 1973.

WHEREAS, the United States Fish and Wildlife Service is considering including the black tailed prairie dog on the list of candidate species to be listed as a threatened or endangered species under the Endangered Species Act of 1973; and

WHEREAS, there are two hundred three thousand (203,000) acres of occupied black tailed prairie dog habitat over public and private lands in Wyoming; and

WHEREAS, the occupied black tailed prairie dog habitat is one hundred three thousand (103,000) acres over the objective habitat area set by the Wyoming game and fish department; and

WHEREAS, although the plague is currently active in the thunder basin national grasslands in northeastern Wyoming, the plague is only affecting seven percent (7%) of Wyoming's total acreage of black tailed prairie dogs, leaving ninety-three percent (93%) of the Wyoming black tailed prairie dog population thriving; and

WHEREAS, the black tailed prairie dog destroys all ground cover in its

habitat; and

WHEREAS, this destruction causes soil erosion leading to increased sediment in streams causing poor habitat for fish; and

WHEREAS, this destruction and loss of ground cover is very detrimental to feed for livestock and wildlife.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. The state of Wyoming finds that the substantial scientific or commercial information demonstrates that the black tailed prairie dog population has been increasing for the past four (4) decades.

Section 2. The United States Fish and Wildlife Service should not list the black tailed prairie dog as a threatened or endangered species under the Endangered Species Act of 1973.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, President of the Senate and the Speaker of the House of Representatives of the United States Congress, the members of the Wyoming Congressional delegation, the Director of the Wyoming Game and Fish Department and to the lead United States Fish and Wildlife Service Field Office.

Approved March 4, 2009.

Original House Joint Resolution No. 7

A JOINT RESOLUTION to repeal requests made to Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States.

WHEREAS, on February 23, 1939, the Wyoming Legislature approved House Joint Memorial No. 6 requesting Congress to call a Constitutional Convention to propose an amendment to the United States Constitution to provide limitations on taxes on incomes, gifts and inheritances and to repeal the Sixteenth Amendment to the United States Constitution; and

WHEREAS, on February 26, 1959, the Wyoming Legislature approved House Joint Resolution No. 4 requesting Congress to approve and submit to the states for ratification, or to call a Constitutional Convention to propose an amendment to the United States Constitution to abolish personal income, estate and gift taxes and to prohibit the federal government from engaging in business in competition with its citizens; and

WHEREAS, on February 21, 1961, the Wyoming Legislature approved House Joint Resolution No. 7 requesting Congress to call a Constitutional

Convention to propose an amendment to the United States Constitution to provide that the federal government expenditures during any fiscal year may not exceed the estimated receipts of the federal government for that fiscal year, except for trust fund expenditures and receipts, unless a substantial majority of the Congress, on recommendation of the President and because of war or other grave national emergency, votes to suspend the limitation on expenditures for a specified period of time; and

WHEREAS, on February 9, 1963, the Wyoming Legislature approved House Joint Memorial No. 13 requesting Congress to call a Constitutional Convention to propose an amendment to the United States Constitution to prohibit the federal government from restricting or limiting, through legislative or judicial action, any state in the apportionment of the representation of its legislature; and

WHEREAS, on February 14, 1963, the Wyoming Legislature approved Senate Joint Resolution No. 4 requesting Congress to call a Constitutional Convention to propose an amendment to the United States Constitution to provide for a Court of the Union; and

WHEREAS, on February 15, 1963, the Wyoming Legislature approved House Joint Memorial No. 14 requesting Congress to call a Constitutional Convention to propose an amendment to Article V of the United States Constitution which would provide a change in the procedure for proposing a constitutional amendment to the United States Constitution; and

WHEREAS, on February 14, 1975, the Wyoming Legislature approved House Joint Resolution No. 4 requesting Congress to call a Constitutional Convention to propose an amendment to the United States Constitution to prohibit Congress, the President or any agency of the federal government from withholding or withdrawing federal funds as a means of requiring a state to implement federal policies which neither Congress, the President or the agency has the power or authority to impose or implement directly by its own action; and

WHEREAS, on February 17, 1977, the Wyoming Legislature approved House Joint Resolution No. 12 requesting Congress to approve and submit to the states for ratification, or to call a Constitutional Convention to propose an amendment to the United States Constitution to provide that appropriations of money made by Congress of any fiscal year may not exceed the total estimated revenues for that fiscal year, except when a national emergency is proclaimed by the President and concurred in by two-thirds (2/3) of the members elected to each house of Congress; and

WHEREAS, on February 28, 1979, the Wyoming Legislature approved Senate Joint Resolution No. 4 requesting Congress to call a Constitutional Convention to propose an amendment to the United States Constitution to provide that taxes or expenditures by the federal government may not exceed an amount equal to the taxes or expenditures for the preceding fiscal year, computed on a per capita basis, increased by the percentage increase in the Consumer Price Index and the national population for the preceding fiscal year, except when a national emergency is proclaimed by

the President and concurred in by two-thirds (2/3) of the members elected to each house of Congress; and

WHEREAS, a Constitutional Convention called and convened for any one purpose could result in a complete rewriting of the United States Constitution with no rules or precedent whatsoever to follow; and

WHEREAS, the convening of a Constitutional Convention during these troubled times represents a clear and present danger to our established system of justice, to the common defense of our nation, to our general welfare and to the ordered form of liberty which we have inherited from our forefathers, cherished for ourselves and earnestly desire to defend and conserve for our posterity; and

WHEREAS, these rights and privileges were endowed unto us by our Creator; and

WHEREAS, these clear and present dangers far outweigh any possible benefit of convening a Constitutional Convention at this time; and

WHEREAS, we, as members of the Legislature of the State of Wyoming, have sworn a solemn oath to support, obey and defend the United States Constitution against all enemies, both foreign and domestic; and

WHEREAS, Congress has not called a convention for the purpose of amending the United States Constitution as requested.

Now, Therefore, Be It Resolved By The Legislature of the State of Wyoming, a majority of all the members of each house, voting separately, concurring therein:

Section 1. That House Joint Memorial No. 6 approved by the Legislature on February 23, 1939; House Joint Resolution No. 4 approved by the Legislature on February 26, 1959; House Joint Resolution No. 7 approved by the Legislature on February 21, 1961; House Joint Memorial No. 13 approved by the Legislature on February 9, 1963; Senate Joint Resolution No. 4 approved by the Legislature on February 14, 1963; House Joint Memorial No. 14 approved by the Legislature on February 15, 1963; House Joint Resolution No. 4 approved by the Legislature on February 14, 1975; House Joint Resolution No. 12 approved by the Legislature on February 17, 1977; Senate Joint Resolution No. 4 approved by the Legislature on February 28, 1979; and any other previous applications to the Congress of the United States made by the Wyoming Legislature pursuant to Article V of the United States Constitution for the calling of a constitutional convention for any purpose, limited or general, are hereby, both individually and collectively, repealed, rescinded, cancelled, nullified and voided.

Section 2. That certified copies of this Joint Resolution be transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to

each member of the Wyoming Congressional delegation.

Approved March 11, 2009.

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