

**SESSION
LAWS
OF
WYOMING**



**2012
Budget Session**

**SESSION LAWS OF WYOMING, 2012
BUDGET SESSION**

**SESSION LAWS
OF THE
STATE OF WYOMING
PASSED BY THE
SIXTY-FIRST LEGISLATURE
2012 BUDGET SESSION**

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Legislative Service Office



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**LAWS
PASSED BY THE
SIXTY-FIRST
WYOMING LEGISLATURE
2012 BUDGET SESSION**

Chapter 1

DEPARTMENT OF WORKFORCE SERVICES CONSOLIDATION

Original House Bill No. 8

AN ACT relating to the administration of government; updating references to implement the consolidation of the department of employment into the department of workforce services repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 9-2-2018 by creating new subsections (g) and (h), 9-2-2604(b)(i)(A), 9-5-102(a), 16-6-101(a)(i)(intro) and (J)(III), 16-6-102(c), 16-6-120(a) and (c), 16-6-1001(c), 19-11-110(b), 20-6-106(j), 20-6-211(c), 25-13-102(a), 27-1-106(a), 27-1-108, 27-1-109, 27-1-115(b), 27-2-104(a)(intro), 27-2-105(a)(intro), 27-2-108, 27-2-109(a) and (g), 27-2-112, 27-2-113, 27-3-102(a)(v) and (xx), 27-3-601(a), 27-3-602(a)(i) and (f), 27-3-603, 27-3-605(a), 27-4-301(e), 27-4-402(a)(x), 27-4-501(a)(iv), 27-6-107, 27-6-108(a)(iii), 27-6-112(a)(ii) and (b), 27-8-101, 27-8-103, 27-8-104, 27-8-105, 27-8-108, 27-8-109, 27-9-102(d), 27-11-112, 27-13-102(a)(intro), 27-14-102(a)(vi), 27-14-201(o)(v) and (r)(intro), 27-14-202(g), 27-14-408(c), 27-14-805(a)(intro), 30-2-101(a)(ii), 30-2-201(a)(intro), 30-2-301(a)(intro), 35-11-401(e)(vi), 35-12-110(b)(xix), 35-24-102(a)(xiii), 39-15-105(b)(intro) and (i) and 39-16-105(b)(i) are amended to read:

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

(g) The governor may:

(i) Eliminate any council or commission within the department which is not created under state law if no longer required as a condition to receiving federal funds or if no longer necessary to conform with federal law or regulations;

(ii) Consolidate any council or commission within the department which is required in accordance with federal law, but not created under state law, with any other council or commission if the consolidation does not violate federal law or regulations.

(h) Information obtained by any division in the department may be transferred to other divisions within the department so long as the transfer is not restricted by federal law, rule or contract. Such information shall not be disclosed outside of the department except as otherwise provided by law. Any employee who discloses information outside of the department in violation of federal or state law may be terminated without progressive discipline.

9-2-2604. Workforce development training fund established.

(b) Revenues in the Wyoming workforce development training fund may be expended for the following:

(i) For all administrative costs incurred by:

(A) The department of employment workforce services associated with establishing, assessing, collecting and maintaining the state unemployment insurance trust fund and assessing and collecting the Wyoming workforce development training fund; and

9-5-102. State building commission; authority to buy and lease property; acceptance of donations, grants and devises.

(a) In order to obtain building sites for additional office space and state uses and to insure the proper keeping of valuable state records and provide for the expansion of functions of the state, the general services division, with the approval of the state building commission, may buy, take options to buy and lease property to be used for building sites for future state office buildings. The general services division, with the approval of the commission may lease acquired property until it is needed. The general services division, with the approval of the state building commission, in cooperation with the department of employment workforce services, may acquire lands and buildings in the name of the state of Wyoming by purchase, lease agreement, gift or devise to provide suitable quarters for the administration of the Wyoming Employment Security Law and to develop improvements, maintain and repair the lands and buildings.

16-6-101. Definitions.

(a) As used in this act:

(i) "Resident" means a person, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of employment workforce services following receipt of an affidavit executed by the president of the company or his designee of compliance with this act and prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria:

(J) A corporation organized under the laws of any state which has been in existence for two (2) years or more:

(III) Has paid worker's compensation and unemployment taxes in Wyoming for at least one (1) year and is in good standing with Wyoming worker's compensation and department of employment-workforce services at the time the bid or request for proposal is submitted.

16-6-102. Resident contractors; preference limitation with reference to lowest bid or qualified response; decertification; denial of application for residency.

(c) If any person who applies for certification as a resident contractor is denied certification because of not meeting the residency requirements, that person may not reapply for certification for a period of one hundred eighty (180) days from the date certification is denied. No person shall be denied certification because of inadvertent omission of information, as determined by the department of employment-workforce services, on an application for resident certification.

16-6-120. Rulemaking; penalties; enforcement.

(a) The department of employment-workforce services shall promulgate rules and regulations required to enforce this act.

(c) The department of employment-workforce services is authorized and directed to enforce W.S. 16-6-101 through 16-6-206.

16-6-1001. Capital construction projects restrictions; preference requirements; waivers; sunset of section.

(c) Any agency which has received an appropriation of state funds on or after July 1, 2008, for any capital construction project shall conduct a review of each project funded with state funds to assess whether contractors that were awarded contracts using a resident preference complied in all respects to applicable resident preference laws. If the agency determines that there is reasonable suspicion that a contractor failed to comply with the resident preference laws, the agency shall report the matter to the department of employment-workforce services and the attorney general. The department of employment-workforce services and the attorney general shall take such enforcement action on behalf of the state of Wyoming and the agency against the contractor as they deem appropriate.

19-11-110. Worker's compensation benefits; supplementary earnings; voluntary suspension.

(b) The director of the office of workers' compensation of the department of employment-workforce services shall, by rule, prescribe the method by which such employee may request the suspension of benefits.

20-6-106. Powers and duties of department regarding collection of support.

(j) The department may offer each county a cooperative agreement relating to the services to be provided by clerks of district court or child support authorities in child support enforcement cases. The department shall enter into a cooperative agreement with the department of employment workforce services to recover sums owed under a support order from unemployment benefits awarded to an obligor.

20-6-211. Service of income withholding order; amended notice to payor; notice to labor organizations; penalty.

(c) In addition to subsection (a) of this section and in those cases in which it is known that the obligor may be placed in employment with a payor by a labor or other private or public employment referral organization referring individuals to employment and operating within this state, the obligee or the department may prepare, file with the clerk of court and mail to the referring organization certified copies of the income withholding order and the notice to payor or an amended notice to payor pursuant to subsection (b) of this section. The obligee or the department shall send the notice to payor under this subsection within the dates specified under subsection (a) of this section. The referring organization shall at the time of placement, forward the notice to payor to each payor with which the organization places the obligor. Upon forwarding the notice to payor, a labor or other nongovernmental organization shall notify the district court that the income withholding order has been forwarded to the payor. The district court shall, at the time it sends the withholding order and the notice to payor to the referring organization, include a self-addressed, stamped return envelope for the referring organization's use for notification to the district court. Additional envelopes shall be available to the referring organization upon request. Any labor or other nongovernmental organization failing to provide notification to any payor at the time of placement as required by this subsection is liable for an amount of up to fifty dollars (\$50.00) that the payor should have withheld from the obligor's income. The department of employment workforce services may be reimbursed by the department of family services for its costs incurred under this act.

25-13-102. Correctional industries advisory board.

(a) There is created the correctional industries advisory board. The board shall consist of seven (7) members appointed by the governor. Members shall serve a three (3) year term provided that of the initial board, two (2) members shall be appointed for a one (1) year term, two (2) members for two (2) year terms and three (3) members for three (3) year terms. Membership on the board shall include representatives of organized labor, business, the criminal justice system and the educational community. The director of the department of corrections and the director of the department of employment workforce

services, or their designees, shall serve as ex officio nonvoting members of the board.

27-1-106. Certain nonresident employers required to post bond; exceptions.

(a) All firms, corporations or employers of any kind who are nonresident employers and expect to pay wages in the state of Wyoming in excess of ten thousand dollars (\$10,000.00) monthly or one hundred twenty thousand dollars (\$120,000.00) annually as a result of conducting business within Wyoming, are required to file with the director of the department of employment workforce services a surety bond or other security meeting the requirements of this section, approved by the director and the attorney general.

27-1-108. Penalties generally.

Any person who violates or omits to comply with any of the provisions of this act, or any final order of the department of employment workforce services is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), imprisonment in the county jail for not more than one (1) year, or both.

27-1-109. Prosecution of violations.

The district attorney for any county in this state shall, upon receipt of a verified complaint from the director of the department of employment workforce services or a final agency decision of the department of employment workforce services prosecute to termination before any court of competent jurisdiction, in the name of the state of Wyoming, actions or proceedings against any person or persons charged with violation of any of the provisions of this act, or any of the laws of this state enacted for the protection of employees.

27-1-115. State directory of new hires; requirements; exceptions; definitions.

(b) Except as provided in subsection (c) of this section, each employer in the state shall furnish to the department of employment workforce services within twenty (20) days of hiring a new employee, or in the case of an employer transmitting reports magnetically or electronically, by two (2) monthly transmissions not less than twelve (12) days nor more than sixteen (16) days apart, a report that contains the name, address and social security number of the employee and the name and address of, and identifying number assigned to, the employer under section 6109 of the Internal Revenue Code. The report shall be made on a W-4 form approved by the internal revenue service or, at the option of the employer, on an equivalent form approved by the department. The form may be transmitted by first class mail, electronically or magnetically in a format acceptable to the designated department.

27-2-104. Duties of department of workforce services.

(a) The department of employment workforce services shall:

27-2-105. Report to governor; statistics and information required.

(a) The department of employment workforce services shall collect, classify, have printed and submit to the governor in its annual report the following statistics:

27-2-108. Right of entry.

The director of the department of employment workforce services may designate employees of the department who shall have power to enter any manufacturing establishment, mill, workshop, office, bakery, laundry, store, hotel, theater, hall, or any public or private works where labor is employed, rooms are rented to the public, or machinery is used, for the purpose of enforcing the provisions of this act.

27-2-109. Examination of witnesses.

(a) The director of the department of employment workforce services may designate employees of the department who shall have the power to administer oaths, to examine witnesses under oath, to compel the attendance of witnesses and the giving of testimony in any part of this state.

(g) Except as otherwise provided by law, final agency decisions of the department of employment workforce services with regard to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall be issued only after an opportunity for hearing pursuant to the Wyoming Administrative Procedure Act. Any party aggrieved by a final agency decision of the department of employment with regards to chapters 4, 5, 6, 7, 8 and 9 of title 27, shall have the right to appeal to district court pursuant to the Wyoming Administrative Procedure Act.

27-2-112. Sale of office publications; exception.

The department of employment workforce services may sell any publication or other duplicated or printed material, other than the biennial report, which it prepares and which the public may desire to purchase.

27-2-113. Sale of office publications; limitation on charges.

The charges made by the department of employment workforce services shall not exceed the cost of materials, printing, duplication, packaging and postage.

27-3-102. Definitions generally.

(a) As used in this act:

(v) "Commission" means the unemployment insurance commission of Wyoming within the department of employment workforce services;

(xx) "Department" means the divisions within the department of employment workforce services established under W.S. 9-2-2002 which contain

the principal operating units that administer the unemployment compensation program pursuant to the Social Security Act;

27-3-601. Unemployment insurance commission created; composition; terms; vacancies; salary; chairman; quorum; removal; office; seal.

(a) The unemployment insurance commission of Wyoming is created within the department of ~~employment-workforce services~~ and shall consist of three (3) members serving a term of six (6) years each. Appointments, vacancies and expiration of terms shall be in accordance with W.S. 28-12-101 through 28-12-103. A member shall not hold any state office or serve as an officer or on a committee of any political organization during the term of membership. No more than two (2) members shall be of the same political party.

27-3-602. Powers and duties of unemployment insurance commission; personnel.

(a) The commission shall:

(i) Adopt rules necessary for the administration of this act by the department of ~~employment-workforce services~~ and the department, in accordance with law, may make expenditures, require reports, make investigations and take other action it considers necessary;

(f) The department of ~~employment-workforce services~~ shall provide personnel necessary to administer this act in accordance with rules of the commission and determinations of the commission authorized by law. The commission shall not exercise supervisory authority over those personnel.

27-3-603. Confidentiality of information.

Except as otherwise provided, information maintained pursuant to this act shall not be disclosed in a manner which reveals the identity of the employing unit or individual. The confidentiality limitations of this section do not apply to transfers of information between the divisions of the department of ~~employment-workforce services~~ so long as the transfer of information is not restricted by federal law, rule or contract. Any employee who discloses information outside of the department in violation of federal or state law may be terminated without progressive discipline.

27-3-605. Responsibilities of department of workforce services.

(a) The department of ~~employment-workforce services~~ shall administer the unemployment compensation program in this state.

27-4-301. Definitions.

(e) "Director" means the director of the department of ~~employment-workforce services~~ or his designee who is authorized to administer W.S. 27-4-301 through 27-4-304.

27-4-402. Definitions.

(a) As used in this act:

(x) "Department" means the department of employment workforce services;

27-4-501. Definitions.

(a) Whenever used in this act:

(iv) "Department" means the department of employment workforce services;

27-6-107. Children; proof of age required; prohibited employment.

It shall be unlawful for any person, firm or corporation to employ, permit or allow any child under the age of fourteen (14) years to work at any gainful occupation except farm, domestic or lawn and yard service. To ensure that a child is of proper age to be employed under this section, every person, firm or corporation employing a child under sixteen (16) years of age shall procure and have on file where the child is employed, a form of proof of age as required under W.S. 27-6-108; provided however that under no circumstances shall any child under sixteen (16) years of age be employed in any occupation listed in W.S. 27-6-112 or in any occupation declared by the department of employment workforce services to be hazardous for children under sixteen (16) years of age.

27-6-108. Children; proof of age required; inspection and form.

(a) The proof of age required by W.S. 27-6-107 shall be made available for inspection by any official charged with the enforcement of laws regulating the employment of minors. The acceptable forms of proof of age include the following:

(iii) Any other document showing the age of the child as approved by the department of employment workforce services.

27-6-112. Children; prohibition of employment in certain occupations.

(a) No child under sixteen (16) years of age shall be employed, permitted, or allowed to work at, in, or in connection with any of the following occupations, or at any of the following kinds of work except for the purpose of instruction in the public schools:

(ii) Employment requiring contact with or exposure to explosives or dangerous chemicals; or in any other occupation declared by the department of employment workforce services as hazardous, for the employment of children under sixteen (16) years of age.

(b) The department of employment workforce services is hereby authorized to declare any occupation hazardous for the employment of children under sixteen (16) years of age.

27-8-101. Licenses required; fees; posting.

No person, firm or corporation shall open, operate or maintain in this state any employment office or agency for the purpose of furnishing employers with persons seeking employment at manual labor or in clerical, industrial, commercial or business pursuits, or for the purpose of securing employment for such described persons, or where a fee, commission or other consideration is charged or exacted or received from applicants either for employment or for help, without first obtaining a license for the same from the department of employment workforce services. The uniform fee for such license in cities of five thousand (5,000) inhabitants and over shall be twenty-five dollars (\$25.00) per annum, and in cities containing less than five thousand inhabitants, ten dollars (\$10.00) per annum. Every license shall contain a designation of the city, street and number of the building in which such office or agency is conducted, and such license together with a copy of this act shall be posted in a conspicuous place in each and every employment agency.

27-8-103. Bond of licensee.

The department of employment workforce services shall require with each application for a license a bond in the sum of five hundred dollars (\$500.00) with one (1) or more sureties to be approved by the department, and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions or requirements of this act, or of other laws germane hereto. For any violation of the conditions of said bond, the department is authorized to commence and prosecute an action or actions on said bond or bonds in the name of the state of Wyoming, through the attorney general or other proper prosecuting officer.

27-8-104. Revocation of license; complaint; hearing.

Whenever a written complaint shall be filed with the department of employment workforce services stating that any party so licensed as aforesaid, shall have violated any of the provisions of this act, the department shall give to said licensee notice of such complaint and appoint a day for a hearing thereon. If after a full and fair hearing, the department finds that the party licensed has violated any of the provisions of this act, the department is authorized to revoke the license theretofore issued to said party.

27-8-105. Licensed agencies to maintain registers.

It shall be the duty of every licensed agency to keep a register in which shall be entered with dates the name and address of every person who shall make application for help or servants, and the name and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be kept open to the inspection and examination of the department of employment workforce services.

27-8-108. Duty of department to file complaints of violations; duty to enforce.

It shall be the duty of the department of employment workforce services, when informed of any violation of this act, to file complaint of such violation with the

attorney general or with the district attorney for the county in which such violation is alleged to have occurred and it shall be the duty of the official informed to institute proceedings for the enforcement of the penalties.

27-8-109. Department of workforce services to account.

All money or monies received from fees under this act shall be forthwith accounted for by the department of ~~employment~~ workforce services and turned over to the state treasurer, taking the state treasurer's receipt for the same. Such monies shall become a part of the state general fund.

27-9-102. Definitions.

(d) As used in W.S. 27-9-101 through 27-9-106, "department" means the department of ~~employment~~ workforce services and the term "director" means the director of the department or his designee who is authorized to administer W.S. 27-9-101 through 27-9-106.

27-11-112. Investigation of health and safety charges and complaints.

The department of ~~employment~~ workforce services shall investigate charges and complaints of violation of the laws of this state with respect to health and safety and any order, rules, or regulations of the commission made in connection therewith and report them to the commission.

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

(a) The division shall, in conjunction with the department of education, the business council, the department of ~~employment~~ workforce services, the workforce development council, the University of Wyoming and the community college commission, establish and maintain a plan to implement the occupational transfer and retraining programs and services for displaced workers created under this act. The plan shall designate:

27-14-102. Definitions.

(a) As used in this act:

(vi) "Division" means the worker's compensation division within the department of ~~employment~~ workforce services;

27-14-201. Rates and classifications; rate surcharge.

(o) The division may in accordance with its rules and regulations, grant a discount to rates established under this section in an amount not to exceed ten percent (10%) of the base rate for the employment classification of any employer if the employer complies with a safety program approved by the division and a discount in an amount not to exceed five percent (5%) of the base rate for the employment classification if the employer complies with a drug and alcohol testing program approved by the division. In determining safety program approval, drug and alcohol program approval and the total discount granted under this subsection, the division shall consider:

(v) Whether the employer adopts and enforces policies establishing a drug-free workplace which may include an employee assistance program to assist employees with alcohol or other drug problems. The division shall follow rules adopted by the department of employment-workforce services in consultation with the department of health for the effective implementation of this paragraph. Rules adopted pursuant to this paragraph shall not impose on any employer the requirement to pay the costs of treatment or any other intervention. Employers enrolled in a safety discount program under this paragraph shall have one (1) year from the effective date of those rules within which to come into compliance.

(r) In an industrial classification with less than twelve (12) employers in which a single employer contributes greater than fifty percent (50%) of the total premium in that classification, the director of the department of employment-workforce services, with the concurrence of the governor, may adjust the base rate for the employer established pursuant to this section, not to exceed twenty-five percent (25%) subject to the following:

27-14-202. Premium payments; payroll reports; department authority to establish joint reporting; remedies for incorrect earnings categorizations by employers.

(g) The department of employment-workforce services shall by rule and regulation establish a joint payroll reporting system for the purposes of the Wyoming Worker's Compensation Act and Wyoming Employment Security Law. Nothing in this subsection shall require the department to provide a joint payroll reporting system to all qualifying employers.

27-14-408. Vocational rehabilitation; application; eligibility; plan; limitation; modification, suspension or termination.

(c) Upon final determination of an injured worker's eligibility for rehabilitation, the division shall immediately send a copy of the application and determination to the local office of the division of vocational rehabilitation of the department of employment-workforce services.

27-14-805. Confidentiality of information; unlawful disclosure; exception.

(a) Except as otherwise provided by this act, information obtained from any employer or covered employee pursuant to reporting requirements under this act or investigations conducted under W.S. 27-14-803 shall not be disclosed in a manner which reveals the identity of the employer or employee except to the employer, the employee, legal counsel for an employer, legal counsel for an employee or in situations necessary for the division to enforce any of the provisions of this act. The confidentiality limitations of this section do not apply to transfers of information between the divisions of the department of employment-workforce services so long as the

transfer of information is not restricted by federal law, rule or contract. In addition, nothing in this section shall prohibit the division from:

30-2-101. Definitions.

(a) As used in this act:

(ii) "Council" means the state mining council which is within the department of employment-workforce services;

30-2-201. Appointment and qualifications of inspector and deputy inspectors; terms of office; removal; bond coverage; to devote full time to duties.

(a) There is created the office of the inspector of mines within the department of employment-workforce services. The inspector of mines shall be appointed by the governor by and with the advice and consent of the senate but is subject to the Wyoming Government Reorganization Act of 1989. His term of office is two (2) years. His office shall be located in the city of Rock Springs, Sweetwater county, Wyoming. Appointment, term and the filling of vacancies shall be under W.S. 28-12-101 through 28-12-103. His salary shall be determined under W.S. 9-3-101. He may be discharged at any time during his term by the governor as provided in W.S. 9-1-202. The inspector shall:

30-2-301. Board of mines renamed mining council; created; composition; qualifications, appointment and term of members; removal; officers; rules; quorum; vacancies; compensation.

(a) There is created a state board of mines which is renamed the state mining council within the department of employment-workforce services which shall consist of eleven (11) members. Ten (10) members shall be appointed equally from among the management and hourly employees of the mining industry, including surface and underground coal mining, and shall serve for a term of four (4) years and until their successors are appointed and qualified except for the inspector who is a member of the council and entitled to vote in case of a tie. Each member of the council, except the inspector, shall be a qualified elector of the state and shall have at least five (5) years experience in the mining industry immediately preceding his appointment. The members shall be appointed by the governor by and with the advice and consent of the senate and from among the management and employees of the mining industry. The tenure of the members of the council shall be so arranged that the terms of not more than five (5) of the members shall expire in any one (1) year period. The governor may remove any council member as provided in W.S. 9-1-202. The council shall have among its appointed members:

35-11-401. Compliance generally; exceptions.

(e) The provisions of this article shall not apply to any of the following activities:

(vi) Surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of ten (10) acres or less of affected land if the operator has written permission for the operation from the owner and lessee, if any, of the surface; provided that the operator shall notify the land quality division of the department of environmental quality and the inspector of mines within the department of employment workforce services of the location of the land to be mined and the postal address of the operator before commencing operations;

35-12-110. Service of notice of application; information and recommendations; application deficiencies; procedure; jurisdiction; hearing.

(b) The division shall obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

(xix) Department of employment workforce services;

35-24-102. Definitions.

(a) As used in this chapter:

(xiii) "Third party payor" means any insurer or other entity responsible for providing payment for health care services, including the worker's compensation division of the department of employment workforce services and any self-insured entity;

39-15-105. Exemptions.

(b) The Wyoming business council, the department of employment workforce services and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(O), (R) or (S) of this section is in effect. If requested by the department of revenue, any person utilizing the exemption under subparagraph (a)(viii)(O) of this section shall report to the department the amount of sales tax exempted, and the number of jobs created or impacted by the utilization of the exemption. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover classified by the 2007 edition, as amended, of the North American Industry Classification System (NAICS) code manufacturing section 31 – 33 from information collected by the department of employment workforce services;

39-16-105. Exemptions.

(b) The Wyoming business council and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(D), (G) or (H) of this section is in effect. If requested by the department of revenue, any person utiliz-

ing the exemption under subparagraph (a)(viii)(D) of this section shall report to the department the amount of use tax exempted, and the number of jobs created or impacted by the utilization of the exemption. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover classified by the 2007 edition, as amended, of the North American Industry Classification System (NAICS) code manufacturing section 31 – 33 from information collected by the department of employment workforce services;

Section 2. W.S. 9-2-2002(a) through (g) is repealed.

Section 3. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 2

MARKETABLE TITLE ACT-CONSERVATION EASEMENTS

Original House Bill No. 12

AN ACT relating to real property; exempting conservation easements from the application of the marketable title act as specified; and providing for an effective date.

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

Section 1. W.S. 34-10-108(a)(iv) and by creating a new paragraph (vi) is amended to read:

34-10-108. Application.

(a) Notwithstanding a failure to file a notice of claim, this act shall not be applied:

(iv) To bar or extinguish any title, estate or interest in and to any timber or any minerals (including without limiting the generality of that term, oil, gas and other hydrocarbons) and any development, mining, production or other rights or easements related thereto or exercisable in connection therewith; ~~or~~

(vi) To bar or extinguish any claim to a conservation easement by a holder of the conservation easement or by a person having third-party rights of enforcement. For purposes of this paragraph the provisions of W.S. 34-1-201 through 34-1-207 shall be applicable.

Section 2. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 3

GAME AND FISH-ADDITIONAL ELK LICENSES

Original House Bill No. 10

AN ACT relating to game and fish; repealing limitation on number of additional elk licenses available; and providing for an effective date.

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

Section 1. W.S. 23-2-101(d) is amended to read:

23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.

(d) The commission may issue big or trophy game licenses in areas in which all licenses initially authorized were not purchased or in which additional harvest is desired, allowing a licensee to take a big or trophy game animal of such sex or age as designated by the commission. ~~Additional elk licenses under this subsection shall be restricted to allowing any one (1) hunter to take a maximum of two (2) elk in a season under all licenses held.~~ The fee for the license may be reduced by the commission to the level necessary to achieve the desired management objectives, but in no case shall a resident or nonresident license fee be less than the landowner's coupon fee.

Section 2. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 4

PARI-MUTUEL PERMITS

Original House Bill No. 36

AN ACT relating to pari-mutuel events; amending period covered by simulcasting and pari-mutuel permits; repealing requirement for simulcast permits to specify authorized number of days; and providing for an effective date.

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

Section 1. W.S. 11-25-102(a)(vii)(A) and 11-25-105(a) are amended to read:

11-25-102. Definitions.

(a) As used in this act:

(vii) "Simulcasting" means the sale of pari-mutuel pools on interstate or intrastate televised pari-mutuel events as prescribed by the commission. The commission shall authorize simulcasting subject to the following conditions:

(A) Simulcasting may be conducted only by a holder of a permit to simulcast issued under this act. The permit shall be authorized ~~annually~~ by the commission for a ~~specified number of days period not to exceed three (3) years from the date of issuance.~~ The commissioners shall issue a simulcast permit only to an applicant authorized under this act to conduct a pari-mutuel event other than simulcasting;

11-25-105. Pari-mutuel permits; fees and reports; disposition of funds; enforcement of provisions.

(a) The commission may issue pari-mutuel permits for a specified period not to exceed ~~one (1) year~~ three (3) years from the date of issuance to any Wyoming county, city, incorporated town, county fair board or any corporation or association which has been approved by the board of county commissioners and provides a bond acceptable to the commission. No permit shall be granted to any city, town, county, county fair board or any corporation or association except upon the express condition that it shall not, by any lease, contract, understanding or arrangement of whatever kind or nature, grant, assign or turn over to any person, corporation or association the operation or management of the pari-mutuel event permitted under this act or of the pari-mutuel system of wagering or in any manner permit any person, corporation or association to retain any of the money received for admission to the race meeting or from the operations of the pari-mutuel system. The commission shall revoke the permit of any permittee for any violation of the foregoing condition and such acts are a violation of this act. The permit is effective only for the times and at the places for which issued. In addition to all other fees and charges, there shall be charged before issuance of a permit a daily fee established by the commission to defray expenses of enforcing this act.

Section 2. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 5

WRONGFUL DEATH REPRESENTATIVE

Original House Bill No. 14

AN ACT relating to civil procedure; generally modifying provisions relating to wrongful death actions; providing for appointment of a wrongful death representative; specifying factors for determining a wrongful death representative; specifying on whose behalf a wrongful death action is brought; providing for notice; providing for applicability of the act; and providing for an effective date.

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

Section 1. W.S. 1-38-103 through 1-38-105 are created to read:

1-38-103. Appointment of wrongful death representative.

(a) The wrongful death representative may be appointed by the district court in the county in which:

- (i) The decedent resided;
- (ii) The decedent died;
- (iii) The claim for relief or some part of the claim for relief arose; or
- (iv) A defendant resides or may be summoned.

(b) The district court may appoint the wrongful death representative at any time after the decedent's death. The appointment shall be made in a separate action brought solely for appointing the wrongful death representative. In any action in which appointment of the wrongful death representative is sought, any person claiming to qualify under W.S. 1-38-104(a) may intervene as a matter of right. After an action to appoint the wrongful death representative is filed:

- (i) No subsequent action for appointment may be maintained; and

(ii) If an action to appoint the wrongful death representative is properly filed, the limitation period under W.S. 1-38-102(d) shall be tolled from the time the action is filed until thirty (30) days after an order appointing the wrongful death representative is entered.

(c) The appointment of the wrongful death representative is a procedural device intended to provide a representative to investigate and bring an action under W.S. 1-38-101. Irregularities in the manner or method of appointment are not jurisdictional.

1-38-104. Factors for determining wrongful death representative.

(a) In appointing the wrongful death representative, the court shall determine the person who will best represent the interests of the potential beneficiaries of the action as a whole.

(b) In determining whether the best interests of potential beneficiaries as a whole will be served by appointment of the wrongful death representative, the court shall consider:

(i) The familial or other relationship of the person making application to the decedent;

(ii) The interests of the person making application in relation to the interests of other potential beneficiaries as a whole;

(iii) Actions taken to secure appointment as the wrongful death representative and to protect the interests of all potential beneficiaries;

- (iv) Such other factors as the court deems relevant.

(c) No appeal shall be allowed from an order appointing the wrongful death

representative. The court, however, may entertain a motion to reconsider an appointment of the wrongful death representative.

1-38-105. Notice.

(a) Within thirty (30) days of the filing of an action to appoint the wrongful death representative, the plaintiff shall cause to be published once a week for three (3) consecutive weeks in a daily or weekly newspaper of general circulation in the county in which the decedent resided at the time of death, a notice that an action to appoint the wrongful death representative has been instituted and that any person claiming to qualify under W.S. 1-38-104(a) may intervene as a matter of right.

(b) Within sixty (60) days after appointment, the wrongful death representative shall file with the court a report listing all reasonably ascertainable beneficiaries. The report shall set forth all reasonable efforts made by the wrongful death representative to notify such beneficiaries of the wrongful death representative's appointment.

(c) Irregularities in the manner or method of giving notice under this section are not jurisdictional.

Section 2. W.S. 1-38-102 is amended by to read:

1-38-102. Action to be brought by wrongful death representative; recovery exempt from debts; measure and element of damages; limitation of action.

(a) Every ~~such wrongful death~~ action under W.S. 1-38-101 shall be brought by and in the name of the ~~personal decedent's wrongful death~~ representative of ~~the deceased person for the exclusive benefit of beneficiaries who have sustained damage.~~

(b) If the ~~deceased decedent~~ left a husband, wife, child, father or mother, no debt of the ~~deceased decedent~~ may be satisfied out of the proceeds of any judgment obtained in any action ~~brought under the provisions of this section for wrongful death or out of the proceeds of any settlement of a wrongful death claim.~~

(c) The court or jury, as the case may be, ~~in every such action~~ may award such damages, pecuniary and exemplary, as shall be deemed fair and just. Every person for whose benefit ~~such an action for wrongful death~~ is brought may prove his respective damages, and the court or jury may award such person that amount of damages to which it considers such person entitled, including damages for loss of probable future companionship, society and comfort.

(d) ~~Every such~~ An action for wrongful death shall be commenced within two (2) years after the death of the ~~deceased person decedent.~~ If the decedent's death involved medical malpractice this limitation period shall be tolled as provided in W.S. 9-2-1518 upon receipt by the director of the medical review panel of a malpractice claim.

(e) The court appointing the wrongful death representative may approve a settlement of a wrongful death action or a wrongful death claim and resolve disputes relating to the allocation of settlement proceeds.

Section 3. The provisions of this act shall apply to all actions for wrongful death filed on or after July 1, 2012. Nothing in this act shall affect the validity of an appointment of a wrongful death personal representative made prior to the effective date of this act.

Section 4. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 6

URANIUM RESEARCH CENTER FUNDS EXTENSION

Original House Bill No. 29

AN ACT relating to abandoned mine land funds; extending the date on which funds for the uranium research center revert as specified; and providing for an effective date.

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

Section 1. 2008 Wyoming Session Laws, Chapter 48, Section 320, as amended by 2009 Wyoming Session Laws, Chapter 159, creating a new Section 339(e)(iii), as amended by 2010 Wyoming Session Laws, Chapter 39, Section 321, as amended by 2011 Wyoming Session Laws, Chapter 88, Section 350 is amended to read:

Section 339.

(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:

(iii) Paragraph (c)(iii) for the school of energy resources uranium research center shall not revert until June 30, ~~2013~~ 2015;

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, 2012.

Chapter 7

PRIVATE ROAD ACTIONS-APPRAISAL COSTS

Original House Bill No. 52

AN ACT relating to the establishment of private roads; permitting the recovery of appraisal costs as specified; and providing for an effective date.

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

Section 1. W.S. 24-9-103 by creating a new subsection (f) is amended to read:

24-9-103. Report of viewers and appraisers; second hearing; order by commissioners; appeal.

(f) In addition to paying other damages and costs required by this section and by W.S. 24-9-101, the applicant shall be responsible for paying the reasonable costs of an appraisal obtained by an affected party if that appraisal was adopted in substantial part as a basis for damages and varied more than fifteen percent (15%) from the valuation determined by the viewers and appraisers appointed under W.S. 24-9-101(h).

Section 2. This act is effective July 1, 2012.

Approved March 5, 2012.

Chapter 8

REDISTRICTING OF THE LEGISLATURE

Original House Bill No. 32

AN ACT relating to state legislative districts; providing definitions; providing a plan for state legislative districts based upon the 2010 census; providing for election of the senate; and providing for an effective date.

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

Section 1. W.S. 28-2-116 through 28-2-119 are repealed and recreated as W.S. 28-2-116 through 28-2-119 to read:

CHAPTER 2

LEGISLATIVE DISTRICTS OF MEMBERS

28-2-116. Legislative districts generally; definitions.

(a) As used in W.S. 28-2-116 through 28-2-119:

(i) "Census block" means a geographic area of the state of Wyoming specified by the United States bureau of the census in accordance with the 2010 decennial census and identified uniquely by census block number;

(ii) “Voter tabulation district” or “VTD” means a geographic area of the state of Wyoming specified by the United States bureau of the census in accordance with the 2010 decennial census and identified by Wyoming VTD name and number;

(iii) “This act” means W.S. 28-2-116 through 28-2-119.

(b) As used in W.S. 28-2-118 and 28-2-119 unless the context otherwise requires:

(i) “Blocks” designates the entire census block as numbered by the United States bureau of the census for the 2010 decennial census within the named VTD and county is a part of the legislative district;

(ii) “(Name of) County” designates either that the entire named Wyoming county is within the legislative district or that a portion of the named Wyoming county as specified is within the legislative district;

(iii) “District (number)” designates the legislative district number assigned to a house or senate legislative district from which a legislator is elected under this act;

(iv) “VTD” designates either that the entire voter tabulation district as named by the United States bureau of the census for the 2010 decennial census within the named county is a part of the legislative district or that a portion of the named voter tabulation district within the named county as specified is a part of the legislative district.

(c) W.S. 28-2-118 creates legislative districts for the Wyoming senate and W.S. 28-2-119 creates legislative districts for the Wyoming house of representatives.

(d) The secretary of state shall maintain and make available for public inspection in a hardcopy or electronic format, or both, during regular business hours:

(i) The United States Public Law 94-171 data for the 2010 decennial census received by that office from the United States bureau of the census; and

(ii) The list and geographic description of the legislative districts for the Wyoming senate as provided in W.S. 28-2-118(b) and enacted into law and the list and geographic description of the legislative districts for the Wyoming house of representatives as printed in “Attachment A” referenced in W.S. 28-2-119(b) and enacted into law.

28-2-117. Effective date of changes in legislative districts; election of holdover senators.

(a) Changes in all legislative districts are effective for the 2012 general election cycle and the sixty-second legislature.

(b) Members for senate districts designated as even-numbered districts in W.S. 28-2-118(b) shall be elected for a term of four (4) years at the 2012 general

election. Except as provided in subsection (c) of this section, no election shall be held in 2012 for senate districts designated as odd-numbered districts in W.S. 28-2-118(b) for which members were elected at the 2010 general election and nothing in this act shall affect the terms of those members, except as provided in subsection (c) of this section. Members for senate districts designated as odd-numbered districts in W.S. 28-2-118(b) shall be elected for a term of four (4) years at the 2014 general election.

(c) A member elected in the 2010 general election for a senate district designated as an odd numbered district in W.S. 28-2-118(b) who has been removed from his district as a result of district boundary changes made by this act may continue to serve the remainder of his term for the district from which he was elected.

(d) Nothing in this act otherwise affects the terms of members of the sixty-first legislature.

28-2-118. Senate legislative districts; list of nested house districts formed to create senate districts.

(a) Subsection (b) of this section creates legislative districts for the Wyoming senate consisting of the numbered legislative districts contained therein. There shall be one (1) senator elected from each legislative district as specified in subsection (b) of this section. Senate districts shall consist of the entirety of the geographic area of the two (2) house districts listed in subsection (b) of this section for each senate district and as fully described in "Attachment A".

(b) Senate districts shall consist of the entirety of the geographic area of the following two (2) house districts per senate district:

- (i) Senate District 1 – House Districts 1 and 52;
- (ii) Senate District 2 – House Districts 4 and 6;
- (iii) Senate District 3 – House Districts 2 and 5;
- (iv) Senate District 4 – House Districts 7 and 41;
- (v) Senate District 5 – House Districts 8 and 42;
- (vi) Senate District 6 – House Districts 9 and 10;
- (vii) Senate District 7 – House Districts 11 and 43;
- (viii) Senate District 8 – House Districts 12 and 44;
- (ix) Senate District 9 - House Districts 13 and 45;
- (x) Senate District 10 – House Districts 14 and 46;
- (xi) Senate District 11 – House Districts 15 and 47;
- (xii) Senate District 12 – House Districts 17 and 48;
- (xiii) Senate District 13 – House Districts 39 and 60;

- (xiv) Senate District 14 – House Districts 18 and 20;
- (xv) Senate District 15 – House Districts 19 and 49;
- (xvi) Senate District 16 – House Districts 21 and 22;
- (xvii) Senate District 17 – House Districts 16 and 23;
- (xviii) Senate District 18 – House Districts 24 and 50;
- (xix) Senate District 19 – House Districts 25 and 26;
- (xx) Senate District 20 – House Districts 27 and 28;
- (xxi) Senate District 21 – House Districts 29 and 51;
- (xxii) Senate District 22 – House Districts 30 and 40;
- (xxiii) Senate District 23 – House Districts 3 and 31;
- (xxiv) Senate District 24 – House Districts 32 and 53;
- (xxv) Senate District 25 – House Districts 33 and 54;
- (xxvi) Senate District 26 – House Districts 34 and 55;
- (xxvii) Senate District 27 – House Districts 35 and 36;
- (xxviii) Senate District 28 – House Districts 56 and 57;
- (xxix) Senate District 29 – House Districts 37 and 59; and
- (xxx) Senate District 30 – House Districts 38 and 58.

28-2-119. House legislative districts; lists of census blocks for split voter tabulation districts in the house of representatives.

(a) Subsection (b) of this section creates legislative districts for the Wyoming house of representatives consisting of the numbered legislative districts contained therein. There shall be one (1) representative elected from each legislative district as specified in subsection (b) of this section. The area within a county, voter tabulation district or census block as provided in paragraphs (i) through (iii) of this subsection is determined using the United States bureau of the census topologically integrated geographic encoding and referencing data base (TIGER®). Each numbered legislative district in subsection (b) of this section consists of the combined geographic area within the:

(i) Entire specified county, if the county alone is listed with no geographic subdivision listed below it;

(ii) Voter tabulation district, if any are listed below the particular county; and

(iii) Census block, if any are listed below the particular voter tabulation district. A census block listed below a voter tabulation district indicates a split voter tabulation district.

(b) (See Attachment A)

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.

ATTACHMENT A

ATTACHMENT "A" CONSISTS OF THE LISTS OF COUNTIES, VOTER TABULATION DISTRICTS AND CENSUS BLOCKS WHICH MAKE UP THE GEOGRAPHIC AREAS OF THE SIXTY (60) SINGLE MEMBER HOUSE DISTRICTS CREATED BY THIS ACT. ATTACHMENT "A" IS NOT REPRODUCED IN THE 2012 SESSION LAWS BUT IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE WYOMING SECRETARY OF STATE PURSUANT TO W.S. 28-2-116.

Approved March 6, 2012.

Chapter 9

ELECTION DISTRICTS-REVISIONS

Original Senate File No. 7

AN ACT relating to election districts; providing for establishment of election districts in May; providing for allocation of precinct committeemen and committeewomen in years in which redistricting occurs; and providing for an effective date.

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

Section 1. W.S. 22-4-101(b) and by creating a new subsection (c) and 22-7-101 are amended to read:

22-4-101. Application; composition, election and qualifications of county central committees; certificate of election.

(b) The county central committee of each political party consists of precinct committeemen and committeewomen elected in the county at the regular biennial primary election. Except as provided in subsection (c) of this section, each political party in each precinct shall elect one (1) committeeman and one (1) committeewoman for each two hundred fifty (250) votes or major fraction thereof cast for the party's candidate for representative in congress in the last general election, but provided that no precinct shall be entitled to less than one (1) precinct committeeman and precinct committeewoman. Precinct committeemen and committeewomen shall be electors registered in the party and resident in the precinct. The county clerk shall issue a certificate of election to the precinct committeemen and committeewomen elected and concurrently notify the county central committee chairman. The certificate shall state the term of office which shall begin on the day the primary election is canvassed and shall

expire on the date the next regular biennial primary election is canvassed. If a precinct boundary line is changed for any reason, the county commissioners shall determine the number of precinct committeemen and committeewomen to which the affected precinct is entitled.

(c) In any general election year in which a new plan of legislative districts is required, the number of precinct committeemen and committeewomen shall be one (1) committeeman and one (1) committeewoman for each two hundred fifty (250) votes or major fraction thereof of voters registered in that political party at the time election districts are adopted by the county commissioners as provided in W.S. 22-7-101, provided that no precinct shall be entitled to less than one (1) precinct committeeman and precinct committeewoman.

22-7-101. Election districts.

The board of county commissioners with the advice or recommendation of the county clerk, no later than its first meeting in ~~April~~ May in every general election year shall divide the county into not more than thirty (30) election districts. Each district shall be designated by number. Election districts shall be changed only at this designated meeting.

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, 2012 .

Chapter 10

SECRETARY OF STATE-AUTHORITY

Original Senate File No. 3

AN ACT relating to the secretary of state; authorizing the secretary of state to refuse to accept documents for filing; authorizing the secretary of state to issue cease and desist orders; providing for notice and appeal; repealing secretary of state authority to be appointed agent for service of process for foreign limited partnerships; and providing for an effective date.

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

Section 1. W.S. 9-1-308 is created to read:

9-1-308. Powers and duties; refusal to file documents; cease and desist orders.

(a) The secretary of state may refuse to accept documents for filing pursuant to title 17 or title 34 of Wyoming statutes for up to five (5) years from any person or any entity if that person or entity:

(i) Has filed any document with the secretary of state pursuant to title

17 or title 34 of Wyoming statutes that contained any statement which was fraudulent with respect to any material fact;

(ii) Makes or uses any false writing or document knowing it to contain any materially false, fictitious or fraudulent statement or entry; or

(iii) Is the subject of, an agent of or acting on behalf of the subject of any order of the secretary of state or any similar order issued in another jurisdiction.

(b) The secretary of state may issue a cease and desist order to any person or entity engaging in any practice described in paragraphs (a)(i) and (ii) of this section or any person or entity qualifying under paragraph (a)(iii) of this section.

(c) Upon issuance of a cease and desist order under subsection (b) of this section, the secretary of state shall serve upon the person affected by the order, by registered or certified mail, return receipt requested, to the person's last known address, an order specifically stating the acts complained of and requiring the person to immediately cease and desist from the act, methods or practices stated.

(d) Any refusal to accept documents under subsection (a) of this section and any cease and desist order issued under subsection (b) of this section shall be in writing provided to the person affected by the refusal or order. The writing shall include a statement of the basis for the refusal or order and shall constitute a final order of the secretary of state.

(e) Any refusal to accept documents under subsection (a) of this section and any order issued under subsection (b) of this section is subject to the notice and appeal provisions of W.S. 17-4-123.

Section 2. W.S. 17-14-1002(a)(v) 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 6, 2012.

Chapter 11

GREENHOUSE GAS AIR QUALITY REGULATION

Original Senate File No. 86

AN ACT relating to public health and safety; providing for the promulgation and adoption of greenhouse gas regulations by the department of environmental quality and the environmental quality council; limiting regulations as specified; providing for a delayed effective date for the regulations as specified; provid-

ing conditions under which the state shall obtain and maintain primacy over greenhouse gas regulation; providing conditions under which the department may submit an amended state implementation plan for United States environmental protection agency approval; providing for a contingent repeal of the authority granted; and providing for an effective date.

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

Section 1. W.S. 35-11-213 by creating new subsections (e) through (m) is amended to read:

35-11-213. Restrictions on state regulations related to greenhouse gas emissions.

(e) Notwithstanding the provisions of subsections (a) through (d) of this section and pursuant to the provisions of subsections (e) through (k) of this section, the department and council shall adopt regulations to amend Wyoming's Clean Air Act state implementation plan and Wyoming's Title V operating permit program to the extent necessary to obtain state primacy over the regulation of greenhouse gases for those sources that would otherwise be subject to federal regulation for greenhouse gases by the United States environmental protection agency. Pursuant to the provisions of W.S. 16-3-104(b)(i), the regulations promulgated and adopted pursuant to the authority granted in this subsection shall be effective on the date the department receives authority to submit an amended state implementation plan to the United States environmental protection agency as provided by subsection (h) of this section.

(f) In no event shall any greenhouse gas emission regulations or potential to emit thresholds promulgated pursuant to subsection (e) of this section be more stringent than those imposed or required by federal law. Regulations under subsection (e) of this section shall only regulate those gases identified by the United States environmental protection agency as greenhouse gases.

(g) Notwithstanding W.S. 35-11-203(a), the department and the council are authorized to determine by regulation potential to emit thresholds for greenhouse gas emissions which are no more stringent than those imposed or required by federal law.

(h) The department may submit an amended state implementation plan providing for regulation of greenhouse gases to the United States environmental protection agency for approval only after the occurrence of the earlier of the following events:

(i) The legislature enacts legislation apart from this section authorizing the department to submit an amended state implementation plan providing for the regulation of greenhouse gases to the United States environmental protection agency for approval; or

(ii) A federal court issues a final judgment on the merits of Wyoming's pending claims in *Utility Air Regulatory Group v. EPA*, docket no. 11-1037 (D.C. Cir.).

(j) Subsections (e) through (k) of this section and the authority granted in subsection (e) of this section to the department and the council to promulgate and adopt greenhouse gas regulations and all regulations adopted pursuant to subsection (e) of this section are repealed upon the occurrence of any one (1) of the following events:

(i) The United States congress enacts a law prohibiting the United States environmental protection agency from regulating greenhouse gases; or

(ii) A federal court issues a final judgment prohibiting the United States environmental protection agency from regulating greenhouse gas emissions from stationary sources.

(k) As used in this section, the term “final judgment” means a judgment issued by a federal court that is no longer subject to potential or ongoing appeal to any federal court with jurisdiction over the court judgment.

(m) The governor shall certify to the secretary of state the occurrence of any act which:

(i) Authorizes the department to submit an amended state implementation plan to the United States environmental protection agency thereby rendering regulations adopted pursuant to this section effective. The certification shall identify the date the department was authorized to submit an amended state implementation plan; or

(ii) Repeals subsections (e) through (k) of this section pursuant to subsection (j) of this section. The effective date of such repeal of subsections (e) through (k) of this section shall be the date the governor’s certification is filed with the secretary of state.

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, 2012 .

Chapter 12

ADVANCED CONVERSION TECHNOLOGIES TASK FORCE AMENDMENTS

Original Senate File No. 15

AN ACT relating to the University of Wyoming; renaming the clean coal task force as the advanced conversion technologies task force; amending the duties of the advanced conversion technologies task force; renaming the clean coal technology research account as the advanced conversion technologies research account; extending the sunset date of the advanced conversion technologies task force as specified; and providing for an effective date.

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

Section 1. W.S. 21-17-121(a), (b)(intro), (ii), (iii), (c) and (f) and 39-14-802(a) are amended to read:

21-17-121. Advanced conversion technologies task force; members; compensation; proposals; report.

(a) The ~~clean coal research~~ advanced conversion technologies task force created pursuant to 2007 Wyoming Session Laws, Chapter 186, Section 2 shall exist until June 30, ~~2013~~ 2017. 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 and advanced conversion technologies. The task force shall review and evaluate proposals for research into clean coal and advanced conversion technologies, subject to the following:

(ii) Proposals shall be evaluated competitively on their probable benefits to the state of Wyoming and ~~coal mineral and energy~~ 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 and~~ advanced conversion technologies.

(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 and advanced conversion technologies in Wyoming.

(f) The ~~clean coal~~ advanced conversion technologies task force may award funds in the ~~clean coal technology~~ advanced conversion technologies research account to proposals for clean coal and advanced conversion technologies after submitting the task force's recommendations to the joint minerals, business and economic development interim committee.

39-14-802. Advanced conversion technologies research account created; funds deposited; use of funds.

(a) There is created the ~~clean coal~~ advanced conversion technologies research account into which shall be deposited revenues as provided by law. Interest on earnings from funds in the account shall be credited to the account.

Section 2. This act is effective July 1, 2012.

Approved March 6, 2012.

Chapter 13

COUNTY COMMISSIONS-SPECIAL EXPERTISE

Original Senate File No. 84

AN ACT relating to counties; providing for a board of county commissioners to be deemed to have special expertise on all issues on which they are granted statutory authority as specified; providing that a board of county commissioners may represent a county in federal land planning decisions as a cooperating agency with special expertise; providing conforming amendments; and providing for an effective date.

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

Section 1. W.S. 18-3-504(a)(v) and 18-5-208 are amended to read:

18-3-504. Powers and duties generally.

(a) Each board of county commissioners may:

(v) Represent the county, including but not limited to representing the county as a cooperating agency with special expertise in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions as provided for by W.S. 18-5-208(a), care for the county property and manage the business and concerns of the county in all cases where no provision is made by law;

18-5-208. Special expertise of board of county commissioners and coordination of planning efforts with federal agencies.

(a) When representing a county as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, a board of county commissioners shall be deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county.

(b) The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal regional forest or other resource management plans agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to that act, including, but not limited to, Title 36, of the Code of Federal Regulations, part 219.7 and Title 43, of the Code of Federal Regulations, part 1610.3 those acts.

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, 2012.

Chapter 14**OMNIBUS WATER BILL-CONSTRUCTION**

Original Senate File No. 47

AN ACT relating to water development projects; providing for construction of dams and reservoirs; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions and terms of appropriations for various specified prior projects; and providing for an effective date.

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

Section 1. W.S. 99-3-1701 through 99-3-1704 are created to read:

ARTICLE 17

2012 CONSTRUCTION PROJECTS

99-3-1701. Definitions.

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

99-3-1702. General authorization.

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

99-3-1703. 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 – Big Horn Regional Well Connection:

(i) Project sponsor: Big Horn Regional Joint Powers Board;

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

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

(iv) Total project budget: Seven million sixty thousand dollars (\$7,060,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four million seven hundred thirty thousand two hundred dollars (\$4,730,200.00) 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 four million seven hundred thirty thousand two hundred dollars (\$4,730,200.00) 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, 2017;

(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 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 shall purchase the well with a lump sum payment.

(c) Project – Buffalo Northwest Pipeline:

(i) Project sponsor: City of Buffalo;

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

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

(iv) Total project budget: Two million six hundred forty thousand dollars (\$2,640,000.00). Total project phase I budget: Three hundred sixty-five thousand dollars (\$365,000.00);

(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 of the project an amount not to exceed two hundred forty-four thousand five hundred fifty dollars (\$244,550.00) 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 of the project an amount not to exceed one hundred twenty thousand four hundred fifty dollars (\$120,450.00) 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 sixty-five thousand dollars (\$365,000.00) 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, 2017.

(d) Project – Casper Poplar Transmission Pipeline:

(i) Project sponsor: City of Casper;

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

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

(iv) Total project budget: Two million three hundred thousand dollars (\$2,300,000.00);

(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 one million five hundred forty-one thousand dollars (\$1,541,000.00) 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 five hundred forty-one thousand dollars (\$1,541,000.00) 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, 2017;

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

(e) Project – Cody West Transmission Pipeline:

(i) Project sponsor: City of Cody;

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

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

(iv) Total project budget: Six hundred ten thousand dollars (\$610,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred eight thousand seven hundred dollars (\$408,700.00) 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 four hundred eight thousand seven hundred dollars (\$408,700.00) 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, 2017;

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

(f) Project – Fort Laramie Storage Tank:

(i) Project sponsor: Town of Fort Laramie;

(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 two hundred thirty thousand dollars (\$1,230,000.00). Total project phase I budget: Eighty thousand dollars (\$80,000.00);

(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 of the project an amount not to exceed fifty-three thousand six hundred dollars (\$53,600.00) 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 fifty-three thousand six hundred dollars (\$53,600.00) 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, 2017;

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

(g) Project – Gillette Regional Extensions:

(i) Project sponsor: City of Gillette;

(ii) Project purpose: Municipal, 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: Eleven million one hundred thousand dollars (\$11,100,000.00). Total project phase I budget: One million fifty thousand dollars (\$1,050,000.00);

(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 of the project an amount not to exceed seven hundred three thousand five hundred dollars (\$703,500.00) 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 seven hundred three thousand five hundred dollars (\$703,500.00) 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, 2017;

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

(h) Project – Lander Water Supply:

(i) Project sponsor: City of Lander;

(ii) Project purpose: Municipal, 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: Six million one hundred thirty-six thousand dollars (\$6,136,000.00);

(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 million sixty-eight thousand dollars (\$3,068,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three million sixty-eight thousand dollars (\$3,068,000.00) 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, 2017;

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

(j) Project – Lovell Transmission Pipeline:

(i) Project sponsor: Town of Lovell;

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

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

(iv) Total project budget: One million two hundred fifty thousand dollars (\$1,250,000.00). Total project phase I budget: One hundred thousand dollars (\$100,000.00);

(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 of the project an amount not to exceed sixty-seven thousand dollars (\$67,000.00) 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 sixty-seven thousand dollars (\$67,000.00) 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, 2017;

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

(k) Project – Northwest Rural Northern Expansion:

(i) Project sponsor: Northwest Rural Water District;

(ii) Project purpose: Municipal, 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: Four million four hundred forty thousand dollars (\$4,440,000.00). Total project phase I budget: Four hundred twenty thousand dollars (\$420,000.00);

(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 of the project an amount not to exceed two hundred eighty-one thousand four hundred dollars (\$281,400.00) 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 eighty-one thousand four hundred dollars (\$281,400.00) 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, 2017;

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

(m) Project – Rolling Hills Water Supply:

(i) Project sponsor: Town of Rolling Hills;

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

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

(iv) Total project budget: One million nine hundred thousand dollars (\$1,900,000.00). Total project phase I budget: One hundred sixty thousand dollars (\$160,000.00);

(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 of the project an amount not to exceed one hundred seven thousand two hundred dollars (\$107,200.00) 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 of the project an amount not to exceed fifty-two thousand eight hundred dollars (\$52,800.00) 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 hundred sixty thousand dollars (\$160,000.00) 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, 2017.

(n) Project – Sundance Storage Tank:

(i) Project sponsor: Town of Sundance;

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

(iii) Project description: Design and construction needed to resolve issues relating to the existing Cole Water Storage Tank, and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred fifty thousand dollars (\$950,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred twelve thousand five hundred dollars (\$712,500.00) or seventy-five percent (75%) of actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission seven hundred twelve thousand five hundred dollars (\$712,500.00) 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, 2017;

(vii) Special conditions: The sponsor is responsible for acquiring twenty-five percent (25%) of the total project budget from other sources.

(o) Project – Pavillion East Water Supply Project:

(i) Project sponsor: Wyoming Water Development Commission (Commission);

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of cistern systems, a water loading station and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seven hundred fifty thousand dollars (\$750,000.00);

(v) Appropriation: There is appropriated from water development account I to the commission seven hundred fifty thousand dollars (\$750,000.00) 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, 2017;

(vi) Special conditions:

(A) The Commission, in coordination with the governor's office, select water committee, department of environmental quality and the Wyoming oil and gas conservation commission shall develop project operating criteria to include, but not limited to the following: the project area, eligibility of residences in the project area to participate in the project and utilization of water sources which would not impact existing uses;

(B) The Commission is authorized to enter into a project agreement with an entity eligible to be a project sponsor; and

(C) This project and the financing plan address a unique situation and shall not be considered by the commission as a precedent for any future project unless expressly approved by the governor and the legislature.

[REHABILITATION CONSTRUCTION PROJECTS]

9-3-1704. 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 2012:

(i) Project sponsor: Big Horn Canal Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million four hundred forty thousand dollars (\$1,440,000.00);

(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 nine hundred sixty-four thousand eight hundred dollars (\$964,800.00) 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 II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred seventy-five thousand two hundred dollars (\$475,200.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million four hundred forty thousand dollars (\$1,440,000.00) 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, 2017.

(c) Project – Fayette Irrigation Rehabilitation:

(i) Project sponsor: Fayette Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One hundred eighty thousand dollars (\$180,000.00);

(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 twenty thousand six hundred dollars (\$120,600.00) 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 II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed fifty-nine thousand four hundred dollars (\$59,400.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one hundred eighty thousand dollars (\$180,000.00) 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, 2017.

(d) Project – Lake Hattie Dam:

(i) Project sponsor: Pioneer Canal-Lake Hattie Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Eight hundred forty thousand dollars (\$840,000.00);

(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 five hundred sixty-two thousand eight hundred dollars (\$562,800.00) 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 II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred seventy-seven thousand two hundred dollars (\$277,200.00) 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 eight hundred forty thousand dollars (\$840,000.00) 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, 2017.

(e) Project – Lovell Canal Rehabilitation 2012:

(i) Project sponsor: Lovell Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Eight hundred eighty thousand dollars (\$880,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account 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 sixty-five thousand dollars (\$565,000.00) 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 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, 2017;

(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.

(f) Project – Midvale Rehabilitation 2012:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million eight hundred fifty-five thousand dollars (\$1,855,000.00);

(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 nine hundred forty-five thousand dollars (\$945,000.00) 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 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, 2017;

(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 – Shell Canal Tunnel Rehabilitation:

(i) Project sponsor: Shell Valley Watershed Improvement District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction improvements to or replacement of a water supply tunnel and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million two hundred twenty thousand dollars (\$1,220,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred seventeen thousand four hundred dollars (\$817,400.00) 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 II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred two thousand six hundred dollars (\$402,600.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million two hundred twenty thousand dollars (\$1,220,000.00) 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, 2017.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-703(c)(iv) through (vi), (j)(iv) through (vi) and (ix), 99-3-704(g)(ix), 99-3-804(j)(vii), 99-3-1106(a)(vii), (b)(iv) and (vii), 99-3-1203(d)(iv) through (vi) and (r)(vi), 99-3-1303(f)(iv) through (vii), 99-3-1403(p)(iii) through (vii), 99-3-1503(m)(iv), (v), (vii) and by creating a new paragraph (viii), 99-3-1504(c)(iv) through (vi) and (d)(iv) through (vii), 99-3-1603(f)(iv), (v), (vii), (viii) and (n)(iii) through (vi) and 99-3-1604 (m)(iv) through (vii) are amended to read:

99-3-703. Level III construction projects - new development.

(c) Big Horn Regional Joint Powers Board Pipeline Project:

(iv) Total project budget: ~~Thirty-nine million three hundred thirty thousand dollars (\$39,330,000.00)~~ Thirty-five million five hundred eighty thousand dollars (\$35,580,000.00);

(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 construc-

tion of the project an amount not to exceed ~~twenty-six million three hundred fifty-one thousand one hundred dollars (\$26,351,100.00)~~ twenty-three million eight hundred thirty-eight thousand six hundred dollars (\$23,838,600.00) 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 ~~twenty-six million three hundred fifty-one thousand one hundred dollars (\$26,351,100.00)~~ twenty-three million eight hundred thirty-eight thousand six hundred dollars (\$23,838,600.00) 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~~;

(j) Project - Small Water Development Projects:

(iv) Total project budget: ~~Three million nine hundred thousand dollars (\$3,900,000.00)~~ Four million five hundred thousand dollars (\$4,500,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors 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 nine hundred fifty thousand dollars (\$1,950,000.00)~~ two million two hundred fifty thousand dollars (\$2,250,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~one million nine hundred fifty thousand dollars (\$1,950,000.00)~~ two million two hundred fifty thousand dollars (\$2,250,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

(ix) No new project shall be authorized under this subsection on or after July 1, ~~2012-2014~~.

99-3-704. Level III construction projects-rehabilitation

(g) Project - Small Water Development Projects:

(ix) No new project shall be authorized under this subsection on or after July 1, ~~2012-2014~~.

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

(j) Project - Highline Canal Rehabilitation Project:

(vii) Appropriation: There is appropriated from water development account II to the commission eight hundred eight thousand fifty dollars (\$808,050.00) or as much thereof as is necessary to carry out the purpose of

this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2012~~2014; and

99-3-1106. Sponsor's inflation funds.

There are created the following sponsor's inflations funds:

(a) Project – Sponsor's Inflation Fund – New Development:

(vii) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2013~~2015; and

(b) Project – Sponsor's Inflation Fund - Rehabilitation:

(iv) Total project budget: ~~Five hundred thousand dollars (\$500,000.00)~~Eight hundred thousand dollars (\$800,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~five hundred thousand dollars (\$500,000.00)~~eight hundred thousand dollars (\$800,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2013~~2015; and

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

(d) Project – Greybull Valley I.D. Hydroelectric Project:

(iv) Total project budget: ~~Four hundred seventy-six thousand dollars (\$476,000.00)~~One hundred fifty thousand dollars (\$150,000.00);

(v) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement of the project an amount not to exceed ~~four hundred seventy-six thousand dollars (\$476,000.00)~~one hundred fifty thousand dollars (\$150,000.00) or one hundred percent (100%) of the actual engineering costs, whichever is less, for a term of fifty (50) years from the date the commission determines that the engineering design has been completed, at an annual rate of four percent (4%);

(vi) Appropriation: There is appropriated from water development account I to the commission ~~four hundred seventy-six thousand dollars (\$476,000.00)~~one hundred fifty thousand dollars (\$150,000.00) 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.

(r) Project – Sheridan Northwest/Big Goose Tanks Project:

(vi) Appropriation: There is appropriated from water development ac-

count I to the commission five million two hundred sixty thousand eight hundred forty dollars (\$5,260,840.00) 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; and

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

(f) Project – Laramie Transmission Pipeline:

(iv) Total project budget: ~~Seven million seven hundred thirty thousand dollars (\$7,730,000.00)~~ Ten million eight hundred fifty thousand dollars (\$10,850,000.00);

(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 an amount not to exceed ~~five million one hundred seventy-nine thousand one hundred dollars (\$5,179,100.00)~~ seven million two hundred sixty-nine thousand five hundred dollars (\$7,269,500.00) 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, project land procurement, construction engineering and construction an amount not to exceed ~~two million five hundred fifty thousand nine hundred dollars (\$2,550,900.00)~~ three million five hundred eighty thousand five hundred dollars (\$3,580,500.00) 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 ~~seven million seven hundred thirty thousand dollars (\$7,730,000.00)~~ ten million eight hundred fifty thousand dollars (\$10,850,000.00) 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~~2017.

99-3-1403. Level III construction projects-new development.

(p) Project – Teton Village 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)~~ One hundred six thousand dollars (\$106,000.00);

(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)~~ twenty-six thousand five hundred dollars (\$26,500.00) 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)~~ twenty-six thousand five hundred dollars (\$26,500.00) or twenty-five percent (25%) of the actual development costs, whichever is less, for a term of ~~thirty (30)~~ five (5) 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)~~ fifty-three thousand dollars (\$53,000.00) 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~~ 2012;

99-3-1503. Level III construction projects – new development.

(m) Project – South Laramie Water Supply:

(iv) Total project budget: ~~Three million one hundred thousand dollars (\$3,100,000.00)~~ Four million fifty thousand dollars (\$4,050,000.00);

(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 seventy-seven thousand dollars (\$2,077,000.00)~~ or ~~sixty-seven percent (67%)~~ two million six hundred thirty-eight thousand one hundred seventy dollars (\$2,638,170.00) or ~~sixty-five and fourteen hundredths percent (65.14%)~~ of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account I to the commission ~~three million one hundred thousand dollars (\$3,100,000.00)~~ two million six hundred thirty-eight thousand one hundred seventy dollars (\$2,638,170.00) 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, ~~2015~~ 2017;

(viii) Special condition: The sponsor is responsible for acquiring thirty-four and eighty-six hundredths percent (34.86%) of the total project budget from other sources.

99-3-1504. Level III construction projects – rehabilitation.(c) Project – Heart Mountain Rehabilitation 2010:

(iv) Total project budget: ~~Two million one hundred twenty-two thousand dollars (\$2,122,000.00)~~ Three million thirty-six thousand dollars (\$3,036,000.00);

(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 one hundred eighty thousand dollars (\$1,180,000.00)~~ one million six hundred sixty-five thousand dollars (\$1,665,000.00) 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 one hundred eighty thousand dollars (\$1,180,000.00)~~ one million six hundred sixty-five thousand dollars (\$1,665,000.00) 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, ~~2015~~ 2017;

(d) Project – Little Snake Diversions:

(iv) Total project budget: ~~Nine hundred ninety thousand dollars (\$990,000.00)~~ Two million three hundred thirteen thousand five hundred dollars (\$2,313,500.00);

(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 sixty-three thousand three hundred dollars (\$663,300.00)~~ one million five hundred fifty thousand forty-five dollars (\$1,550,045.00) 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 twenty-six thousand seven hundred dollars (\$326,700.00)~~ seven hundred sixty-three thousand four hundred fifty-five dollars (\$763,455.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~nine hundred ninety thousand dollars~~

~~(\$990,000.00)~~ two million three hundred thirteen thousand five hundred dollars (\$2,313,500.00) 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, ~~2015~~ 2017.

99-3-1603. Level III construction projects – new development.

(f) Project – GR/RS/SC Raw Water Reservoir: – Phase I:

(iv) Total project budget: ~~Fifteen million eight hundred fifty thousand dollars (\$15,850,000.00)~~ Sixteen million four hundred thousand dollars (\$16,400,000.00);

(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 construction engineering and construction of the project an amount not to exceed ~~six hundred three thousand dollars (\$603,000.00)~~ eight million two hundred eighty-two thousand dollars (\$8,282,000.00) or fifty and one-half percent (50.5%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account I to the commission ~~nine hundred thousand dollars (\$900,000.00)~~ eight million two hundred eighty-two thousand dollars (\$8,282,000.00) 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, ~~2016~~ 2017;

(viii) Special condition: The sponsor is responsible for acquiring ~~twenty-five percent (25%)~~ forty-nine and one-half percent (49.5%) of the total project budget from other sources.

(n) Project – Wright Water Supply 2011: – Phase I:

(iii) Project description: Design and construction of a telemetry system, reconfiguration of the piping for an existing well, and connection of a new well to the water supply system, pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Four million nine hundred fifty-seven thousand dollars (\$4,957,000.00)~~ Two million seven hundred thousand dollars (\$2,700,000.00);

(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 a telemetry system and reconfiguration of the piping for an existing well and design, permit procurement and project land procurement for the connection of a new well of the project an amount not to exceed ~~seven hundred thirty-seven thousand dollars (\$737,000.00)~~ one million eight hundred nine

thousand dollars (\$1,809,000.00) 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 ~~seven hundred thirty-seven thousand dollars (\$737,000.00)~~ one million eight hundred nine thousand dollars (\$1,809,000.00) 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, ~~2016~~ 2017;

99-3-1604. Level III construction projects – rehabilitation.

(m) Project – Willwood Dam Rehabilitation: – Phase I:

(iv) Total project budget: ~~One million six hundred twenty thousand three hundred dollars (\$1,620,300.00)~~ One million six hundred twenty thousand dollars (\$1,620,000.00);

(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,~~ construction engineering and construction of the project ~~one hundred forty thousand seven hundred dollars (\$140,700.00)~~ one million eighty-five thousand four hundred dollars (\$1,085,400.00) 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 II through the commission for the design, permit procurement, ~~and project land procurement,~~ construction engineering and construction of the project an amount not to exceed ~~sixty-nine thousand three hundred dollars (\$69,300.00)~~ five hundred thirty-four thousand six hundred dollars (\$534,600.00) 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 ~~two hundred ten thousand dollars (\$210,000.00)~~ one million six hundred twenty thousand dollars (\$1,620,000.00) 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 II on July 1, ~~2016~~ 2017.

Section 3. W.S. 99-3-1503(m)(vi) and 99-3-1603(f)(vi) 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 March 6, 2012 .

Chapter 15

SEVERANCE TAX-TRONA VALUATION

Original Senate File No. 74

AN ACT relating to severance taxes; providing for alternative methods of valuation of trona; requiring a report; and providing for an effective date.

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

Section 1. W.S. 39-14-303(b) by creating a new paragraph (vi) is amended to read:

39-14-303. Imposition.

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

(vi) When the taxpayer and department jointly agree that the application of the methods listed in paragraphs (i) through (v) of this subsection does not produce a representative fair market value for the product, a mutually acceptable alternative method may be applied. Not later than October 1 of each year, the department shall report to the joint minerals, business and economic development interim committee and the joint revenue interim committee on any action taken under this paragraph.

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, 2012.

Chapter 16

SCHOOL CAPITAL CONSTRUCTION

Original Senate File No. 105

AN ACT relating to school facility projects; providing appropriations for school facility projects for the biennium commencing July 1, 2012, and ending June 30, 2014; providing definitions; imposing conditions upon appropriation expenditures; providing for transfers of funds and carryover of funds during this biennium and for the remainder of the 2010-2012 biennium; and providing for effective dates.

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

Section 1.

(a) As used in this section:

(i) "Needs index priority" means the needs index priority used by the school

facilities commission in developing 2013-2014 biennial budget recommendations;

(ii) "Previous" means continuation of projects prioritized by needs indices in effect prior to the index developed for the 2013-2014 biennial budget recommendation.

(b) Up to ten million seven hundred fifty-three thousand three hundred forty dollars (\$10,753,340.00) is appropriated from the school capital construction account to the school facilities commission for completion of previously funded capital construction projects subject to the following prescribed maximum amounts:

(i) For capital construction projects funded under 2010 Wyoming Session Laws, Chapter 39, Section 333:

Need Index Priority	School District	Project	Maximum Amount
1	Uinta #4	Middle School	\$3,319,461
9	Sublette #9	Elementary School	\$ 525,862
12	Natrona #1	Elementary School	\$1,811,165
14	Laramie #1	Elementary School	\$3,856,038
Total			\$9,512,526

(ii) For capital construction projects funded under 2011 Wyoming Session Laws, Chapter 88, Section 349:

Need Index Priority	School District	Project	Maximum Amount
35	Sweetwater #1	Middle School	\$ 161,568
86	Converse #1	Elementary School	\$ 438,006
233	Johnson #1	Elementary School	\$ 641,240
Total			\$1,240,814

(c) The following amounts are appropriated from the school capital construction account to the school facilities commission for the 2013-2014 biennium for the specified purposes:

(i) For planning projects:

(A) Up to eight hundred seventy thousand dollars (\$870,000.00) for the following planning projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous	Park #1	Middle School	\$ 50,000
Previous	Laramie #1	Elementary School	\$ 50,000
15	Sheridan #2	Elementary School	\$ 60,000
17	Fremont #14	Elementary School	\$135,000
18	Natrona #1	K-12 School	\$135,000
23	Sweetwater #1	K-8 School	\$ 60,000

27	Sublette #9	Middle School	\$135,000
28	Laramie #1	Elementary School	\$135,000
189	Crook #1	Elementary School	\$ 5,000
60	Fremont #25	High School	\$ 5,000
Capacity	Big Horn #2	Elementary Schools	\$ 5,000
Capacity	Big Horn #3	Middle School	\$ 5,000
Capacity	Campbell #1	Elementary/Junior High/ High Schools	\$ 15,000
Capacity	Carbon #1	Elementary School	\$ 5,000
Capacity	Fremont #24	K-12 School	\$ 5,000
Capacity	Fremont #25	Elementary Schools	\$ 5,000
Capacity	Johnson #1	Elementary School	\$ 5,000
Capacity	Laramie #1	Elementary Schools	\$ 5,000
Capacity	Lincoln #2	High School/Admin Bldg	\$ 5,000
Capacity	Park #1	Elementary Schools	\$ 5,000
Capacity	Park #6	Elementary School	\$ 5,000
Capacity	Sheridan #1	Elementary Schools	\$ 5,000
Capacity	Sweetwater #1	Elementary/High Schools	\$ 10,000
Capacity	Teton #1	Elementary Schools	\$ 10,000
Capacity	Uinta #6	Elementary Schools	\$ 5,000
Capacity	Weston #1	Elementary School	\$ 5,000
Total			\$870,000

(B) As used in subparagraph (c)(i)(A) of this section, “capacity” means capacity issues self-reported by school districts, to be further evaluated by the school facilities department;

(C) The budget amounts contained in the appropriation for planning projects under this paragraph shall not be construed to be an entitlement or guaranteed amount, nor does a planning project funded under this paragraph guarantee continuation or completion of a building project contained within the scope of the planning project;

(D) The appropriation for planning under subparagraph (A) of this paragraph for the previous needs index priority for an elementary school in Laramie county school district no. 1, originating from priority 14 under 2010 Wyoming Session Laws, Chapter 39, Section 333, shall be for the sole purpose of undertaking the necessary planning for site acquisition for the construction of an elementary school within the district’s central triad with close proximity to high density population centers.

(ii) For design projects:

(A) Up to six million eight hundred ninety-five thousand one hundred sixty-three dollars (\$6,895,163.00) for the following design projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (36)	Campbell #1	Alternative High School	\$ 328,106*
Previous (?)	Crook #1	K-8 School	\$ 1,031,502*
Previous (57)	Park #1	Middle School	\$ 1,739,065
1	Carbon #2	Elementary School	\$ 1,031,422
7	Carbon #1	High School	\$ 2,119,839*
16	Uinta #1	Elementary School	\$ 6 45,229*
Total			\$ 6,895,163

(B) In addition to subparagraph (c)(ii)(A) of this section, up to fifty-two million four hundred twenty-eight thousand eighty-seven dollars (\$52,428,087.00) for the following design projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (42)	Laramie #1	Elementary School	\$ 1,454,345
4	Sweetwater #1	Alternative High School	\$ 537,165
5	Natrona #1	High School/ Shared Facility	\$12,830,287
6	Campbell #1	Elementary School	\$ 1,585,024
9	Goshen #1	Elementary School	\$ 308,034
10	Fremont #2	High School	\$ 200,000
12	Sweetwater #1	K-12 School	\$ 2,218,102
13	Albany #1	High School	\$ 5,193,855
14	Fremont #24	K-12 School	\$ 4,004,682
15	Sheridan #2	Elementary School	\$ 1,311,302
17	Fremont #14	Elementary School	\$ 1,241,524
19	Natrona #1	High School/ Shared Facility	\$17,252,267
21	Laramie #1	Junior High School	\$ 450,000
23	Sweetwater #1	K-8 School	\$ 482,853
25	Natrona #1	Alternative High School	\$ 2,165,390
16	Natrona #1	Elementary School	\$ 1,193,257
Total			\$ 52,428,087

(C) Appropriations under subparagraphs (c)(ii)(A) and (B) of this section which are asterisked (*), are supplemented by previous appropriations for that specific design project, resulting in total design funding for that project greater than the amount appropriated under this subparagraph;

(D) The design projects funded by amounts appropriated under this paragraph shall be considered by the legislature for capital construction project funding in the 2013 supplemental budget based upon the priority specified under this paragraph. The order of consideration of projects specified under this subparagraph shall not be affected by the results of the evaluation of capacity issues self-reported by school districts and further evaluated by the school facilities department;

(E) Amounts appropriated under subparagraph (B) of this paragraph for the design of remedies for needs index priorities 5 and 19 in Natrona county school district no. 1 shall include three million seven hundred seven thousand three hundred twenty-one dollars (\$3,707,321.00) for the design of a shared facility, which shall be inclusive of student enrollments and facility square foot-ages originating from both priority 5 and 19 high school projects.

(iii) For component level projects:

(A) Up to five million seven hundred ninety-six thousand dollars (\$5,796,000.00) subject to prescribed maximum amounts:

Component Projects Category	School District	Project	Maximum Amount
a., i.	Carbon #2	K-12 School	\$ 200,000
c.	Goshen #1	Elementary School	\$ 600,000
e.s.	Johnson #1	Middle School	\$ 76,000
s.	Johnson #1	Elementary School	\$ 150,000
s.	Natrona #1	Elementary School	\$ 220,000
c.	Park #16	K-12 School	\$ 500,000
s.	Sheridan #1	Elementary School	\$ 250,000
c.	Sheridan #1	Middle School	\$ 900,000
s.	Sheridan #2	High School	\$ 800,000
s.	Uinta #1	High School	\$ 450,000
s.	Uinta #1	Elementary School	\$ 1,400,000
s.	Uinta #6	Elementary School	\$ 250,000
Total			\$ 5,796,000

(B) As used in subparagraph (c)(iii)(A) of this section, the following component project categories are defined as follows:

(I) "a." means air quality building components;

(II) "c." means a building component with a life expectancy of twenty (20) years or more;

(III) "e." means the building envelope or protective shell;

(IV) "i." means illumination building components;

(V) "s." means components pertaining to building safety, security or health.

(iv) Up to fifteen million three hundred twenty-two thousand three hundred one dollars (\$15,322,301.00) for land acquisitions for the following purposes:

Needs Index	School	Land Acquisition Purpose
3	Natrona #1	Elementary School Site
4	Sweetwater #1	Alternative High School Site
6	Campbell #1	Elementary School Site

13	Albany #1	High School Site
14	Fremont #24	K-12 School Site
21	Laramie #1	Junior High School Site (relocation of athletic field)
26	Natrona #1	Elementary School Site
N/A	Laramie #1	4 Sites for potential new Elementary Schools
N/A	Teton #1	Site for potential new Elementary School

(v) Up to one million four hundred twelve thousand dollars (\$1,412,000.00) for the following ancillary building projects for the prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
N/A	Teton #1	Lease cost until new construction completed	\$ 162,000
N/A	Uinta #6	Admin Building	\$1,250,000
Total			\$1,412,000

(vi) Up to one hundred two thousand two hundred forty dollars (\$102,240.00) for the following demolition projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
N/A	Big Horn #4	Demolition of bus barn	\$ 82,080
N/A	Converse #1	Adjacent building demolition	\$ 20,160
Total			\$ 102,240

(vii) Up to four hundred fifty thousand dollars (\$450,000.00) for the following track construction project, subject to the prescribed maximum amount:

Needs Index Priority	School District	Project	Maximum Amount
N/A	Niobrara #1	Reconstruct existing sports field area and track to remedy drainage issues	\$450,000
Total			\$450,000

(viii) For capital construction projects:

(A) Up to ten million fifty thousand dollars (\$10,050,000.00) for the following capital construction projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (190)	Big Horn #2	Completion of phases for High School	\$ 5,500,000
Previous (134)	Carbon #1	Completion of phases for Middle School	\$ 3,000,000
2	Sheridan #2	Elementary School	\$ 450,000
8	Carbon #1	Elementary School	\$ 1,100,000
Total			\$ 10,050,000

(B) In addition to subparagraph (c)(viii)(A) of this section, up to two hundred twenty-seven million five hundred eight thousand one dollars (\$227,508,001.00) for the following capital construction projects subject to prescribed maximum amounts:

Needs Index Priority	School District	Project	Maximum Amount
Previous (36)	Campbell #1	Alternative High School	\$ 8,380,000*
Previous (?)	Crook #1	K-8 School	\$ 13,635,782*
Previous (42)	Laramie #1	Elementary School	\$ 16,402,081
1	Carbon #2	Elementary School	\$ 12,431,957
3	Natrona #1	Elementary School	\$ 8,424,203
4	Sweetwater #1	Alternative High School	\$ 6,149,905
5	Natrona #1	High School/Shared Facility	\$ 8,262,604*
6	Campbell #1	Elementary School	\$ 17,944,593
7	Carbon #1	High School	\$ 36,819,524
10	Fremont #2	High School	\$ 13,685,000
12	Sweetwater #1	K-12 School	\$ 25,207,363
14	Fremont #24	K-12 School	\$ 45,256,524
15	Sheridan #2	Elementary School	\$ 14,908,465
Total			\$227,508,001

(C) Appropriations under subparagraph (c)(viii)(B) of this section which are asterisked (*), are supplemented by previous appropriations for that specific construction project, resulting in total construction funding for that project greater than the amount appropriated under this subparagraph;

(D) In expending amounts appropriated for needs index priority 5 in Natrona county school district no. 1 high school remedies under subparagraph (c)(viii)(B) of this section, under 2010 Wyoming Session Laws, Chapter 39, Section 333(b)(i), under 2011 Wyoming Session Laws, Chapter 88, Section 349(b)(vii) and nine million eight hundred thousand dollars (\$9,800,000.00) from previous appropriations designated by the school facilities commission for expenditure on high school remedies in Natrona county school district no. 1, the following shall apply:

(I) Twenty-seven million nine hundred thirty-eight thousand six hundred seven dollars (\$27,938,607.00) shall be expended for the construction of a shared facility predicated upon student enrollments and square footages originating from the design of remedies for needs index priorities 5 and 19 under subparagraph (c)(ii)(B) of this section and shall not duplicate enrollments and square footages contained within these separate high school remedies;

(II) In combination with the expenditure of amounts appropriated under subsection (d) of this section for needs index priority #19, the school

facilities commission shall follow construction schedule timeline recommendations developed by the department in collaboration with Natrona county school district no. 1, local government planning agencies and project design and construction professionals. Construction schedule timeline recommendations shall be developed and reported by the department upon completion of fifty percent (50%) of project design. In developing the construction schedule timelines, the department shall take into consideration academic programming, impacts upon the community, project staging, cost, temporary swing space and safety;

(III) Excluding the alternative high school project specified under subsection (f) of this section, which shall be designed to serve a student population not to exceed three hundred (300) students, the department shall ensure the functional capacity percentages for the separate projects addressing remedies for needs index priorities 5 and 19 as outlined within the education specifications under scenario 2 in the November 2011 Fanning-Howey report, are maintained and carried forward in the implementation of the remedies funded under subparagraph (c)(viii)(B) and subsection (d) of this section;

(IV) The projects forwarded under this subparagraph, subparagraph (c)(viii)(B) and subsection (d) of this section shall be funded on the basis of an option allowing for staggered construction. In addition, the option shall provide an opportunity for district participation in planning the acquisition or construction of temporary swing space, provided district participation does not delay the construction schedule and other department duties related to the projects. The district may augment state funds for optional temporary swing space which is in excess of educational space authorized by law. Any optional temporary swing space augmented with district funds in accordance with this subdivision shall remain the financial obligation of the district consistent with rules and regulations of the commission;

(V) Prior to expenditure of amounts appropriated under subparagraph (c)(viii)(B) of this section and subdivision (I) of this subparagraph, the district shall agree that the shared facility square footage shall be considered a shared high school facility and shall not be considered a separate school for purposes of facility funding computations by the commission and operational funding computations under the education resource block grant model.

(E) In expending funds for capital construction projects appropriated under this paragraph, the director of the department, in consultation with the governor, shall develop a construction schedule that:

(I) Maximizes cost savings at or below project budget amounts specified under this paragraph;

(II) Optimizes Wyoming workforce opportunities at a predictable and manageable level;

(III) Provides for construction throughout the state in a manner as uniform as is possible; and

(IV) Prevents unnecessary delays in initiating and implementing building and facility remedies.

(d) Effective July 1, 2013, up to one hundred nineteen million two hundred thirty-eight thousand three hundred eight dollars (\$119,238,308.00) is appropriated from the school capital construction account to the school facilities commission for the high school construction and renovation project addressing needs index priority 19 in Natrona county school district no. 1.

(e) An amount equal to sixteen million nine hundred eleven thousand four hundred twenty-two dollars (\$16,911,422.00) for unanticipated costs associated with planning, design, capital construction and component level projects funded under this subsection.

(f) The following capital construction projects shall be considered by the legislature for funding in the 2013-2014 supplemental budget in the priority and for the amounts estimated under this subsection:

Needs Index Priority	School District	Project	Maximum Amount
13	Albany #1	High School	\$ 62,145,234
16	Uinta #1	Elementary School	\$ 17,739,919
17	Fremont #14	Elementary School	\$ 14,554,957
21	Laramie #1	Junior High School	\$ 3,600,000
25	Natrona #1	Alternative High School	\$ 16,318,523

(g) In expending funds appropriated under this section and commensurate with school district efforts undertaken in facility planning required under W.S. 21-15-116, the school facilities department shall require school district boards of trustees to incorporate a collaborative committee process, advisory to the board, which assists the school district with planning district remedies for school buildings, ranging from site selection to project planning and design. The collaborative committee process for remedy development shall include project stakeholders comprised of students, parents, teachers, principals, district administration, school board of trustee members, representative legislators, at-large members of the community and others. Although advisory to district boards, the collaborative committee shall assist the boards with informing the respective community and in developing community-based input into project development.

(h) For all school planning, design and capital construction projects funded under this section excluding capital construction projects funded under subsection (b) of this section, the school facilities commission and the school facilities department shall use the standard Wyoming school facilities department approach adopted under W.S. 21-15-123(f)(ii) for student projections based

upon a five (5) year projection period commencing on the date of anticipated completion of project construction. The school facilities commission may adjust projections computed under this approach as necessary to reflect more precise analysis and evaluation of historical, economic, social and other data impacting the community. Adjustments under this subsection shall be reported to the select committee on school facilities and to the joint appropriations interim committee.

(j) Notwithstanding W.S. 21-15-122 and 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii), amounts to be deposited into the common school permanent land fund on June 30, 2012 pursuant to W.S. 21-15-122(a)(ii) and 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii), shall not be deposited in accordance with W.S. 21-15-122(a)(ii) and 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii). Those funds and other funds within the school capital construction account shall be subject to the following from the effective date of this subsection through June 30, 2014:

(i) Notwithstanding W.S. 21-13-306(c), unobligated, unencumbered funds remaining in the school foundation program account on June 30, 2013, shall not be deposited into the school capital construction account, but shall remain in the school foundation program account;

(ii) An amount necessary to restore the balance within the school foundation program account to one hundred million dollars (\$100,000,000.00) on June 30, 2014, shall be deposited into the school foundation program account;

(iii) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated previously appropriated funds remaining within the school capital construction account as of June 30, 2012, shall not revert on June 30, 2012, and any other amounts which would revert to the school capital construction account pursuant to law during the 2013-2014 fiscal biennium, are hereby appropriated for purposes of this section for the period commencing July 1, 2012, and ending June 30, 2014;

(iv) The common school permanent land fund holding account created under 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii) is repealed. Any unappropriated, unexpended, unobligated funds within that holding account, following reduction for the amounts appropriated from the school capital construction account pursuant to this section and reduction for the amounts deposited into the foundation program account pursuant to paragraph (ii) of this section, together with any other unappropriated, unexpended, unobligated funds within the school capital construction account, shall be continuously deposited into a separate permanent land fund holding account from the effective date of this section through June 30, 2014.

Section 2.

(a) Except as provided by subsections (b) and (c) of this section, this act is effective July 1, 2012.

(b) Notwithstanding subsections (a) and (c) of this section, subsection (b), paragraph (c)(i), subparagraphs (c)(ii)(A) and (C), paragraphs (c)(iii) through (vii), subparagraphs (c)(viii)(A) and subsections (h) and (j) 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.

(c) Notwithstanding subsections (a) and (b) of this section, subsection (d) of this act is effective July 1, 2013.

Approved March 6, 2012 .

Chapter 17

ELECTRICAL INSTALLATION LICENSING EXCEPTIONS

Original Senate File No. 62

AN ACT relating to licensing for electrical installations; exempting employees of cooperative electrical utilities from licensure in specified situations; and providing for an effective date.

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

Section 1. W.S. 35-9-123(a) by creating a new paragraph (ix) is amended to read:

35-9-123. Electrical installations to be performed by licensed electricians; exceptions.

(a) Licensed electrical contractors employing licensed master or journeyman electricians, or registered apprentice electricians supervised by a licensed master or journeyman electrician shall install all electrical equipment. This requirement is waived for the following, however the waiver does not exempt the following persons from meeting all other code requirements under this act:

(ix) Employees of rural electric cooperatives, as defined in W.S. 37-17-101(a)(i), when performing the following work:

(A) Installation of new or upgraded service connections or attachments of secondary service wires to any utility point of attachment on all overhead connections of the cooperative's equipment to the cooperative's customer's connections and all underground connections that are in close proximity to conductors in excess of six hundred (600) volts; or

(B) Making repairs on secondary service wires or reattachments of secondary service wires to any utility point of attachment in emergency or outage situations.

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, 2012 .

Chapter 18

YOUTH CHALLENGE PROGRAM SUNSET DATE

Original Senate File No. 10

AN ACT relating to the military department; extending the sunset date for the youth challenge program; and providing for an effective date.

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

Section 1. W.S. 19-9-704 is amended to read:

19-9-704. Sunset.

W.S. 19-9-701 through 19-9-703 are repealed effective June 30, ~~2012~~ 2017.

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, 2012

Chapter 19

ALCOHOLIC BEVERAGES-MANUFACTURERS

Original Senate File No. 45

AN ACT relating to alcohol; providing for dispensing of samples of manufactured distilled spirits; providing for satellite facility permits for licensed manufacturers of distilled and rectified spirits; providing definitions; providing an exemption as specified; and providing for an effective date.

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

Section 1. W.S. 12-2-203 by creating new subsections (f) through (h) and 12-5-401 are amended to read:

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their

manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the commission. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

(h) For purposes of subsections (f) and (g) of this section:

(i) "Distiller" includes any person who:

(A) Produces distilled spirits from any source or substance;

(B) Brews or makes mash, wort or wash fit for distillation or for the production of distilled spirits, other than the making or using of mash, wort or wash in the authorized production of wine or beer, or the production of vinegar by fermentation;

(C) By any process separates alcoholic spirits from any fermented substance; or

(D) Making or keeping mash, wort or wash, has a still in his possession or use.

(ii) "Rectifier" includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

12-5-401. Interests in licenses or permits to sell.

No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a micro-brewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. 12-2-203(g).

Section 2. This act is effective July 1, 2012.

Approved March 6, 2012

Chapter 20

CLANDESTINE LABORATORY OPERATION APPEAL

Original Senate File No. 22

AN ACT relating to public health and safety; clarifying the time for appealing certain agency actions with respect to a clandestine laboratory operation; and providing for an effective date.

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

Section 1. W.S. 35-9-159(e) is amended to read:

35-9-159. Exceptions to reimbursements; exception to act; clandestine laboratory remediation fund.

(e) ~~If the law enforcement agency denies an extension pursuant to subsection (d) of this section, The owner may appeal to the district court within sixty (60) days of the issuance of the denial a notice to remediate a clandestine laboratory operation or a denial of an extension under subsection (d) of this section in accordance with W.S. 16-3-114 of the Administrative Procedure Act. The law enforcement agency's authority to take remediation action shall be stayed while the appeal is pending.~~

Section 2. This act is effective July 1, 2012.

Approved March 6, 2012.

Chapter 21

DEATH PENALTY METHOD OF LETHAL INJECTION

Original Senate File No. 23

AN ACT relating to criminal procedure; amending protocol permitted for lethal injection for execution; and providing for an effective date.

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

Section 1. W.S. 7-13-904(a) is amended to read:

7-13-904. Method of execution.

(a) When sentence of death is imposed by the court in any criminal case, the punishment of death shall be executed by the administration of a continuous intravenous injection of a lethal quantity of an ultra-short-acting barbiturate, alone or in combination with a chemical paralytic agent and potassium chloride, or other equally effective substance or substances sufficient to cause death, until death is pronounced by a licensed physician according to accepted standards of medical practice. The sentence of death shall be executed within the

time prescribed by law, unless, for cause shown, the court or governor extends the time. Administration of the injection does not constitute the practice of medicine.

Section 2. This act is effective July 1, 2012.

Approved March 6, 2012

Chapter 22

HIGHER EDUCATION RESERVE ACCOUNTS

Original Senate File No. 35

AN ACT relating to public funds; providing for retention of earnings in the Hathaway student scholarship and excellence in higher education endowment reserve accounts; and providing for an effective date.

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

Section 1. W.S. 9-4-719(k) and 21-16-1302(b) are amended to read:

9-4-719. Investment earnings spending policy - permanent funds.

(k) There is created the excellence in higher education endowment reserve account. Interest and other earnings on funds within the account shall be credited to the account. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2006, revenues in this account in excess of seventy-five percent (75%) of the spending policy amount in subsection (o) of this section shall be credited to the excellence in higher education endowment fund created by W.S. 9-4-204(u)(vi).

21-16-1302. Hathaway scholarship expenditure account created; reserve account created; use and appropriation of funds.

(b) There is created the Hathaway student scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. To the extent funds within the Hathaway scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for distribution to eligible institutions to fund those scholarships. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2007, the state treasurer shall transfer monies from this reserve account to the Hathaway student scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of twelve million dollars (\$12,000,000.00) or an amount equal to three and seventy-five hundredths per-

cent (3.75%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than November 1, of each year to the education committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

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, 2012.

Chapter 23

HIGHWAY PATROL, GAME WARDEN AND INVESTIGATOR RETIREMENT

Original Senate File No. 30

AN ACT relating to the Wyoming State Highway Patrol, Game and Fish Warden and Criminal Investigator Retirement Act; raising the employee and employer contributions required under the act; repealing obsolete and inconsistent language; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-3-604(a), (b), (c)(i) and (ii) and 9-3-605 are amended to read:

9-3-604. Employee contributions.

(a) Except as otherwise provided in this section, every employee covered by this article shall pay into the fund ~~eleven and two one-hundredths percent (11.02%)~~ twelve and sixty-four hundredths percent (12.64%) of his salary. To the extent not paid by an employer on behalf of the member, this payment shall be deducted each pay period from employees' salaries by the respective chief fiscal officers of the employers.

(b) ~~From and after July 1, 1983~~ The contributions required by subsection (a) of this section shall be paid by the employer for employees covered under this article in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States internal revenue code.

(c) The contributions under subsection (b) of this section shall be paid from the source of funds which is used in paying salary to the employee. The employer may pay these contributions by a reduction in cash salary of the employee or by an offset against a future salary increase, or by a combination of a reduction in salary and an offset against a future salary increase, provided:

(i) No such salary reduction or offset, or combination thereof, shall exceed the percentage amount actually being deducted from an employee's salary for contributions to the retirement program; ~~as of July 1, 1983; and~~

(ii) ~~Except as otherwise provided in this paragraph, any employer may pay any amount of an employee's share of retirement contributions without a salary reduction or offset, or combination thereof. On and after July 1, 2012, at least one and sixty-two hundredths percent (1.62%) of the employee's share of retirement contributions shall be paid through a reduction in cash salary of the employee unless specified otherwise by legislative act.~~

9-3-605. Employer contributions.

Each employer subject to this article shall pay into the fund a contribution equal to ~~eleven and thirty-three one-hundredths percent (11.33%)~~ twelve and ninety-six hundredths percent (12.96%) of all salaries paid to its employees, ~~and may pay into the fund any amount of the employees' share of retirement contributions.~~ These contributions, together with the employees' contributions, ~~if any,~~ shall be transferred and credited to the retirement program in a manner the board directs.

Section 2.

(a) There is appropriated the following for the period specified in subsection (b) of this section:

(i) From the general fund to the office of the attorney general one hundred twenty-one thousand dollars (\$121,000.00);

(ii) From the game and fish fund to the game and fish commission one hundred ninety-three thousand dollars (\$193,000.00);

(iii) From the highway fund to the department of transportation five hundred thirty-five thousand dollars (\$535,000.00).

(b) The appropriations under subsection (a) of this section shall only be expended for the purpose of providing each state agency's increased employer contribution required by W.S. 9-3-605 as amended by this act, for the 2013-2014 fiscal biennium.

(c) No part of these appropriations shall be used to provide the increased employee contribution required by this act. Notwithstanding any other provision of law, the appropriations under this section shall not be transferred or expended for any purpose other than as specified in this section. Any unexpended, unobligated funds remaining from the appropriations under this section shall revert as provided by law on June 30, 2014.

Section 3. This act is effective July 1, 2012.

Approved March 6, 2012.

Chapter 24

ADJUSTMENT OF CHILD SUPPORT FOR AN ADULT CHILD

Original Senate File No. 39

AN ACT relating to child support; providing that the legal obligation of a noncustodial parent to provide support for their adult child with a mental or physical disability may be adjusted upon a showing that an adjustment of the child support is in the best interest of the adult child; providing a burden of proof; and providing for an effective date.

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

Section 1. W.S. 20-2-316 is created to read:

20-2-316. Adjustment of child support for a disabled adult child.

(a) A noncustodial parent may petition for an adjustment of child support for a child who has reached the age of majority but qualifies under W.S. 14-2-204(a)(i) to continue to receive support from the noncustodial parent. The court shall allow the adjustment in cases where the noncustodial parent proves by a preponderance of the evidence that an adjustment of the child support order is in the best interest of the child who has reached the age of majority.

(b) A noncustodial parent petitioning the court for an adjustment under this section shall adhere to the requirements of W.S. 20-2-311.

Section 2. This act is effective July 1, 2012.

Approved March 6, 2012.

Chapter 25

WOLF MANAGEMENT

Original Senate File No. 41

AN ACT relating to game and fish; providing for designation of wolves in specified areas and within specified dates as trophy game animals; providing for management for a minimum number of breeding pairs and individual gray wolves; repealing commission authority to enlarge or diminish areas where wolves are managed as trophy game animals; repealing governor's authority to change areas where wolves are managed as trophy game animals; limiting commission authority to establish areas where wolves designated as trophy game animals may be taken as predatory animals; amending authorized management techniques for controlling wolf populations; providing for use of animal damage management boards funds; specifying legislative intent; and providing for an effective date.

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

Section 1. W.S. 11-6-302(a)(ix)(B)(intro), (I) and (x)(B)(I), 11-6-309, 23-1-101(a)(viii)(B)(intro), (I), (xii)(B)(I) and (II), 23-1-302(a)(ii) and (xxix), 23-1-304(a), (d), (g), (h), (j), (m) and (n), 23-1-901 by creating a new subsection (g) and 23-3-115(c) are amended to read:

11-6-302. Definitions.

(a) As used in this article:

(ix) "Predatory animal" means:

(B) Until 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, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but not within an area of the state in which the gray wolf is:

(I) Designated as a trophy game animal under ~~subdivision (x)(B)(I) of this subsection; or W.S. 23-1-101(a)(xii)(B)(I) or (II).~~

(x) "Trophy game animal" means:

(B) From and 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:

(I) "Trophy game animal" shall include any gray wolf within those ~~tracts of land within the following described area, subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming-Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger-Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the game and fish commission if the game and fish commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves; and areas where gray wolves are designated as trophy game animals as provided in~~ W.S. 23-1-101(a)(xii)(B)(I) or (II).

11-6-309. Predator management district participation with the ADMB.

(a) Except as provided in subsection (b) of this section, if the predator management district has elected to participate in providing funding or upon ap-

proval of the ADMB, other in-kind resources, to the animal damage management account, the district may solicit funds or receive services from the ADMB under separate negotiated agreement.

(b) Whether or not a predator management district has elected to participate in providing funding to the animal damage management account, the district may solicit funds or receive services from the ADMB for control of gray wolves designated as predatory animals.

(c) In any area of the state not under the jurisdiction of a county predatory animal board, eligible applicants for funds appropriated to the animal damage management board for the purpose of controlling wolves designated as predatory animals include state or county agencies.

23-1-101. Definitions of wildlife.

(a) As used in this act:

(viii) "Predatory animal" means:

(B) Until 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, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but not within an area of the state in which the gray wolf is:

(I) Designated as a trophy game animal under subdivision (xii)(B)(I) or (II) of this subsection,;

(xii) "Trophy game animal" means:

(B) From and 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:

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within the following described area,; ~~subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming-Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger-Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the~~

~~Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the commission if the commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves 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; southwest-erly 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 For-est 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 southern boundary of Yellowstone National Park; east and north along said boundary to the Wyoming-Montana state line; then east along said state line to Wyoming Highway 120; and~~

(II) "Trophy game animal" shall include any gray wolf ~~within any area of the state where gray wolves are classified as trophy game animals by the commission pursuant to W.S. 23-1-304(a) located, from October 15 through the last day of February in the subsequent year, within the following described area:~~ beginning at the boundary described in subdivision (B)(I) of this paragraph, where the Bridger-Teton National Forest boundary intersects U.S. Highway 189-191 at Hoback Rim; westerly and then southerly along said forest bound-ary to its intersection with USFS Road 10125 (McDougal Gap Road); westerly along said road to USFS Road 10138 (Grey's River Road); southerly along said road to Sheep Creek; westerly down said creek to Grey's River; southwest-erly up said river to Bear Creek; southwest-erly up said creek to the hydrographic divide between Bear Creek and Willow Creek; west from said divide to USFS Road 10080 (Willow Creek Road); northwesterly along said road to Lincoln County Road 123; southerly along said road to USFS Road 10081 (Grover Park Road); southerly then westerly along said road to Lincoln County Road 172; westerly along said road to the junction with Wyoming Highway 237; westerly along said highway to Wyoming Highway 238; southerly along said highway to Lin-coln County Road 134; westerly along said road to the Wyoming-Idaho state line; north along said state line to Wyoming Highway 22 where the boundary described in this subdivision will rejoin the boundary described in subdivision (B)(I) of this paragraph.

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(ii) To establish zones and areas in which trophy game animals may be taken as game animals with a license or, with the exception of gray wolves, in the same manner as predatory animals without a license, giving proper regard to the livestock and game industries in those particular areas;

(xxix) 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, to classify set seasons and bag limits for gray wolves as predatory or designated as trophy game animals in accordance with pursuant to W.S. ~~23-1-304~~ 23-1-101(a)(xii)(B)(I) and (II), and to regulate the number of gray wolves which may be taken under a license issued under this act or as necessary to carry out the commission's duties under this act;

23-1-304. Classification of gray wolves.

(a) The commission shall by rule and regulation ~~establish areas within the state where gray wolves are classified as trophy game animals and~~ set seasons and bag limits within those areas where gray wolves are designated as trophy game animals pursuant to W.S. 23-1-101(a)(xii)(B)(I) and (II). The ~~areas designated,~~ seasons and bag limits shall be set annually in a manner the commission determines, through rule and regulation, ~~only~~ as necessary to reasonably ensure at least ~~seven (7) ten~~ (10) breeding pairs of gray wolves and a total of at least one hundred (100) individual gray wolves are located in this state ~~and primarily~~ outside of Yellowstone National Park, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway and the Wind River Indian Reservation at the end of the current calendar year.

(d) The department shall institute and maintain an active program of population monitoring statewide: subject to the following:

(i) Population monitoring shall include ~~the use of global positioning systems and radio collaring of gray wolves, including use of aerial tracking, necessary to techniques that accurately determine the population and movement of gray wolves in areas of the state: where gray wolves are designated as trophy game animals;~~

(ii) The commission is authorized to enter into memoranda of understanding with the United States fish and wildlife service or other federal agencies to ~~fund the purchase of the necessary technology and to ensure accurate and adequate monitoring of wolf population levels and movements; through global positioning systems and radio collar tracking.~~

(iii) In all areas of the state, except where otherwise provided, any person who ~~harvests~~ takes a wolf shall notify the department where the ~~harvest~~ take occurred within ten (10) days;

(iv) In areas of the state where gray wolves are designated as trophy game animals, any person who takes a wolf shall notify the department of the take and where the take occurred within a time period set by rule and regulation, which shall not exceed seventy-two (72) hours;

(v) In areas of the state where gray wolves are designated as trophy game animals, any person who takes a wolf shall submit the wolf or parts thereof, as defined by rule and regulation, to the department for inspection within a time period established by rule and regulation which will not exceed ten (10) days;

(vi) Any information regarding the number or nature of wolves legally ~~harvested~~ taken within the state of Wyoming shall only be released in its aggregate form and no information of a private or confidential nature shall be released without the written consent of the person to whom the information may refer. Information identifying any person legally ~~harvesting~~ taking a wolf within this state is solely for the use of the department or appropriate law enforcement offices and is not a public record for purposes of W.S. 16-4-201 through 16-4-205.

(g) The commission is authorized, through rule and regulation, to use ~~ag-~~ gressive management techniques including the use of aerial hunting and hazing by the department and issuance of permits to private landowners to take wolves to protect private property including, but not limited to, livestock and other domesticated animals from wolf depredation.

(h) Within forty-eight (48) hours of receiving notification from a landowner or his designee that any gray wolf in those areas of the state where gray wolves are designated as trophy game animals has harassed, injured, maimed or killed livestock or any domesticated animal, the department shall respond and initiate appropriate management actions. The department may use the aggressive management techniques authorized under subsection (g) of this section or any other management methods necessary, to minimize the harassing, injuring, maiming or killing of livestock and other domesticated animals in those areas of the state where gray wolves are designated as trophy game animals.

(j) At any time that there exists the number of breeding pairs of gray wolves and the number of individual gray wolves specified in subsection (a) of this section, the department is authorized to take any action necessary to protect big and trophy game populations in this state from predation by gray wolves. ~~The department shall give priority to areas where the wild ungulate herd is reduce the effects of gray wolf predation on wild ungulate herds in areas of the state experiencing unacceptable impacts from gray wolf predation.~~

(m) The commission shall promulgate rules and regulations ~~requiring~~ authorizing lethal control of wolves harassing, injuring, maiming or killing livestock or other domesticated animals and for wolves occupying geographic areas where chronic wolf predation occurs. The rules and regulations shall provide that nonlethal control actions will be used if lethal control could cause relisting of wolves under the endangered species act or if requested by the livestock or domesticated animal owner or agent.

(n) The commission shall promulgate rules and regulations providing for issuance of ~~annual~~ permits to landowners or livestock owners for removing wolves which are harassing, injuring, maiming or killing livestock or other domesticated animals and for wolves occupying geographic areas where chronic wolf predation occurs. Permits issued or renewed under this subsection shall be valid for not more than forty-five (45) days from issuance or renewal. The permits shall be issued as long as there are seven (7) the removals authorized by such permits could not reduce the numbers of gray wolves below ten (10) breeding pairs or a total of one hundred (100) individual gray wolves within the state and outside of Yellowstone National Park, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway and the Wind River Indian Reservation. The rules shall provide for suspending the issuance of permits or cancelling existing permits if further lethal control could cause ~~relisting of wolves under the endangered species act~~ the numbers of gray wolves to be reduced below ten (10) breeding pairs or a total of one hundred (100) individuals in the state outside of Yellowstone National Park and the Wind River Indian Reservation.

23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration.

(g) For purposes of this section, “trophy game animals” shall include gray wolves located in the area described in W.S. 23-1-101(a)(xii)(B)(II) regardless of the date on which the damage occurs.

23-3-115. Taking black bear, mountain lion, gray wolf, bobcat, weasel, badger, squirrels or muskrat for damaging property.

(c) The provisions of subsection (a) of this section relating to the taking of animals doing damage to private property shall apply to gray wolves from and 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. For purposes of this section as it applies to gray wolves, “doing damage to private property” means actual biting, wounding, grasping or killing of livestock or a dog, or chasing, molesting or harassing of livestock or a dog by a wolf that would indicate to a reasonable person that actual biting, wounding, grasping or killing of the livestock or dog is likely to occur at any moment. The owner, employee or lessee acting under authority of this section shall notify the department of the killing of a gray wolf within an area of the state in which the gray wolf is ~~classified~~ designated as a trophy game animal. The notification shall be made within ~~ten (10) days of the kill unless the gray wolf was taken in an area where wolves have been classified as trophy game animals pursuant to W.S. 23-1-304(a) in which case the notification shall be made within~~ seventy-two (72) hours of the kill.

Section 2. W.S. 11-6-302(a)(ix)(B)(II), (x)(B)(II) and (b), 23-1-101(a)(viii)(B)(II) and (b), 23-1-109, 2003 Wyoming Session Laws, Chapter 115, Section 4(c) and 2007 Wyoming Session Laws, Chapter 168, Section 1 are repealed.

Section 3.

(a) The legislature finds that the contingencies required by 2007 Wyoming Session Laws, Chapter 168, Section 1 occurred and the provisions of 2007 Wyoming Session Laws, Chapter 168 became effective, and shall be effective, subject to amendment or repeal as provided in this act.

(b) It is the intent of the legislature that the management of gray wolves to ensure populations as provided in W.S. 23-1-304(a) shall be in addition to the number of gray wolves within Yellowstone National Park and the Wind River Indian Reservation, and shall contribute toward the requirements for delisting of gray wolves of at least fifteen (15) breeding pairs and at least one hundred fifty (150) individual animals throughout the state.

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

Approved March 7, 2012.

Chapter 26**GENERAL GOVERNMENT APPROPRIATIONS**

Original Senate File No. 1

AN ACT to make appropriations for the biennium commencing July 1, 2012, and ending June 30, 2014; providing definitions; providing for appropriations and transfers of funds during that biennium and for the remainder of the current biennium as specified; providing for funding for carryover of certain funds beyond the biennium as specified; providing for employee positions as specified; providing for fees, audits, duties, conditions and other requirements relating to appropriations; providing for position and other budgetary limitations; and providing for effective dates.

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) "AR" means American Recovery and Reinvestment Act funds;

(f) "A4" means agency trust account;

- (g) "EF" means the agency's account within the enterprise fund;
- (h) "FF" means federal funds;
- (j) "IS" means the agency's account within the internal service fund;
- (k) "PF" means the retirement account created by W.S. 9-3-407(a);
- (m) "PR" means private funding sources;
- (n) "RB" means revenue received from the issuance of revenue bonds;
- (o) "SR" means an agency's account within the special revenue fund;
- (p) "S1" means earmarked water development account I created by W.S. 41-2-124(a)(i);
- (q) "S2" means earmarked water development account II created by W.S. 41-2-124(a)(ii);
- (r) "S3" means the budget reserve account;
- (s) "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);
- (t) "S5" means the school foundation program account within the special revenue fund;
- (u) "S6" means the school capital construction account within the special revenue fund;
- (w) "S7" means the highway account within the special revenue fund;
- (y) "S8" means the game and fish account within the special revenue fund;
- (z) "S0" means other funds identified by footnote;
- (aa) "T1" means the omnibus permanent land fund;
- (bb) "T2" means the miners' hospital permanent land income fund;
- (cc) "T3" means the state hospital permanent land fund;
- (dd) "T4" means the training school permanent land fund;
- (ee) "T6" means the university permanent land income fund;
- (ff) "T7" means the state employee group insurance flexible benefits account;
- (gg) "T0" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;
- (hh) "TT" means the tobacco settlement trust income account.

Section 2. The following sums of money, or so much thereof as necessary, are appropriated to be expended during the two (2) years beginning July 1, 2012 and ending June 30, 2014, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 001. OFFICE OF THE GOVERNOR				
PROGRAM				
Administration ¹	7,619,544			7,619,544
Tribal Liaison	400,000			400,000
Comm on Uniform Laws	67,286			67,286
Special Contingency ²	315,000			315,000
Clean Coal Technology	100,000			100,000
Homeland Security ³	2,827,998	20,452,104	619,310 SR	23,899,412
Natural Resource Policy	1,000,000			1,000,000
Endangered Species Admin	<u>1,641,801</u>	<u> </u>	<u> </u>	<u>1,641,801</u>
TOTALS	13,971,629	20,452,104	619,310	35,043,043
AUTHORIZED EMPLOYEES				
Full Time	46			
Part Time	<u>1</u>			
TOTAL	47			

1. (a) Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended for purposes of this footnote. The governor may review whether there is a need to make deep water ports available to receive rail shipments of large volumes of Wyoming nonrenewable natural resources. If the governor determines there is a need and that benefits would accrue to the state in securing that availability, he may expend not more than one hundred thousand dollars (\$100,000.00) of this general fund appropriation to support efforts to do so.

(b) Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended for purposes of this footnote. The governor's office may use funds appropriated with this footnote to encourage the development of liquid natural gas export facilities using Wyoming produced natural gas. The governor's office may also use these funds to encourage the routing of tar sands oil pipelines through Wyoming to gulf coast refineries.

2. Any unexpended, unobligated monies remaining in the special contingency account shall not revert on June 30, 2012 and are hereby reappropriated to the office of the governor for the special contingency program for the period beginning July 1, 2012 and ending June 30, 2014. This footnote is effective immediately.

3. In the event that 2012 Senate File 0033 is enacted into law, the public safety communications commission function and associated funding and position shall be transferred to the office of homeland security within the governor's office.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
Section 002. SECRETARY OF STATE					
PROGRAM					
Administration	6,501,161	172,444	75,388	SR	6,748,993
Securities Enforcement			573,791	SR	573,791
Bucking Horse & Rider			200,200	AG	200,200
Constitutional Amends ¹	<u>377,000</u>	_____	_____		<u>377,000</u>
TOTALS	6,878,161	172,444	849,379		7,899,984
AUTHORIZED EMPLOYEES					
Full Time	31				
Part Time	<u>0</u>				
TOTAL	31				

1. Of this general fund appropriation, three hundred seventy-seven thousand dollars (\$377,000.00) shall only be expended for the purpose of paying costs of publication required by W.S. 22-20-104 for constitutional resolutions passed in the 2011 and 2012 legislative sessions. Any unexpended, unobligated funds remaining from the appropriation specified in this footnote shall revert to the general fund on November 30, 2012.

Section 003. STATE AUDITOR

PROGRAM					
Administration	17,530,641				17,530,641
Brucellosis ¹	500,000				500,000
GF License Rev Recoup	<u>1,825,000</u>	_____	_____		<u>1,825,000</u>
TOTALS	19,855,641	0	0		19,855,641
AUTHORIZED EMPLOYEES					
Full Time	25				
Part Time	<u>0</u>				
TOTAL	25				

1. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended for brucellosis testing and containment efforts. The auditor shall distribute these funds as directed by the governor.

Section 004. STATE TREASURER

PROGRAM					
Treasurer's Operations	4,175,404				4,175,404
Veterans' Tax Exemp ¹	11,063,000				11,063,000
Manager Payments			49,220,440	AG	
			264,864	SR	49,485,304
Unclaimed Property			1,512,837	AG	1,512,837
Indian Motor Veh Exemp	<u>615,700</u>	_____	_____		<u>615,700</u>
TOTALS	15,854,104	0	50,998,141		66,852,245

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	26			
Part Time	<u>0</u>			
TOTAL	26			

1. Of this general fund appropriation, five hundred twenty-eight thousand dollars (\$528,000.00) is effective immediately.

Section 005. DEPARTMENT OF EDUCATION ^{1..2.}

PROGRAM

Education Trust Fund			600,000	AG	600,000
Douvas Scholarship			1,000	TO	1,000
Workshops & Conferences			77,525	SR	77,525
Montgomery Trust			468,495	TO	468,495
WDE General Fund Prog ^{3,4.}	18,984,323		7,087,107	S5	26,071,430
WDE Federal Fund Prog ^{3.}	<u> </u>	<u>231,472,487</u>	<u>2,435,226</u>	SR	<u>233,907,713</u>
TOTALS	18,984,323	231,472,487	10,669,353		261,126,163

AUTHORIZED EMPLOYEES

Full Time	124
Part Time	<u>6</u>
TOTAL	130

1. The department shall obtain the written approval of the state building commission prior to entering into any agreement for changes to existing or additional leased office space.

2. All changes to the department's budget as authorized in this section shall be documented via the B-11 process as authorized by W.S. 9-2-1005(b)(ii). It is the intent of this footnote to require the department to use the B-11 process for budgetary additions and transfers between and within divisions, including transfers and additions at the unit level.

3. (a) Amounts within units 6104, 6105, 6130, 6132, 6160 and 6373 of the WDE general fund and federal fund programs, as appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 005, and amounts within units 6173 and 6174 as appropriated in 2011 Wyoming Session Laws, Chapter 184, Section 5(d), and as appropriated for the fiscal biennium commencing July 1, 2012 and ending June 30, 2014, shall only be expended for education testing and assessment purposes. Unless approved for transfer under W.S. 9-2-1005(b)(ii), no funds appropriated within units 6104, 6105, 6130, 6132, 6160 and 6373 of the WDE general fund and federal fund programs, as appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 005, and units 6173 and 6174 as appropriated in 2011 Wyoming Session Laws, Chapter 184, Section 5(d), shall be expended for any purpose other than for education testing and assessment as required by law.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

(b) Any unencumbered, unexpended, unobligated funds within units 6104, 6105, 6130, 6132, 6160 and 6373 of the WDE general fund and federal fund programs appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 005, and within units 6173 and 6174 as appropriated in 2011 Wyoming Session Laws, Chapter 184, Section 5(d), which are not expended on testing and assessments as identified in the agency's budget request for these units or as specified by law, together with any reversions of encumbered amounts from the 2011-2012 fiscal biennium, are reappropriated to the education testing and assessment account which is hereby created by this footnote within the state auditor's office. In addition, amounts appropriated within units 6104, 6105, 6130, 6160 and 6373 of the WDE general fund and federal fund programs appropriated for the fiscal biennium commencing July 1, 2012 and ending June 30, 2014, are as of the effective date of this footnote, reappropriated to this education testing and assessment account.

(c) Any unexpended, unencumbered, unobligated amounts within WDE general fund and federal fund programs which have been designated by the agency for teacher to teacher programs, including any amounts appropriated for these purposes in this act, shall be transferred to the education testing and assessment account created under this footnote.

(d) The department of audit shall audit the expenditure of amounts appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 005 within the WDE general fund and federal fund programs, together with amounts appropriated by 2011 Wyoming Session Laws, Chapter 184, Section 5(d), and shall ensure such amounts were expended for assessment and testing. In addition, the audit shall identify unexpended amounts and shall ensure the accuracy of amounts transferred to the education testing and assessment account under this footnote.

(e) Amounts expended from the education testing and assessment account created by this footnote shall be certified by the governor and shall be restricted to the costs of administration of testing and assessments imposed by 2012 Senate File 0057, as enacted into law, by 2011 Wyoming Session Laws, Chapter 184, and as otherwise required by law. Expenditures from this account shall require certification by the governor that amounts are necessary to fund testing and assessment required by law.

(f) The agency and the state auditor's office shall, to the extent authorized by law, direct any federal testing and assessment funds to be spent prior to the expenditure of any state funds for this purpose.

(g) This footnote is effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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4. Of the school foundation program account appropriation, two hundred twenty-five thousand dollars (\$225,000.00) shall only be expended for the administration of the supplemental at-risk assistance program for summer school and extended day intervention and remediation programs pursuant to W.S. 21-13-334 for the period beginning July 1, 2012 and ending June 30, 2014.

Section 006. ADMINISTRATION AND INFORMATION

PROGRAM

Director's Office	2,072,359				2,072,359
Prof Licensing Boards			1,654,837	SR	1,654,837
Budget Division	2,159,542				2,159,542
General Services ¹ .	34,449,272		220,705	EF	
			21,353,919	IS	
			744,847	SR	56,768,743
Construction Management ⁵ .	27,320,940				27,320,940
Human Resources Division	6,268,495		206,910	IS	6,475,405
Employees Group Ins ² .			533,837,277	IS	
			8,000,000	TO	541,837,277
Economic Analysis ⁴ .	1,472,915				1,472,915
State Library	5,058,859	1,171,034	4,062,788	AG	10,292,681
OCIO/ITD ^{3,6} .	<u>22,938,053</u>	<u> </u>	<u>38,579,313</u>	IS	<u>61,517,366</u>
TOTALS	101,740,435	1,171,034	608,660,596		711,572,065

AUTHORIZED EMPLOYEES

Full Time	368
Part Time	<u>2</u>
TOTAL	370

1. The department shall provide to the joint appropriations committee by November 1, 2012, a report containing a complete history of surplus property sales for the last five (5) years, including a detailed accounting of the cash received by the division. The department shall also examine payment methods other than cash, for sales occurring after July 1, 2013.

2. The employees' group insurance division shall report quarterly to the joint appropriations committee and the joint labor, health and social services interim committee on the effectiveness of alternative payment and delivery systems for healthcare services to plan participants. Potential plan incentives to encourage appropriate use of high value services, including necessary prescription drugs and preventive services, adoption of healthy lifestyles, and the use of highly performing providers who adhere to evidence-based treatment guidelines shall be included in the report.

3. In the event that 2012 Senate File 0033 is enacted into law, the public safety communications commission function and associated funding and position

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

shall be transferred to the office of homeland security within the governor's office.

4. (a) The department shall undertake a study of the feasibility of converting school district motor vehicles, including school buses, to natural gas fueled vehicles. The department shall report study results to the governor and the joint appropriations committee by November 1, 2012. The study shall review:

(i) The options of retrofitting existing vehicles and of purchasing natural gas fueled vehicles as existing vehicles are replaced;

(ii) The differential in initial purchase costs and ongoing maintenance and fuel costs;

(iii) The feasibility of using natural gas vehicles at existing fuel sites and costs for modifications required to make such use feasible;

(iv) The appropriateness of vehicle conversion for each school district based on its population, its area, daily distances traveled and volumes of fuels consumed.

5. The construction management division within the department of administration and information shall ensure that office space on the first floor of the Hathaway building is occupied as soon as possible. Office space may be made available to the department of education, as determined by the construction management division within the department of administration and information. This footnote is effective immediately.

6. (a) Notwithstanding any other provision of law, the state chief information officer shall ~~oversee~~, review and report on all aspects of administration and implementation of school finance and data collection required by W.S. 16-4-111(d), 21-2-202, 21-2-203, 21-3-117, 21-13-101 through 21-13-335 and in accordance with 2012 Senate File 33, as enacted into law, and Section 326 of this act and the related state longitudinal data system and associated infrastructure. **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]**

(b) The state chief information officer shall assess and identify the requirements necessary to facilitate the integrity, accuracy and security of all information and data utilized in calculation and distribution of payments to Wyoming school districts from the school foundation program account. This includes but is not limited to data and information collected by the department of education, the state superintendent, the professional teaching standards board and the state board of education which may be utilized in any manner to calculate payments from the school foundation program account to Wyoming school districts. The state chief information officer's access to information shall include but

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

is not limited to student demographics, school district profiles, including budgets, directories and school configurations, certified and noncertified staff salaries, experience, education, vacancies, applicants, national board certified data, course inventory information, including career-vocational education, gifted and talented, special education, at-risk, extended day and summer school program data and reports as collected by the Wyoming department of education.

(c) All state agencies, boards, personnel, officials, Wyoming school districts and contractors shall cooperate with and provide all requested information to the state chief information officer in fulfilling the duties as required by this footnote. The chief information officer, or his designee, shall be treated as an employee of the Wyoming department of education for the purpose of receiving access to the data and reports identified in this footnote and is hereby a school official with a legitimate educational interest and a state officer evaluating education programs.

(d) Notwithstanding W.S. 9-1-603(a)(vi), the attorney general shall resolve any question related to the receipt, distribution or sharing of information obtained by the state chief information officer in reporting to the governor and the legislature in accordance with subsection (e) of this footnote.

(e) ~~No later than the fifteenth of every month,~~ the state chief information officer shall report to the governor, the joint appropriations interim committee and the joint education interim committee, his findings regarding duties under this footnote. **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]**

Section 007. WYOMING MILITARY DEPARTMENT

PROGRAM

Military Dept Operations	14,466,055				14,466,055
Air National Guard	815,105	10,212,972			11,028,077
Camp Guernsey	79,187		800,200	AG	879,387
Army National Guard ^{1,2}		21,834,403	4,629,126	S5	26,463,529
Veterans' Services	2,171,603	165,223	7,500	SR	2,344,326
Oregon Trail Cemetery	573,181		20,000	SR	593,181
Mil Support to Civilians	183,006				183,006
Civil Air Patrol	<u>213,459</u>				<u>213,459</u>
TOTALS	18,501,596	32,212,598	5,456,826		56,171,020

AUTHORIZED EMPLOYEES

Full Time	226
Part Time	<u>47</u>
TOTAL	273

1. Notwithstanding W.S. 19-9-704, the national guard youth challenge program is hereby authorized to continue operating until June 30, 2014.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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2. Notwithstanding W.S. 19-9-702, for every forty cents (\$0.40) of federal funds appropriated to the national guard youth challenge program, the department may expend state funds appropriated for this program in an amount not to exceed sixty cents (\$0.60), or such other minimum amount as necessary to qualify for the appropriation of federal funds.

Section 008. OFFICE OF THE PUBLIC DEFENDER

PROGRAM

Administration	17,967,238		3,237,283	SR	21,204,521
Guardian Ad Litem	<u>3,700,264</u>		<u>934,396</u>	SR	<u>4,634,660</u>
TOTALS	21,667,502	0	4,171,679		25,839,181

AUTHORIZED EMPLOYEES

Full Time	75
Part Time	<u>19</u>
TOTAL	94

Section 009. WYOMING PIPELINE AUTHORITY

PROGRAM

Administration	<u>1,206,928</u>				<u>1,206,928</u>
TOTALS	1,206,928	0	0		1,206,928

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 010. DEPARTMENT OF AGRICULTURE

PROGRAM

Administration Division	3,273,095		5,000	SR	3,278,095
Ag Education and Info	30,000	50,000	20,000	IS	100,000
Consumer Protection ^{1,2}	12,941,316	1,382,374	401,248	AG	
			823,138	SR	15,548,076
Natural Resources	5,233,378	89,300	675,000	S1	5,997,678
Pesticide Registration	1,187,500				1,187,500
State Fair	2,852,688		692,836	SR	3,545,524
Weed & Pest Control			900,000	SR	900,000
Predator Management	6,347,992				6,347,992
Wyoming Beef Council			2,186,364	AG	
			7,177	SR	2,193,541
WY Wheat Mktg Comm			180,000	SR	180,000
Leaf Cutter Bee			<u>12,459</u>	SR	<u>12,459</u>
TOTALS	31,865,969	1,521,674	5,903,222		39,290,865

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	85			
Part Time	<u>8</u>			
TOTAL	93			

1. Of this general fund appropriation, two hundred five thousand one hundred thirty-seven dollars (\$205,137.00) is effective immediately.

2. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be used for the purposes of wolf management. The appropriation specified in this footnote together with any general fund appropriation to the animal damage management account created by W.S. 11-6-306 contained in 2012 Senate File 0041 as enacted into law, shall not exceed two hundred thousand dollars (\$200,000.00).

Section 011. DEPARTMENT OF REVENUE

PROGRAM

Administration	4,950,390				4,950,390
Revenue Division	8,740,893		784,063	SR	9,524,956
Valuation Division	7,240,432				7,240,432
Liquor Division			7,618,273	EF	7,618,273
Liquor Sales & Purchases			175,000,000	EF	175,000,000
General Fund Transfers	<u> </u>	<u> </u>	<u>27,000,000</u>	EF	<u>27,000,000</u>
TOTALS	20,931,715	0	210,402,336		231,334,051

AUTHORIZED EMPLOYEES

Full Time	129
Part Time	<u>0</u>
TOTAL	129

Section 014. MINERS' HOSPITAL BOARD

PROGRAM

Miners' Hospital Board	<u> </u>	<u> </u>	<u>5,953,371</u>	SR	<u>5,953,371</u>
TOTALS	0	0	5,953,371		5,953,371

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 015. ATTORNEY GENERAL

PROGRAM

Law Office	19,707,581	869,860	2,076,504	S5	
			417,327	SR	
			1,438,437	TT	24,509,709
Criminal Investigations	29,308,498	4,013,321	760,313	SR	34,082,132
Law Enforcement Academy	5,884,674		594,399	EF	6,479,073

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
Peace Off Stds & Trng ¹	464,430		38,400	SR	502,830
Medical Review Panel	1,088,481				1,088,481
Victim Services ²	9,544,590	6,433,097	4,001,509	SR	19,979,196
Governor's Council on DD	<u>668,390</u>	<u>1,080,739</u>	<u> </u>		<u>1,749,129</u>
TOTALS	66,666,644	12,397,017	9,326,889		88,390,550
AUTHORIZED EMPLOYEES					
Full Time	250				
Part Time	<u>2</u>				
TOTAL	252				

1. Of this general fund appropriation, two thousand dollars (\$2,000.00) is effective immediately.

2. As necessary to conform with federal requirements, victim assistance providers shall not be required to submit annual unduplicated counts of the number of victims served in order to qualify for funding under W.S. 1-40-118 for the 2013-2014 fiscal biennium. Providers receiving funding under W.S. 1-40-118 shall be required to report the number of victims served on an unduplicated program level. In providing the report of an annual unduplicated count of the number of victims served by community based services and providers for the 2013-2014 fiscal biennium as required by W.S. 9-1-638(a)(v), the division shall report unduplicated counts of victims or services as data may be made available in accordance with this footnote.

Section 020. DEPT OF ENVIRONMENTAL QUALITY

PROGRAM

Administration	5,402,250				5,402,250
Air Quality	4,508,560	1,467,995	11,817,505	SR	17,794,060
Water Quality	13,924,323	9,407,216	1,096,775	SR	24,428,314
Land Quality	5,566,906	4,691,249			10,258,155
Industrial Siting	877,129				877,129
Solid Waste Management [±]	6,293,865	2,387,755	3,570,862	SR	12,252,482
Landfills ²	15,000,000				15,000,000
Abandoned Mine Reclam	<u> </u>	<u>133,600,000</u>	<u> </u>		<u>133,600,000</u>
TOTALS	51,573,033	151,554,215	16,485,142		219,612,390

AUTHORIZED EMPLOYEES

Full Time	269
Part Time	<u>0</u>
TOTAL	269

~~1. In the event vacancies occur within the forty-six (46) full-time positions allocated to the solid waste management division, the department shall not fill any vacant position within the division until there are less than forty-three (43) positions filled and shall not thereafter exceed forty-three (43) filled positions~~

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
\$	\$	\$	\$	\$

for the remainder of the 2013-2014 fiscal biennium. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]

2. Of this general fund appropriation, fifteen million dollars (\$15,000,000.00) shall only be deposited to the municipal solid waste landfill account created by 2011 Wyoming Session Laws, Chapter 88, Section 354. Amounts from the account shall only be expended for the remediation of high priority municipal solid waste landfill sites based on a priority list developed by the department of environmental quality and approved by the legislature. Remaining balances in this account shall not revert until further action of the legislature.

Section 021. DEPARTMENT OF AUDIT

PROGRAM

Administration	1,684,040	579,330		2,263,370
Banking			200,000 AG	
			4,508,122 SR	4,708,122
Public Fund	6,105,526			6,105,526
Mineral	3,453,465	4,545,398	220,000 SR	8,218,863
Excise	<u>4,085,548</u>			<u>4,085,548</u>
TOTALS	15,328,579	5,124,728	4,928,122	25,381,429

AUTHORIZED EMPLOYEES

Full Time	116
Part Time	<u>0</u>
TOTAL	116

Section 023. PUBLIC SERVICE COMMISSION

PROGRAM

Administration		310,000	6,992,841 SR	7,302,841
Consumer Advocate Div			1,927,320 SR	1,927,320
Universal Service Fund			<u>6,450,326</u> SR	<u>6,450,326</u>
TOTALS	0	310,000	15,370,487	15,680,487

AUTHORIZED EMPLOYEES

Full Time	37
Part Time	<u>0</u>
TOTAL	37

Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM

Administration & Support	4,026,444			4,026,444
Cultural Resources ^{1,2}	11,836,634	2,653,265	70,000	
			2,613,392	
			261,559	17,434,850
St Parks & Hist Sites	19,442,530	3,901,504	30,000	
			<u>6,150,333</u>	<u>29,524,367</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	35,305,608	6,554,769	9,125,284	50,985,661
AUTHORIZED EMPLOYEES				
Full Time	170			
Part Time	<u>91</u>			
TOTAL	261			

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended for the purposes of the "We the People" educational program. This appropriation shall be considered one-time funding and shall not be included in the department's 2015-2016 standard budget request.

2. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be expended for the purposes of Wyoming Arts Council Operating Support Grant Funding. This appropriation shall be considered one-time funding and shall not be included in the department's 2015-2016 standard budget request.

Section 027. SCHOOL FACILITIES COMMISSION

PROGRAM

Operations			6,222,255	\$6	6,222,255
Major Maintenance ²			101,741,513	\$6	101,741,513
Engineering & Technical ¹	<u> </u>	<u> </u>	<u>6,069,153</u>	\$6	<u>6,069,153</u>
TOTALS	0	0	114,032,921		114,032,921

AUTHORIZED EMPLOYEES

Full Time	15
Part Time	<u>0</u>
TOTAL	15

1. Of this school capital construction appropriation, four million six hundred thousand dollars (\$4,600,000.00) is effective immediately.

2. (a) The school facilities commission shall:

(i) Notwithstanding W.S. 21-3-110(a)(x), from the school capital construction account appropriation, distribute up to two hundred fifty-five thousand dollars (\$255,000.00) each fiscal year of the 2013-2014 fiscal biennium to each school district with a charter school, approved and operating in the 2011-2012 school year in accordance with W.S. 21-3-301 through 21-3-314, in the district which requires a lease for operation of the charter school's educational program. Lease payments under this footnote shall include the total costs of the base rent, additional rent for tenant improvements and any common maintenance costs, if applicable. The amounts expended under this paragraph shall be reduced to the extent the amounts are duplicative of any costs funded or paid for by alternative mechanisms. The funds appropriated under this paragraph,

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

shall be distributed to qualifying school districts based upon the proration of the total qualifying costs of all qualifying school districts;

(ii) In addition to paragraph (i) of this footnote and notwithstanding W.S. 21-3-110(a)(x), the commission shall for each fiscal year of the 2013-2014 fiscal biennium, expend an amount necessary to include the total allowable square footage of each charter school qualifying under paragraph (i) in the computation of the major maintenance payment under W.S. 21-15-109, to each district in which a qualifying charter school, as provided by paragraph (i) of this footnote, is operating. The amounts expended under this paragraph shall be reduced to the extent the amounts are duplicative of any maintenance costs included in the lease payments under paragraph (i) of this footnote or any costs funded or paid for by alternative mechanisms;

(iii) In accordance with this footnote, and notwithstanding W.S. 21-15-101 through 21-15-123, school districts shall include requests by charter schools approved under W.S. 21-3-301 through 21-3-314 which receive lease payments in accordance with paragraph (i) of this footnote for the inclusion of the purchase of such facilities in school district facility plans submitted to the school facilities department in accordance with W.S. 21-15-116. Any request for purchase of a building for operation of a charter school shall include documentation of the economic feasibility of the purchase and evidence that the purchase will result in an economic savings to the state. In addition, plans shall describe the resolution of any potential existing leaseholder disputes or issues, if the purchase involves a facility with leaseholders other than the charter school. The school facilities department shall report to the joint appropriations committee and the select school facilities commission no later than September 15, 2012 regarding the inclusion of such a facility in a district's facility plan and accompanying request for purchase. The state of Wyoming, through the department of administration and information and the school facilities department, is authorized to negotiate the purchase of any such building and transfer ownership of such building to the school district following resolution of all commercial leasing issues. For the biennium, square footage purchased in accordance with this paragraph shall not be included in any excess square footage determination and shall not be subject to the limitations imposed by W.S. 21-15-109(c).

Section 029. WYO WATER DEVELOPMENT OFFICE

PROGRAM

Administration			8,113,535	SI	8,113,535
Gillette Madison Pipeline ¹	<u>6,975,000</u>	_____	_____		<u>6,975,000</u>
TOTALS	6,975,000		0	8,113,535	15,088,535

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	26			
Part Time	<u>0</u>			
TOTAL	26			

1. These funds are appropriated to the Gillette Madison Pipeline account established pursuant to W.S. 99-3-1405(a)(iv).

Section 032. WYOMING INFRASTRUCTURE AUTHORITY

PROGRAM

Administration	<u>1,689,144</u>			<u>1,689,144</u>
TOTALS	1,689,144	0	0	1,689,144

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 037. STATE ENGINEER

PROGRAM

Administration	2,339,019			2,339,019
Ground Water	3,765,313			3,765,313
Surface Water	3,193,935			3,193,935
Board Of Control	12,887,214			12,887,214
Support Services	3,282,121			3,282,121
Board of Registration PE			868,804 SR	868,804
Interstate Streams	2,036,746		91,540 S1	2,128,286
Special Projects			12,730 SR	12,730
North Platte Settlement	1,333,624			1,333,624
Well Drillers' Licensing	<u> </u>	<u> </u>	<u>175,551</u> SR	<u>175,551</u>
TOTALS	28,837,972	0	1,148,625	29,986,597

AUTHORIZED EMPLOYEES

Full Time	128
Part Time	<u>11</u>
TOTAL	139

Section 039. WILDLIFE/NATURAL RESOURCE TRUST

PROGRAM

Wildlife Trust Admin	684,031			684,031
Wildlife Trust Projects ²	11,000,000		8,000,000 TO	19,000,000
Wildlife Trust Account ¹	<u>5,000,000</u>	<u> </u>	<u> </u>	<u>5,000,000</u>
TOTALS	16,684,031	0	8,000,000	24,684,031

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	<u>0</u>
TOTAL	2

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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1. This general fund appropriation shall be deposited into the Wyoming wild-life and natural resource trust account created by W.S. 9-15-103(a).

2. One million dollars (\$1,000,000.00) of this general fund appropriation shall only be expended for pine bark beetle remediation.

Section 040. GAME AND FISH COMMISSION

PROGRAM

Aquatic Invasive Species	1,294,118		800,999 SR	2,095,117
Veterinary Svcs Prgm	3,748,350			3,748,350
Sage Grouse Protection	1,724,828			1,724,828
Wolf Management	608,099			608,099
CWCS	<u>1,492,677</u>			<u>1,492,677</u>
TOTALS	8,868,072	0	800,999	9,669,071

AUTHORIZED EMPLOYEES

Full Time	21
Part Time	<u>0</u>
TOTAL	21

Section 041. FIRE PREVENTION & ELEC SAFETY

PROGRAM

Administration	1,030,651			1,030,651
Fire Prevention Admin	1,817,445			1,817,445
Electrical Safety Admin	1,980,549		661,386 SR	2,641,935
Training	1,434,116			1,434,116
Fire Academy	<u>627,582</u>			<u>627,582</u>
TOTALS	6,890,343	0	661,386	7,551,729

AUTHORIZED EMPLOYEES

Full Time	36
Part Time	<u>0</u>
TOTAL	36

Section 042. GEOLOGICAL SURVEY

PROGRAM

Geologic Program	<u>5,647,518</u>			<u>5,647,518</u>
TOTALS	5,647,518	0	0	5,647,518

AUTHORIZED EMPLOYEES

Full Time	27
Part Time	<u>0</u>
TOTAL	27

Section 044. INSURANCE DEPARTMENT

PROGRAM

Administration			5,391,586 SR	5,391,586
Agent Licensing Board			12,466 SR	12,466

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
Health Insurance Pool	6,000,000		23,362,277	EF	29,362,277
WY Small Employer Health	<u> </u>	<u> </u>	<u>26,801,280</u>	EF	<u>26,801,280</u>
TOTALS	6,000,000	0	55,567,609		61,567,609
AUTHORIZED EMPLOYEES					
Full Time	24				
Part Time	<u>0</u>				
TOTAL	24				

Section 045. DEPARTMENT OF TRANSPORTATION ³.

PROGRAM

Administration			3,486,223	S7	3,486,223
Administrative Services		1,407,450	35,406,363	S7	
			1,836,000	SR	38,649,813
Law Enforcement ¹		5,710,322	849,981	IS	
			78,020,970	S7	
			60,000	SR	84,641,273
Wyolink	1,308,380		2,081,213	IS	
			842,681	S7	4,232,274
Aeronautics Admin		310,300	3,947,950	S7	4,258,250
Operational Services			2,405,010	IS	2,405,010
Airport Improvements ⁴	15,213,992	37,402,188	1,295,486	S0	
			8,720,860	S7	62,632,526
GF Appr to Commission ²	<u>70,000,000</u>	<u> </u>	<u> </u>		<u>70,000,000</u>
TOTALS	86,522,372	44,830,260	138,952,737		270,305,369

AUTHORIZED EMPLOYEES

Full Time	557
Part Time	<u>0</u>
TOTAL	557

1. The department is authorized to transfer two (2) full-time positions and associated funding from areas of its budget not associated with highway patrol officers, in order to fill two (2) communications operator positions.

2. Any general fund dollar amounts remaining in the railroad quiet zone account established by footnote in the agency's 2011-2012 biennial budget shall not revert to the general fund until June 30, 2014. This footnote is effective immediately.

3. The department shall not supplant any reduced general fund appropriation by the legislature in this section with any other department funds.

4. Of this other funds appropriation one million two hundred ninety-five thousand four hundred eighty-six dollars (\$1,295,486.00)S0 are appropriated from interest earned in the 2011-2012 and previous fiscal biennia from deposits from the general fund to the highway fund, which interest would otherwise be

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

credited to the state agency pooled interest earnings of the general fund. This footnote and the appropriation of associated funds are effective immediately.

Section 048a. DEPARTMENT OF HEALTH ¹⁰. FISCAL YEAR 2013

PROGRAM

Director's Office	10,599,214	401,410	129,832	AG	
			15,082	SR	11,145,538
Healthcare Finance ^{1,2,13,14}	286,887,308	330,461,164	16,195,495	SR	
			271,250	TT	633,815,217
Public Health ^{3,4,5,12}	19,917,584	30,492,347	2,897,455	A4	
			2,250	AG	
			6,812,094	SR	
			2,538,399	TT	62,660,129
Behavioral Health ^{6,7,8}	140,760,603	11,530,921	471,500	A4	
			25,000	AG	
			24,720,833	SR	
			525,712	T3	
			207,313	T4	
			12,400,008	TT	190,641,890
Aging ⁹	19,366,025	8,907,694	12,500	AG	
			<u>3,722,084</u>	SR	<u>32,008,303</u>
TOTALS	477,530,734	381,793,536	70,946,807		930,271,077

AUTHORIZED EMPLOYEES

Full Time	1,411
Part Time	<u>73</u>
TOTAL	1,484

Section 048b. DEPARTMENT OF HEALTH ¹¹. FISCAL YEAR 2014

PROGRAM

Director's Office	10,175,245	401,411	129,833	AG	
			15,081	SR	10,721,570
Healthcare Finance ^{1,2,13}	273,971,816	328,961,165	16,195,496	SR	
			271,250	TT	619,399,727
Public Health ^{3,4,5,12}	19,120,879	30,492,346	2,897,455	A4	
			2,250	AG	
			6,812,095	SR	
			2,538,398	TT	61,863,423
Behavioral Health ^{6,7,8}	135,130,178	11,530,921	471,500	A4	
			25,000	AG	
			24,720,833	SR	
			525,711	T3	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
			207,312	T4
			12,400,009	TT 185,011,464
Aging ⁹	18,591,384	8,907,693	12,500	AG
			<u>3,722,084</u>	SR <u>31,233,661</u>
TOTALS	456,989,502	380,293,536	70,946,807	908,229,845

1. General fund amounts appropriated for the purposes of constructing a new Medicaid eligibility and enrollment system shall not be expended in any manner which will obligate general funds in a greater proportion to federal funds than would be the case had the department not participated in the development of the system, nor shall they be used for any purposes which in any manner limits the ability of the state to change eligibility requirements. These funds shall not supplant federal funds available for these purposes.

2. For reimbursement rates for nursing facility services, no cost-of-living adjustment or other increase in rates shall be provided in the 2013-2014 fiscal biennium without specific legislative action approving the increase unless the adjustment or increase is required by statute.

3. Of this general fund appropriation, a total of four hundred thousand dollars (\$400,000.00) shall only be expended in the 2013-2014 fiscal biennium for AIDS drug rebate program.

4. The public health laboratory is authorized to charge fees for testing services provided to 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.

5. Of this other funds appropriation, two hundred thirty-five thousand dollars (\$235,000.00)TT in total for the 2013-2014 fiscal biennium shall only be expended for the purposes of support of the Wyoming telehealth consortium and upon approval of the state's chief information officer.

6. Of this general fund appropriation, up to eighty-five thousand dollars (\$85,000.00) in total for the 2013-2014 fiscal biennium may be used to purchase and distribute to combat veterans quickly accessible materials which provide assistance and advice for veterans with questions regarding mental health services.

7. The department, no later than December 31, 2013, shall provide by rule that reimbursements for mental health and substance abuse services shall only be paid to entities that are accredited by the Commission on Accreditation of Re-

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

habilitation Facilities, the Joint Commission on Accreditation of Healthcare Organizations or the National Integrated Accreditation for Healthcare Organizations. Reimbursements shall only be paid on the basis of established outcomes. The department shall ensure that no reductions to funding for crisis intervention and stabilization programs will occur as a result of implementation of the provisions of this footnote.

8. 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, 2012 through June 30, 2014. The department shall expend this revenue to correct life safety code problems, pay for the cost of emergency detentions pursuant to W.S. 25-10-109, pay for the costs of involuntary hospitalizations pursuant to W.S. 25-10-110, and address other conditions as identified by the Partnership to Resolve Mental Health Issues in Wyoming. If any single capital project is anticipated to or does exceed two hundred thousand dollars (\$200,000.00), it shall be approved by the state building commission. The department shall report to the joint appropriations committee not later than November 1 of each year detailing expenditures under this footnote.

9. Notwithstanding W.S. 9-4-303(a), for the period beginning July 1, 2012 and ending June 30, 2014, 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.

10. The amounts specified in this section 048a are appropriated for the period beginning July 1, 2012 and ending June 30, 2013.

11. The amounts specified in this section 048b are appropriated for the period beginning July 1, 2013 and ending June 30, 2014.

12. Of this general fund appropriation, a total of two hundred fifty thousand dollars (\$250,000.00) shall only be expended in the 2013-2014 fiscal biennium for the purpose of developing a primary care medical home network in Wyoming.

13. Of this general fund appropriation, a total of sixty thousand dollars (\$60,000.00) in the 2013-2014 fiscal biennium shall only be expended through developmental programs for hearing aids for early childhood intervention.

14. Of this appropriation, one million five hundred thousand dollars (\$1,500,000.00) of the general fund appropriation and one million five hundred thousand dollars (\$1,500,000.00) of the federal fund appropriation shall only be used in the 2013 fiscal year to reduce the waiting lists for the Medicaid child and adult developmental disability waivers and the acquired brain injury waivers.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
Section 049. DEPARTMENT OF FAMILY SERVICES					
PROGRAM ³ :					
Services	111,333,128	30,452,355	302,651	AG	
			2,317,562	SR	
			6,236,518	TT	150,642,214
Assistance ^{1,2} :	<u>50,429,031</u>	<u>76,656,346</u>	<u>1,908,844</u>	SR	<u>128,994,221</u>
TOTALS	161,762,159	107,108,701	10,765,575		279,636,435
AUTHORIZED EMPLOYEES					
Full Time	751				
Part Time	<u>24</u>				
TOTAL	775				

1. Of this federal fund appropriation, two hundred five thousand five hundred dollars (\$205,500.00) shall only be expended for the father factor program during the fiscal period beginning July 1, 2012 and ending June 30, 2014.

2. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly period beginning July 1, 2012 and ending June 30, 2014 shall be as follows:

- (i) \$25.00 for an individual living in own household;
- (ii) \$27.80 for each member of a couple living in their own household;
- (iii) \$28.72 for an individual living in the household of another;
- (iv) \$30.57 for each member of a couple living in the household of another.

3. Through the period ending June 30, 2014, the department shall limit the number of residential treatment facilities and group homes certified as child caring facilities under W.S. 14-4-104 and the overall capacity of those residential treatment facilities and group homes to the levels that were certified as of January 1, 2012.

Section 051. LIVESTOCK BOARD

PROGRAM					
Administration	1,929,631	44,151	402,581	SR	2,376,363
Animal Health	1,999,359				1,999,359
Brucellosis	1,268,013	382,000			1,650,013
Estrays	50,000				50,000
Brand Inspection	3,064,442		111,178	AG	
			6,480,297	SR	9,655,917
Predator Control Fees	<u> </u>	<u> </u>	<u>1,900,000</u>	SR	<u>1,900,000</u>
TOTALS	8,311,445	426,151	8,894,056		17,631,652
AUTHORIZED EMPLOYEES					
Full Time	20				
Part Time	<u>0</u>				
TOTAL	20				

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 053. DEPARTMENT OF WORKFORCE SERVICES				
PROGRAM				
Administration & Support	18,674,375	22,525,699	2,302,479	AG
			2,209,153	EF
			3,025,625	SR 48,737,331
Vocational Rehab	5,333,978	27,534,022	183,125	EF
			1,774,307	SR 34,825,432
Unemployment Insurance		76,548,866	543,888	AG
			1,257,773	EF
			54,000	IS
			8,567,530	SR 86,972,057
Labor Standards	2,115,523	120,287		2,235,810
Workers' Safety and Comp ¹	<u> </u>	<u>2,829,936</u>	<u>44,443,582</u>	EF <u>47,273,518</u>
TOTALS	26,123,876	129,558,810	64,361,462	220,044,148
AUTHORIZED EMPLOYEES				
Full Time	563			
Part Time	<u>0</u>			
TOTAL	563			

1. From this other funds appropriation, the department shall continue the trial within the workers' compensation program on alternative managerial approaches for treating back and spine injuries authorized by footnote 1 of the department of employment budget in 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 025. The department shall seek to expand the trial state wide and create incentives to cause every relevant injured worker to be treated according to one (1) of the evidence based protocols available. This footnote shall not be construed to require that the same protocol be used for every injured worker. The department may contract to implement this footnote and may continue existing relevant contracts. The department shall provide a preliminary report on the trial to the joint labor, health and social services interim committee on or before October 1, 2012 and a final outcomes report on or before October 1, 2013.

Section 055. OIL AND GAS COMMISSION

PROGRAM				
Administration		350,136	8,465,909	SR 8,816,045
Orphan Wells	<u> </u>	<u> </u>	<u>2,000,000</u>	SR <u>2,000,000</u>
TOTALS	0	350,136	10,465,909	10,816,045
AUTHORIZED EMPLOYEES				
Full Time	41			
Part Time	<u>0</u>			
TOTAL	41			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 057. COMMUNITY COLLEGE COMMISSION				
PROGRAM				
Administration	12,151,893			12,151,893
State Aid ¹	236,696,651			236,696,651
Contingency Reserve			3,200,000 SR	3,200,000
Adult Basic Education	2,483,369	1,839,522		4,322,891
WYIN Loan & Grant Prg	5,352,640			5,352,640
Veterans Tuition Waiver	1,200,000			1,200,000
Teacher Shortage Loan Prg			600,000 S5	600,000
Public Television	<u>3,567,987</u>	<u> </u>	<u> </u>	<u>3,567,987</u>
TOTALS	261,452,540	1,839,522	3,800,000	267,092,062

AUTHORIZED EMPLOYEES

Full Time	16
Part Time	<u>0</u>
TOTAL	16

1. Of this general fund appropriation, seven million five hundred thousand dollars (\$7,500,000.00) shall only be expended to address issues associated with enrollment growth and shall not be used for salary increases.

Section 060. STATE LANDS AND INVESTMENTS

PROGRAM

Operations ^{1,2,3}	17,198,008	47,704,244	809,414 S5	
			4,196,195 SR	69,907,861
Forestry	8,248,755	507,798	226,000 SR	
			2,000,000 TO	10,982,553
County Emerg Suppression			350,000 AG	
			2,230,000 SR	2,580,000
Fire	4,788,393	4,107,203		8,895,596
Mineral Royalty Grants			33,400,000 S4	33,400,000
Federal Forestry Grants		6,150,000		6,150,000
Transp Enterprise Fund	<u> </u>	<u> </u>	<u>2,000,000</u> AG	<u>2,000,000</u>
TOTALS	30,235,156	58,469,245	45,211,609	133,916,010

AUTHORIZED EMPLOYEES

Full Time	105
Part Time	<u>4</u>
TOTAL	109

1. Any unexpended, unobligated funds remaining in the state lands trust preservation account at the end of the 2011-2012 fiscal biennium shall not revert and are hereby reappropriated and shall be expended for the purpose of funding projects that will preserve the value or revenue generating capacity of state trust lands or mineral assets approved by the board of land commissioners pursuant to its rules. This footnote is effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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2. The general funds appropriated and restricted under 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 060, Footnote 2, shall be expended and restricted as provided in this footnote, which supersedes the referenced footnote. The funds shall only be expended to construct fencing around the perimeter of Ranch A and for fencing the interior of the perimeter as determined appropriate by the department of state lands and investments for topographical or other convenience. For any perimeter fencing that is constructed, no expenditure shall be made unless one-half (1/2) of the costs are borne by owners of adjacent lands as provided for in W.S. 11-28-106. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 060, Footnote 2, shall not lapse on June 30, 2012, but shall revert to the general fund on June 30, 2014. This footnote is effective immediately.

3. The director of the office of state lands and investments shall review the control, leasing, exchange, care and disposal of all institutional acquired lands held by the department of family services, the department of health and the department of corrections to determine whether such lands are being managed for the highest best use. The director of the office of state lands and investments shall report to the joint minerals, business and economic development interim committee by October 1, 2012 regarding the results of the review required under this footnote. This footnote is effective immediately.

Section 063. GOVERNOR'S RESIDENCE

PROGRAM

Residence Operation	728,031			728,031
Governor's Residence	<u>5,000</u>			<u>5,000</u>
TOTALS	733,031	0	0	733,031

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>1</u>
TOTAL	4

Section 066. WYOMING TOURISM BOARD

PROGRAM

Wyoming Tourism Board ¹	<u>28,729,663</u>		<u>3,600</u>	AG	28,733,263
TOTALS	28,729,663	0	3,600		28,733,263

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. Of this general fund appropriation, four hundred ten thousand dollars (\$410,000.00) is effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 067. UNIVERSITY OF WYOMING				
PROGRAM				
State Aid	371,592,576			371,592,576
NCAR MOU	2,000,000			2,000,000
School of Energy Res	<u>20,400,000</u>			<u>20,400,000</u>
TOTALS	393,992,576	0	0	393,992,576
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

Section 069. WICHE

PROGRAM				
Administration & Grants	<u>5,180,730</u>			<u>5,180,730</u>
TOTALS	5,180,730	0	0	5,180,730
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

Section 070. ENHANCED OIL RECOVERY COMM

PROGRAM				
Commission & Support	449,540			449,540
Technical Outreach & Res	<u>5,405,283</u>			<u>5,405,283</u>
TOTALS	5,854,823	0	0	5,854,823
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

Section 072. RETIREMENT SYSTEM

PROGRAM					
Administration ¹			11,675,434	PF	11,675,434
Highway Patrol			71,334	SR	71,334
Game & Fish Wardens			118,722	SR	118,722
Volunteer EMT Pension	32,755				32,755
Deferred Compensation			1,253,106	PF	
			<u>697,087</u>	SR	<u>1,950,193</u>
TOTALS	32,755	0	13,815,683		13,848,438
AUTHORIZED EMPLOYEES					
Full Time	39				
Part Time	<u>0</u>				
TOTAL	39				

1. The positions of the chief investment officer (position #0028), senior investment analyst (position #0033), and senior investment officers (position #0034

and the additional authorized full-time position), shall be full-time employees who serve at the will of the director, and shall be paid salaries determined by the retirement system board of directors not to exceed one hundred ninety-two thousand dollars (\$192,000.00) per year for position #0028, ninety thousand dollars (\$90,000.00) per year for position #0033, and one hundred eighty-four thousand dollars (\$184,000.00) per year for position #0034 and the additional authorized senior investment officer. Benefits shall be paid for these positions in the same manner and at the same rates as for all other state employees. The maximum annual salary to be paid to the director of the retirement system shall be determined by the retirement system board of directors and shall not exceed one hundred ninety-two thousand dollars (\$192,000.00) per year. Associated benefits shall be provided in the same manner and at the same rates as all other state employees. The board of directors shall provide a detailed report explaining the individual salaries paid, benefits provided, performance justification for the salaries and job appraisal of each of these employees annually by July 31 to the joint appropriations committee.

Section 080. DEPARTMENT OF CORRECTIONS

PROGRAM

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Corrections Operations	25,469,048	224,303	3,760,361	SR
			135,300	TO
			218,072	TT 29,807,084
Field Services	37,471,720		4,007,628	TT 41,479,348
Honor Conservation Camp	23,344,771		573,439	SR
			72,178	TO
			1,111,951	TT 25,102,339
Women's Center	23,566,861	100,000	628,151	SR
			210,094	TO
			2,322,876	TT 26,827,982
Honor Farm	18,893,315		863,536	IS
			410,952	SR
			95,426	TO
			693,340	TT 20,956,569
State Penitentiary	84,332,396		5,212	AG
			1,536,560	SR
			198,000	TO
			705,604	TT 86,777,772
WY Med Corr Inst	75,993,978		1,414,000	SR
			230,000	TO
			<u>2,595,873</u>	TT <u>80,233,851</u>
TOTALS	289,072,089	324,303	21,788,553	311,184,945

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	1,286			
Part Time	<u>3</u>			
TOTAL	1,289			

Section 081. BOARD OF PAROLE

PROGRAM

Administration	<u>1,770,819</u>			<u>1,770,819</u>
TOTALS	1,770,819	0	0	1,770,819

AUTHORIZED EMPLOYEES

Full Time	7
Part Time	<u>0</u>
TOTAL	7

Section 085. WYOMING BUSINESS COUNCIL

PROGRAM

Wyoming Business Council	18,492,945	7,876,279	200,000	AG	
			229,161	IS	
			1,271,019	SR	28,069,404
Main Street	1,724,801		75,000	SR	1,799,801
Invest Ready Comm ¹	<u>58,500,000</u>				<u>58,500,000</u>
TOTALS	78,717,746	7,876,279	1,775,180		88,369,205

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. (a) Of this general fund appropriation, fifteen million dollars (\$15,000,000.00) shall only be used for the purposes of providing grants to cities, towns and counties for necessary public infrastructure to enable the recruitment and operation of large business projects. The expenditure of this appropriation shall be subject to the provisions of W.S. 9-12-601 through 9-12-603 and rules promulgated thereto, other than a maximum amount for any one (1) grant, and the following:

(i) The business project shall have an anticipated construction cost or anticipated economic impact on the affected community of an amount or amounts established by the business council. In establishing the amount or amounts, the council shall consider the legislative intent of this footnote that these funds shall be used for projects which are anticipated to have an impact on the community beyond that anticipated for project normally funded under the business ready community program. The council may also recognize the relative impact of the proposed project in consideration of the size of the community impacted;

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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(ii) The proposed use of the grant funds shall be reviewed by the attorney general and the attorney general shall first determine that the infrastructure will be of substantial benefit to the public and that the use is lawful; and

(iii) The governor shall approve any grant approved under this footnote and may require as a condition to any grant that the city, town or county enter into a cooperative agreement with the Wyoming business council or the Wyoming department of transportation to oversee the expenditure of the grant funds.

Section 101. SUPREME COURT

PROGRAM

Administration	7,942,615	283,597	3,050,000	SR	11,276,212
Judicial Nominating Comm	15,001				15,001
Law Library	1,593,316				1,593,316
Circuit Courts	26,417,967				26,417,967
Court Auto & Electronic	9,992,154		3,878,347	SR	13,870,501
Judicial Retirement	1,453,967				1,453,967
Bd of Jud Policy & Admin	<u>787,097</u>				<u>787,097</u>
TOTALS	48,202,117	283,597	6,928,347		55,414,061

AUTHORIZED EMPLOYEES

Full Time	199
Part Time	<u>24</u>
TOTAL	223

Section 102. BOARD OF LAW EXAMINERS

PROGRAM

Administration			<u>178,750</u>	SR	<u>178,750</u>
TOTALS	0	0	178,750		178,750

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 103. COMM ON JUDICIAL CONDUCT & ETHIC

PROGRAM

Administration	<u>365,336</u>				<u>365,336</u>
TOTALS	365,336	0	0		365,336

AUTHORIZED EMPLOYEES

Full Time	1
Part Time	<u>0</u>
TOTAL	1

Section 120. JUDICIAL DISTRICT 1A

PROGRAM

Administration	<u>968,495</u>				<u>968,495</u>
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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	968,495	0	0	968,495
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 121. JUDICIAL DISTRICT 1B

PROGRAM

Administration	<u>969,937</u>			<u>969,937</u>
TOTALS	969,937	0	0	969,937

AUTHORIZED EMPLOYEES

Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 122. JUDICIAL DISTRICT 2A

PROGRAM

Administration	<u>962,899</u>			<u>962,899</u>
TOTALS	962,899	0	0	962,899

AUTHORIZED EMPLOYEES

Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 123. JUDICIAL DISTRICT 2B

PROGRAM

Administration	<u>972,865</u>			<u>972,865</u>
TOTALS	972,865	0	0	972,865

AUTHORIZED EMPLOYEES

Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 124. JUDICIAL DISTRICT 3B

PROGRAM

Administration	<u>925,293</u>			<u>925,293</u>
TOTALS	925,293	0	0	925,293

AUTHORIZED EMPLOYEES

Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 125. JUDICIAL DISTRICT 3A

PROGRAM

Administration	<u>964,370</u>			<u>964,370</u>
TOTALS	964,370	0	0	964,370

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 126. JUDICIAL DISTRICT 4

PROGRAM

Administration	<u>937,473</u>			<u>937,473</u>
TOTALS	937,473	0	0	937,473

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 127. JUDICIAL DISTRICT 5A

PROGRAM

Administration	969,423			969,423
Water Litigation	<u>434,663</u>			<u>434,663</u>
TOTALS	1,404,086	0	0	1,404,086

AUTHORIZED EMPLOYEES

Full Time	6
Part Time	<u>0</u>
TOTAL	6

Section 128. JUDICIAL DISTRICT 5B

PROGRAM

Administration	<u>950,121</u>			<u>950,121</u>
TOTALS	950,121	0	0	950,121

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 129. JUDICIAL DISTRICT 6A

PROGRAM

Administration	<u>970,902</u>			<u>970,902</u>
TOTALS	970,902	0	0	970,902

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 130. JUDICIAL DISTRICT 7A

PROGRAM

Administration	<u>990,728</u>			<u>990,728</u>
TOTALS	990,728	0	0	990,728

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>1</u>			
TOTAL	5			

Section 131. JUDICIAL DISTRICT 7B

PROGRAM

Administration	<u>934,055</u>	<u> </u>	<u> </u>	<u>934,055</u>
TOTALS	934,055	0	0	934,055

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>1</u>
TOTAL	5

Section 132. JUDICIAL DISTRICT 9A

PROGRAM

Administration	<u>1,005,569</u>	<u> </u>	<u> </u>	<u>1,005,569</u>
TOTALS	1,005,569	0	0	1,005,569

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 133. JUDICIAL DISTRICT 8A

PROGRAM

Administration	<u>934,569</u>	<u> </u>	<u> </u>	<u>934,569</u>
TOTALS	934,569	0	0	934,569

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 134. JUDICIAL DISTRICT 9B

PROGRAM

Administration	<u>1,105,956</u>	<u> </u>	<u> </u>	<u>1,105,956</u>
TOTALS	1,105,956	0	0	1,105,956

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 135. JUDICIAL DISTRICT 6B

PROGRAM

Administration	<u>1,010,086</u>	<u> </u>	<u> </u>	<u>1,010,086</u>
TOTALS	1,010,086	0	0	1,010,086

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 136. JUDICIAL DISTRICT 8B

PROGRAM

Administration	<u>963,919</u>	<u> </u>	<u> </u>	<u>963,919</u>
TOTALS	963,919	0	0	963,919

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 137. LARAMIE CO DISTRICT 1C

PROGRAM

Administration	<u>1,004,367</u>	<u> </u>	<u> </u>	<u>1,004,367</u>
TOTALS	1,004,367	0	0	1,004,367

AUTHORIZED EMPLOYEES

Full Time	5
Part Time	<u>0</u>
TOTAL	5

Section 138. SWEETWATER CO DISTRICT 3C

PROGRAM

Administration	<u>941,413</u>	<u> </u>	<u> </u>	<u>941,413</u>
TOTALS	941,413	0	0	941,413

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 139. NATRONA CO DISTRICT 7C

PROGRAM

Administration	<u>925,833</u>	<u> </u>	<u> </u>	<u>925,833</u>
TOTALS	925,833	0	0	925,833

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 140. JUDICIAL DISTRICT 6C

PROGRAM

Administration	<u>941,631</u>	<u> </u>	<u> </u>	<u>941,631</u>
TOTALS	941,631	0	0	941,631

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 141. JUDICIAL DISTRICT 9C

PROGRAM

Administration	<u>986,272</u>	<u> </u>	<u> </u>	<u>986,272</u>
TOTALS	986,272	0	0	986,272

AUTHORIZED EMPLOYEES

Full Time	4
Part Time	<u>0</u>
TOTAL	4

Section 151. DISTRICT ATTORNEY/JUD DIST #1

PROGRAM

Administration	<u>4,236,698</u>	<u> </u>	<u> </u>	<u>4,236,698</u>
TOTALS	4,236,698	0	0	4,236,698

AUTHORIZED EMPLOYEES

Full Time	18
Part Time	<u>1</u>
TOTAL	19

Section 157. DISTRICT ATTORNEY/JUD DIST #7

PROGRAM

Administration	<u>4,022,551</u>	<u> </u>	<u> </u>	<u>4,022,551</u>
TOTALS	4,022,551	0	0	4,022,551

AUTHORIZED EMPLOYEES

Full Time	20
Part Time	<u>0</u>
TOTAL	20

Section 160. COUNTY & PROS ATTORNEYS

PROGRAM

Administration ¹	<u>6,149,895</u>	<u> </u>	<u> </u>	<u>6,149,895</u>
TOTALS	6,149,895	0	0	6,149,895

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. None of the funds appropriated with this footnote shall be expended on salary increases.

Section 167. UW - MEDICAL EDUCATION

PROGRAM

Family Practice Centers	20,237,661	9,092,473	SR	29,330,134
WWAMI Medical Education	10,483,137			10,483,137

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Adv Practice RN Psych	507,500			507,500
Dental Contracts	4,876,597			4,876,597
Nursing Program	<u>225,000</u>	_____	_____	<u>225,000</u>
TOTALS	36,329,895	0	9,092,473	45,422,368
AUTHORIZED EMPLOYEES				
Full Time	139			
Part Time	<u>23</u>			
TOTAL	162			

Section 205. EDUCATION - SCHOOL FINANCE ¹.

PROGRAM

School Foundation Pgm			1,528,520,000	S5	1,528,520,000
Court Ordered Placements			19,433,639	S5	19,433,639
Mill Levy Debt Pledge			1,250,000	S6	1,250,000
Foundation - Specials			80,020,000	S5	80,020,000
Education Reform ^{2,3} .			25,247,481	S5	25,247,481
Student Performance Data	_____	_____	<u>2,655,207</u>	S5	<u>2,655,207</u>
TOTALS	0	0	1,657,126,327		1,657,126,327

AUTHORIZED EMPLOYEES

Full Time	5
Part Time	<u>0</u>
TOTAL	5

1. All changes to the department's budget as authorized in this section shall be documented via the B-11 process as authorized by W.S. 9-2-1005(b)(ii). It is the intent of this footnote to require the department to use the B-11 process for budgetary additions and transfers between and within divisions, including transfers and additions at the unit level.

2. Of this school foundation program account appropriation, two hundred thousand dollars (\$200,000.00) shall only be used to fund grants to school districts to support anti-bullying programs. The state superintendent of public instruction shall administer the grant program.

3. (a) Amounts within units 4601 and 4603 of the education reform program, as appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 205, and as appropriated for the fiscal biennium commencing July 1, 2012, and ending June 30, 2014, shall only be expended for education testing and assessment purposes. Unless approved for transfer under W.S. 9-2-1005(b)(ii), no funds appropriated within units 4601 and 4603 of the education reform program, as appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 205, shall be expended for any purpose other than for education testing and assessment as required by law.

(b) Any unencumbered, unexpended, unobligated funds within units 4601 and 4603 of the education reform program appropriated by 2010 Wyoming Ses-

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

sion Laws, Chapter 39, Section 2, Section 205, which are not expended on testing and assessments as identified in the agency’s budget request for these units or as specified by law, together with any reversions of encumbered amounts from the 2011-2012 fiscal biennium, are reappropriated to the education testing and assessment account within the state auditor’s office created by Section 2, Section 005, footnote 3 of this act. In addition, amounts appropriated within units 4601 and 4603 of the education reform program appropriated for the fiscal biennium commencing July 1, 2012, and ending June 30, 2014, are as of the effective date of this footnote, reappropriated to this education testing and assessment account.

(c) Any unexpended, unencumbered, unobligated amounts within this education school finance budget which have been designated by the agency for teacher to teacher programs, including any amounts appropriated for these purposes in this act, shall be transferred to the education testing and assessment account created under Section 2, Section 005, footnote 3 of this act.

(d) The department of audit shall audit the expenditure of amounts appropriated by 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 205, within the education reform program and shall ensure such amounts were expended for assessment and testing. In addition, the audit shall identify unexpended amounts and shall ensure the accuracy of amounts transferred to the education testing and assessment account created by Section 2, Section 005, footnote 3 of this act.

(e) Amounts expended from the education testing and assessment account created by Section 2, Section 005, footnote 3 of this act shall be certified by the governor and shall be restricted to the costs of administration of testing and assessments imposed by 2012 Senate File 0057, as enacted into law, by 2011 Wyoming Session Laws, Chapter 184 and as otherwise required by law. Expenditures from this account shall require certification by the governor that amounts are necessary to fund testing and assessment required by law.

(f) This footnote is effective immediately.

Section 211. BOARD OF EQUALIZATION

PROGRAM

Equalization/Tax Appeals	<u>1,782,690</u>	_____	_____	<u>1,782,690</u>
TOTALS	1,782,690	0	0	1,782,690

AUTHORIZED EMPLOYEES

Full Time	7
Part Time	<u>0</u>
TOTAL	7

Section 220. ENVIRONMENTAL QUALITY COUNCIL

PROGRAM

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Administration	<u>902,070</u>	_____	_____	<u>902,070</u>
TOTALS	902,070	0	0	902,070
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	<u>0</u>			
TOTAL	3			

Section 270. OFFICE OF ADMINISTRATIVE HEARING

PROGRAM

Administration	_____	_____	<u>3,890,240</u>	SR	<u>3,890,240</u>
TOTALS	0	0	3,890,240		3,890,240

AUTHORIZED EMPLOYEES

Full Time	12
Part Time	<u>0</u>
TOTAL	12

Section 012. BOARD OF ARCHITECTS/LANDSCAPERS

PROGRAM

Administration	_____	_____	<u>226,323</u>	SR	<u>226,323</u>
TOTALS	0	0	226,323		226,323

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 013. WYOMING EUTHANASIA CERTIFICATION

PROGRAM

Administration ¹	_____	_____	<u>4,000</u>	SR	<u>4,000</u>
TOTALS	0	0	4,000		4,000

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

1. The animal euthanasia board shall confer with the board of veterinary medicine in order to determine the feasibility of incorporating the animal euthanasia board's functions within the board of veterinary medicine's organization in preparation of the 2015-2016 biennial budget.

Section 016. BOARD OF BARBER EXAMINERS

PROGRAM

Administration	_____	_____	<u>42,935</u>	SR	<u>42,935</u>
TOTALS	0	0	42,935		42,935

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Section 017. BD OF RADIOLOGIC TECHS				
PROGRAM				
Administration	_____	_____	<u>112,610</u>	SR <u>112,610</u>
TOTALS	0	0	112,610	112,610
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	_____0			
TOTAL	0			

Section 018. REAL ESTATE COMMISSION

PROGRAM				
Administration			67,500	AG
			977,305	SR 1,044,805
Real Estate Recovery			4,000	AG
			6,000	SR 10,000
Real Estate Education			6,000	AG
			47,400	SR 53,400
Real Estate Appraiser			7,000	AG
			140,751	SR 147,751
Appraiser Education	_____	_____	<u>29,000</u>	SR <u>29,000</u>
TOTALS	0	0	1,284,956	1,284,956
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	_____0			
TOTAL	4			

Section 019. PROF TEACHING STANDARDS BD

PROGRAM				
Prof Teaching Stds Board	_____	_____	<u>1,433,617</u>	SR <u>1,433,617</u>
TOTALS	0	0	1,433,617	1,433,617
AUTHORIZED EMPLOYEES				
Full Time	6			
Part Time	_____0			
TOTAL	6			

Section 022. RESPIRATORY PRACTITIONERS BD

PROGRAM				
Administration	_____	_____	<u>70,551</u>	SR <u>70,551</u>
TOTALS	0	0	70,551	70,551
AUTHORIZED EMPLOYEES				
Full Time	0			
Part Time	_____0			
TOTAL	0			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 028. BD OF REGISTRATION IN PODIATRY				
PROGRAM				
Administration	_____	_____	<u>36,029</u>	SR <u>36,029</u>
TOTALS	0	0	36,029	36,029

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 030. BOARD OF CHIROPRACTIC EXAMINERS

PROGRAM				
Administration	_____	_____	<u>77,097</u>	SR <u>77,097</u>
TOTALS	0	0	77,097	77,097

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 031. COLLECTION AGENCY BOARD

PROGRAM				
Administration	_____	_____	1,148	AG
			<u>130,613</u>	SR <u>131,761</u>
TOTALS	0	0	131,761	131,761

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 033. BOARD OF COSMETOLOGY

PROGRAM				
Administration	_____	_____	<u>793,199</u>	SR <u>793,199</u>
TOTALS	0	0	793,199	793,199

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>1</u>
TOTAL	4

Section 034. BOARD OF DENTAL EXAMINERS

PROGRAM				
Administration	_____	_____	<u>350,795</u>	SR <u>350,795</u>
TOTALS	0	0	350,795	350,795

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
Section 035. BOARD OF EMBALMERS					
PROGRAM					
Administration	_____	_____	<u>56,667</u>	SR	<u>56,667</u>
TOTALS	0	0	56,667		56,667
AUTHORIZED EMPLOYEES					
Full Time	0				
Part Time	<u>0</u>				
TOTAL	0				

Section 036. BOARD OF MIDWIFERY

PROGRAM					
Administration ¹	<u>13,390</u>	_____	<u>8,400</u>	SR	<u>21,790</u>
TOTALS	13,390	0	8,400		21,790
AUTHORIZED EMPLOYEES					
Full Time	0				
Part Time	<u>0</u>				
TOTAL	0				

1. Notwithstanding W.S. 9-1-210, the board of midwifery is specifically empowered to accept grants, gifts, transfers, bequests and donations.

Section 038. PARI-MUTUEL COMMISSION

PROGRAM					
Administration			670,984	SR	670,984
Wyoming Breeders Award	_____	_____	<u>170,000</u>	SR	<u>170,000</u>
TOTALS	0	0	840,984		840,984
AUTHORIZED EMPLOYEES					
Full Time	1				
Part Time	<u>1</u>				
TOTAL	2				

Section 043. DIETETICS LICENSING BOARD

PROGRAM					
Administration	_____	_____	<u>21,908</u>	SR	<u>21,908</u>
TOTALS	0	0	21,908		21,908
AUTHORIZED EMPLOYEES					
Full Time	0				
Part Time	<u>0</u>				
TOTAL	0				

Section 052. MEDICAL LICENSING BOARD

PROGRAM					
Administration	_____	_____	<u>1,833,708</u>	SR	<u>1,833,708</u>
TOTALS	0	0	1,833,708		1,833,708

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 054. BOARD OF NURSING

PROGRAM

Administration & School	<u> </u>	<u> </u>	<u>2,945,619</u>	SR	<u>2,945,619</u>
TOTALS	0	0	2,945,619		2,945,619

AUTHORIZED EMPLOYEES

Full Time	10
Part Time	<u>0</u>
TOTAL	10

Section 056. BOARD OF OPTOMETRY

PROGRAM

Administration	<u> </u>	<u> </u>	<u>93,210</u>	SR	<u>93,210</u>
TOTALS	0	0	93,210		93,210

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 058. BD OF SPEECH PATHOLOGISTS/AUDIOL

PROGRAM

Administration	<u> </u>	<u> </u>	<u>60,833</u>	SR	<u>60,833</u>
TOTALS	0	0	60,833		60,833

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 059. BOARD OF PHARMACY

PROGRAM

Licensing Board	<u> </u>	<u> </u>	<u>1,405,127</u>	SR	<u>1,405,127</u>
TOTALS	0	0	1,405,127		1,405,127

AUTHORIZED EMPLOYEES

Full Time	6
Part Time	<u>0</u>
TOTAL	6

Section 061. WYOMING BOARD OF CPAs

PROGRAM

Administration	<u> </u>	<u> </u>	<u>616,295</u>	SR	<u>616,295</u>
TOTALS	0	0	616,295		616,295

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	2			
Part Time	<u>0</u>			
TOTAL	2			

Section 062. BOARD OF PHYSICAL THERAPY

PROGRAM

Administration	<u> </u>	<u> </u>	<u>179,673</u>	SR	<u>179,673</u>
TOTALS	0	0	179,673		179,673

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 064. BOARD OF HEARING AID SPECIALISTS

PROGRAM

Administration	<u> </u>	<u> </u>	<u>34,499</u>	SR	<u>34,499</u>
TOTALS	0	0	34,499		34,499

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 065. BOARD OF ATHLETIC TRAINERS

PROGRAM

Administration	<u> </u>	<u> </u>	<u>23,996</u>	SR	<u>23,996</u>
TOTALS	0	0	23,996		23,996

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 068. BD OF PSYCHOLOGIST EXAMINERS

PROGRAM

Administration	<u> </u>	<u> </u>	<u>139,331</u>	SR	<u>139,331</u>
TOTALS	0	0	139,331		139,331

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 075. BOARD OF OUTFITTERS

PROGRAM

Administration	<u> </u>	<u> </u>	<u>923,552</u>	SR	<u>923,552</u>
TOTALS	0	0	923,552		923,552

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

Section 078. MENTAL HEALTH PROFESSIONS LIC

PROGRAM

Administration	<u> </u>	<u> </u>	<u>279,965</u>	SR	<u>279,965</u>
TOTALS	0	0	279,965		279,965

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

Section 079. BOARD OF NURSING HOME ADMIN

PROGRAM

Administration	<u> </u>	<u> </u>	<u>45,844</u>	SR	<u>45,844</u>
TOTALS	0	0	45,844		45,844

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>1</u>
TOTAL	1

Section 083. BOARD OF OCCUPATIONAL THERAPY

PROGRAM

Administration	<u> </u>	<u> </u>	<u>94,777</u>	SR	<u>94,777</u>
TOTALS	0	0	94,777		94,777

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>1</u>
TOTAL	1

Section 084. BOARD OF PROF GEOLOGISTS

PROGRAM

Administration	<u> </u>	<u> </u>	<u>442,459</u>	SR	<u>442,459</u>
TOTALS	0	0	442,459		442,459

AUTHORIZED EMPLOYEES

Full Time	1
Part Time	<u>1</u>
TOTAL	2

Section 251. BOARD OF VETERINARY MEDICINE

PROGRAM

Admin	<u> </u>	<u> </u>	<u>135,655</u>	SR	<u>135,655</u>
TOTALS	0	0	135,655		135,655

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	<u>0</u>
TOTAL	0

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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[CAPITAL CONSTRUCTION]

Section 3. The following sums of money are appropriated for the capital construction projects specified. Appropriations for these projects remain in effect until the project is completed. Appropriated funds under this section shall be expended only on the projects specified and any unused funds remaining at project completion shall revert to the accounts from which they were appropriated. The amounts appropriated in this section are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount.

Section 006. ADMINISTRATION AND INFORMATION ¹.

PROGRAM

A&I State Office Bldg ²			4,400,000	SO	4,400,000
A&I CC Const Mgmt	500,000				500,000
Military - Afton Armory	3,275,000				3,275,000
Military - Land Acq ³	500,000				500,000
Military - Laramie Armory	5,976,528	16,830,000			22,806,528
Military - Cemetery Impr	1,000,000				1,000,000
Military - Training Inst		3,100,000			3,100,000
Military - Med Armory ⁴		8,900,000			8,900,000
Dept of Ag - Concessions	124,890				124,890
Dept of Ag - Painting	250,000				250,000
State Parks - Health/Safety			4,000,000	SR	4,000,000
State Parks - Terr Prison			210,000	SR	210,000
State Parks - Water Fac			1,850,000	SR	1,850,000
G&F Elk Fence Repair	125,000				125,000
G&F Sybille Research Ctr	45,000				45,000
Dept. of Health WSH Plan	530,000				530,000
Dept of Corr Women's Ctr			<u>1,010,865</u>	T1	<u>1,010,865</u>
TOTALS	12,326,418	28,830,000	11,470,865		52,627,283

1. Any unexpended, unobligated funds remaining in a capital construction project budget upon completion of the project shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j), and shall not be transferred or expended for any other purpose. Any reversion of unexpended, unobligated funds in any capital construction budget contained in any prior capital construction appropriation from the general fund or budget reserve account, which occurs prior to July 1, 2014, shall also be deposited into the capitol building rehabilitation and restoration account, unless the appropriation specified another use of the reverted funds.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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2. Of this other funds appropriation, four million four hundred thousand dollars (\$4,400,000.00) is hereby appropriated from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).

3. The construction management division of the department of administration and information shall negotiate the purchase of lands for the expansion of Camp Guernsey. The military department is authorized to purchase such lands at the negotiated price which shall be not more than fair market value and not in excess of the total amount of this appropriation. Such acquisitions shall be managed for contiguous land ownership by the department and to avoid the creation of private inholdings.

4. This appropriation is effective immediately.

Section 057. COMMUNITY COLLEGE COMMISSION

PROGRAM

WWCC Wellness	2,582,915		2,582,915	PR	5,165,830
CWC Academic Space Impr	2,258,957		1,313,107	PR	3,572,064
CWC Lander Improvements	1,252,365		727,986	PR	1,980,351
NWC Yellowstone Building	9,316,011		4,936,409	PR	14,252,420
WWCC Workforce Trng Fac			<u>1,700,380</u>	PR	<u>1,700,380</u>
TOTALS	15,410,248	0	11,260,797		26,671,045

Section 067. UNIVERSITY OF WYOMING

PROGRAM

Engineering Building ¹	14,200,000				14,200,000
White Hall ²			10,000,000	RB	10,000,000
Half Acre Rec Center ^{3,4}	15,000,000		12,000,000	RB	27,000,000
UW Project Fund ⁵	5,000,000				5,000,000
Sheridan Ag Bldg ⁶	<u>1,800,000</u>				<u>1,800,000</u>
TOTALS	36,000,000	0	22,000,000		58,000,000

1. This general fund appropriation shall be deposited to an account which shall be held by the state treasurer for distribution to the University of Wyoming for construction costs of the engineering building as provided in this footnote. The funds shall be available to be matched by qualifying contributions meeting the provisions of W.S. 21-16-1401 through 21-16-1403, including valuation of matching funds. Funds appropriated with this footnote shall only be available for expenditure as specifically authorized by the legislature.

2. This appropriation is effective immediately.

3. Of this other funds appropriation, twelve million dollars (\$12,000,000.00) RB is effective immediately. To the extent practicable, bond counsel resident in Wyoming shall be used in the issuance of the revenue bonds for this project.

4. In providing artwork for the half acre recreation center pursuant to the pro-

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$

visions of W.S. 16-6-801 through 16-6-805, the university shall require artwork which displays the historical, cultural and current significance of transportation, agriculture and minerals in Wyoming's history. Notwithstanding the provisions of W.S. 16-6-801 through 16-6-805, the proposals for artwork shall be submitted to the university's energy resources council and the governor for approval.

5. This general fund appropriation shall only be expended for long range infrastructure improvements by the university in accordance with the university's budget submitted to the joint appropriations committee for the 2013-2014 fiscal biennium.

6. Of this general fund appropriation, one million eight hundred thousand dollars (\$1,800,000.00) shall only be expended to acquire and renovate the Watt agriculture building in Sheridan and to construct support structures.

[BUDGET BALANCERS - TRANSFERS]

Section 300.

(a) The state auditor is authorized to transfer to the general fund, from any funds within the budget reserve account other than funds appropriated or transferred to the legislative stabilization reserve account, amounts to maintain an unencumbered, unobligated and unappropriated general fund balance adequate for cash flow needs.

(b) Any amount of unappropriated funds remaining in the budget reserve account on June 30, 2014 in excess of one hundred four million three hundred fifty thousand dollars (\$104,350,000.00) shall be transferred to the legislative stabilization reserve account.

(c) Subject to the limitation under this subsection, there is appropriated from the general fund to the abandoned mine land funds balancing account created by W.S. 35-11-1210(e) an amount equal to the amount by which earnings from the permanent Wyoming mineral trust fund attributed to the 2012 fiscal year are in excess of the amount projected for such earnings in the consensus revenue estimating group's January 13, 2012 report. The appropriation under this subsection shall not exceed thirty million dollars (\$30,000,000.00). An amount equal to the appropriation under this subsection shall be excluded in the calculation of fiscal year 2012 earnings from the permanent Wyoming mineral trust fund for purposes of distributions from the general fund to the permanent Wyoming mineral trust fund reserve account under W.S. 9-4-719(c). This subsection is effective immediately.

(d) There is appropriated on November 1, 2012, fifteen million dollars (\$15,000,000.00) from the budget reserve account to the legislative stabilization reserve account.

[PUBLIC LIBRARY ENDOWMENT CHALLENGE FUND]

Section 301. There is appropriated from the general fund to the public library endowment challenge fund created under W.S. 18-7-201 et seq., three million dollars (\$3,000,000.00) to be deposited, invested, distributed and expended in accordance with W.S. 18-7-201 through 18-7-205. Any unexpended, unobligated funds from the amounts appropriated under this section existing in the challenge fund on June 30, 2017 shall revert according to law.

[BORROWING AUTHORITY - CASH FLOW]

Section 302.

(a) The state auditor is authorized to borrow from pooled fund investments in the treasurer's office amounts necessary to assist the state's general fund cash flow. The amounts borrowed shall be repaid when sufficient general fund revenue is available. The auditor shall borrow funds under this section only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this section when total appropriations together with outstanding encumbrances and obligations for the biennium exceed projected revenues, including transfers from the budget reserve account as authorized by the legislature, for the biennium.

(b) The state auditor is authorized to borrow from pooled fund investments in the treasurer's office an amount not to exceed one hundred million dollars (\$100,000,000.00), if necessary, for the purpose of assisting the department of transportation's cash flow. The amounts borrowed under this subsection shall be repaid when sufficient revenue is available. Interest on the unpaid balance shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[HATHAWAY SCHOLARSHIP - BORROWING AUTHORITY]

Section 303. 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.

[CARRYOVER APPROPRIATIONS]

Section 304.

[DISASTER CONTINGENCY]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unob-

ligated monies appropriated from the general fund to the office of the governor under 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 001, as amended by 2009 Wyoming Session Laws, Chapter 159, Section 2, Section 001, and as carried forward pursuant to 2010 Wyoming Session Laws, Chapter 39, Section 304(a), for the disaster contingency program, seven hundred fifty thousand dollars (\$750,000.00) shall not revert on June 30, 2012, and are hereby reappropriated to the office of the governor for the disaster contingency program for the period beginning July 1, 2012 and ending June 30, 2014.

[CARRYOVER OF NATURAL RESOURCE POLICY ACCOUNT]

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of any unexpended, unobligated monies appropriated from the general fund to the office of the governor by 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 001, as amended by 2009 Wyoming Session Laws, Chapter 159, Section 2, Section 001, and as carried forward pursuant to 2010 Wyoming Session Laws, Chapter 39, Section 304(b), for the natural resource policy account program, one million dollars (\$1,000,000.00) shall not revert on June 30, 2012, and are hereby appropriated and shall be expended for the purpose of funding the natural resource policy account program under Section 2, Section 001 of this act for the period beginning July 1, 2012 and ending June 30, 2014.

[PINE BARK BEETLE MITIGATION]

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, one million dollars (\$1,000,000.00) or so much thereof as is available, of unexpended, unobligated monies appropriated in 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 010 and 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 010 to the emergency insect management program shall not revert on June 30, 2012, but are reappropriated to the department of agriculture. The department shall expend these funds only for pine bark beetle mitigation. The department may utilize the expertise and staff of the emergency insect management committee created pursuant to Title 11, Chapter 5, Article 4 of the Wyoming Statutes while expending funds under this subsection. These funds may be expended on private, state or federal lands pursuant to memoranda of agreement entered into between the department and any local, state or federal agency.

[RURAL FIRE DISTRICT GRANTS]

(d) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of any unexpended, unobligated monies appropriated from the general fund to the office of the governor by 2010 Wyoming Session Laws, Chapter 88, Section 2, Section 001, Footnote 9 for the grants to rural fire districts impacted by mineral exploration and production in southeast Wyoming shall not revert on June 30, 2012, and are hereby reappropriated to the office of the governor for the grants to rural fire districts impacted by mineral exploration and production in south-

east Wyoming for the period beginning July 1, 2012 and ending June 30, 2014. Grants under this section shall be made in accordance with the provisions of 2010 Wyoming Session Laws, Chapter 88, Section 2, Section 001, Footnote 9.

(e) This section is effective immediately.

[FUND BALANCE - DEFINITION]

Section 305.

(a) For the period beginning July 1, 2012 and ending June 30, 2014 and for purposes of this act and any other provision of Wyoming law referencing a “fund balance” and notwithstanding cash or fund balances reflected in the state of Wyoming’s Comprehensive Annual Financial Report (CAFR), “unappropriated fund balance” or “unobligated, unencumbered fund balance” means:

(i) The fund cash and petty cash balance from the comparative balance sheet by fund report which is run within five (5) business days following the thirteenth month close;

(ii) Less the fund balance reserved encumbrances from the comparative balance sheet by fund report which is run within five (5) days following the thirteenth month close;

(iii) Less the remaining unspent appropriations from that fund for previous biennia, including those unspent appropriations from the most recent legislative session that were effective immediately, as computed by the state auditor’s office;

(iv) Less fund reversions as computed by the state auditor’s office;

(v) Plus the net accounts receivable due from the federal government or other entities as of June 30 from the most recently completed fiscal year, as computed by the state auditor’s office;

(vi) Plus mineral severance taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(vii) Plus sales and use taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(viii) Plus federal mineral royalties, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the state treasurer’s office.

[MEDICAID CONTINGENCY APPROPRIATIONS AND BUDGET FLEX
AUTHORITY]

Section 306.

(a) There is appropriated from the general fund to the state auditor one million twenty-six thousand seven hundred forty dollars (\$1,026,740.00) 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, 2014 shall revert according to law.

(b) The department shall, in consultation with the governor's office, provide a plan to reduce the department's overall general fund expenditures in the 2015-2016 fiscal biennium. The plan shall be submitted by November 1, 2012, to the joint appropriations committee and the joint labor, health and social services interim committee. The plan shall include provisions for sliding fees based on income and family size, instituting longer Wyoming residency requirements, establishment of United States residency as a prerequisite for receipt of services, shortened eligibility examination periods, the expansion of waiver elimination or restriction provisions, and such other provisions as the director of the department determines appropriate to reduce general fund expenditures.

[EMPLOYEE BENEFITS]

Section 307.

(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, 2012 and ending November 30, 2013, an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:~~

~~(A) Six hundred sixty-seven dollars and ninety-one cents (\$667.91) per month for an employee electing single coverage;~~

~~(B) One thousand fifteen dollars and seventy-eight cents (\$1,015.78) per month for an employee electing employee plus dependent children coverage;~~

~~(C) One thousand three hundred twenty-seven dollars and seventy-two cents (\$1,327.72) per month for an employee electing employee plus dependent spouse coverage;~~

~~(D) One thousand five hundred seventeen dollars and eighty-two cents (\$1,517.82) per month for an employee electing family coverage; and~~

~~(E) Seven hundred fifty-eight dollars and ninety-one cents (\$758.91) per month for employees who elect family coverage when both husband and wife are employees of covered entities creating a split family coverage.~~

~~(ii) For the period beginning December 1, 2013 and ending November 30, 2014 an amount to be determined by the employees' group health insurance section of the department of administration and information but not to~~

exceed: [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]

(A) Seven hundred thirty-five dollars and eleven cents (\$735.11) per month for an employee electing single coverage;

(B) One thousand one hundred eighteen dollars and seventy-eight cents (\$1,118.78) per month for an employee electing employee plus dependent children coverage;

(C) One thousand four hundred sixty-three dollars and twenty-nine cents (\$1,463.29) per month for an employee electing employee plus dependent spouse coverage;

(D) One thousand six hundred seventy-three dollars and twenty-four cents (\$1,673.24) per month for an employee electing family coverage; and

(E) Eight hundred thirty-six dollars and sixty-two cents (\$836.62) per month for employees who elect family coverage when both husband and wife are employees of covered entities creating a split family coverage.

(b) There is appropriated five million two hundred thousand dollars (\$5,200,000.00) from the general fund to the state auditor for the period beginning July 1, 2012 and ending June 30, 2014 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, and whose date of retirement was prior to July 1, 2008. 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.

(c) All state agencies, including the University of Wyoming, the community colleges and the legislative and judicial branches shall pay into the health insurance benefits account created by 2008 Wyoming Session Laws, Chapter 48, Section 303, each pay period an amount up to one percent (1.0%), as established by the department of administration and information, of each benefit eligible employee's salary. Funds in the retiree health insurance benefits account shall be used for the purposes of funding the benefits in the same manner and amounts as provided in subsection (b) of this section for retirees whose effective date of retirement is July 1, 2008 or later. All investment income earned on the account shall remain in the account.

(d) 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, 2014 shall revert pursuant to law.

(e) 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.

[FIRE PREVENTION - COLLECTION OF FEES]

Section 308. Notwithstanding W.S. 35-9-108(e), for the period beginning July 1, 2012 and ending June 30, 2014, the state department of fire prevention and electrical safety is hereby authorized to charge fees not in excess of fees authorized under W.S. 35-9-108(d) to any entity for which it performs any plan inspection or review.

[FLEX - EXECUTIVE]

Section 309.

(a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer:

(i) Between programs within any executive branch agency, excluding the University of Wyoming, ten percent (10%) of the total appropriation for the agency;

(ii) Between executive branch agencies, excluding the University of Wyoming, five percent (5%) of the total appropriation for the agency from which the funds are transferred.

(b) All transfers authorized under this section shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii).

(c) The authority granted under this section is effective for the period beginning July 1, 2012 and ending June 30, 2014.

(d) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[FLEX - JUDICIARY]

Section 310.

(a) Except as otherwise provided in this section, the supreme court may transfer up to five percent (5%) of the total general fund appropriation between programs within the supreme court. With the approval of the district court budget committee up to five percent (5%) of the general fund appropriation to each district court may be transferred to one (1) or more other district courts. Authority pursuant to this section shall be effective for the period commencing July 1, 2012 and ending June 30, 2014. Any transfers pursuant to this section shall be reported annually to the joint appropriations committee. The report shall specify the appropriations and authorized positions transferred including transfers between expenditure series, programs and courts.

(b) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[PERSONAL SERVICES TRANSFERS]

Section 311.

(a) Notwithstanding any other provision of this act, nonfederal fund appropriations for 100 series personal services contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. The department of health is exempted from this section.

(b) The department of health shall report quarterly to the joint appropriations committee and the joint labor, health and social services interim committee regarding the department's exercise of authority under subsection (a) of this section and shall include in the report the specific uses and dollar amounts for each exception.

[POSITION FREEZE]

Section 312. No legislative appropriation of general fund monies shall be used to hire new employees from July 1, 2012, through June 30, 2014, except to fill a vacancy within the authorized number of positions as indicated by the agency's appropriation act or otherwise specified by legislation enacted in the 2012 budget session or the 2013 general session. The governor may authorize additional positions in any agency, even if in excess of the positions authorized by the legislature, provided that at least an identical number of vacant positions existing in other agencies are terminated. The additional positions shall be funded using money authorized for the vacant positions.

[AT-WILL CONTRACT EMPLOYEE POSITION FREEZE]

Section 313. Effective July 1, 2012 through June 30, 2014, no at-will contract employee position shall be renewed or created unless specifically authorized by legislation enacted during or after the 2012 budget session or approved by the governor. Any such position so authorized by the legislature or approved by the governor shall be reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii). As used in this section "at-will contract employee position" means any position existing pursuant to the provisions of W.S. 9-2-1022(a)(xi)(F).

[BUDGET REDUCTION AUTHORITY - REVENUE SHORTFALL]

Section 314. The governor shall periodically review agency budgets and expenditures. If the governor determines during the review that the probable receipts 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 will be less than the amount appropriated, the governor, 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 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. Any reductions made pursuant to this section shall be reported through the B-11 process as authorized by W.S. 9-2-1005(b)(ii).

[SUPREME COURT/DISTRICT COURT BUDGETS]

Section 315. The supreme court and all district courts shall submit 2013-2014 supplemental budget requests to the legislature no later than November 1, 2012, and 2015-2016 biennial budget requests to the legislature no later than November 1, 2013. The supreme court and district courts shall prepare all 100 series personal services budget requests using the same methods and practices as the executive branch.

[DISTANCE EDUCATION AND STATEWIDE VIDEO CONFERENCING]

Section 316. Unexpended, unobligated monies remaining from the appropriation in 2010 Wyoming Session Laws, Chapter 39, Section 327(g) and (h) and Section 328(c) and (d) shall not revert on June 30, 2012, but shall be held by the state auditor subject to distribution by the governor. A statewide distance education and video conferencing plan shall be developed and submitted to the joint appropriations committee. The plan shall be consistent with the budget request submitted to the joint appropriations committee for the 2013-2014 fiscal biennium, provide clear deliverables and timelines, and be developed as directed by the governor in consultation with the director of the department of administration and information, the state chief information officer and ex-members of the distance learning council previously established under section 327 and terminating June 30, 2012. The governor shall submit the plan for consideration in his 2013 supplemental budget request for final approval by the legislature. In the interim, the state chief information officer shall oversee the operations of the video conference enterprise and the director of the department of administration and information shall oversee the operations of the distance learning center.

[MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES, UNIVERSITY AND COMMUNITY COLLEGES]

Section 317.

(a) For the biennium beginning July 1, 2012, there is appropriated from the

general fund for major building and facility repair and replacement to the entities and in the amounts specified as provided in this subsection. The formula amount is based on a formula similar to that used for determining major maintenance payments to the public schools, but in amounts to maintain the facilities in a fair condition:

(i) Formula amount Funding level Appropriation \$52,945,658.00 times 100% = \$52,945,658.00

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) 42.41% - To the department of administration and information for state facilities managed by the state building commission, state institutions and to fund projects contained within the five (5) year plan submitted by the department of state parks and cultural resources as approved by the state building commission;

(B) 35.95% - To the University of Wyoming for university facilities, excluding student housing, the student union and auxiliary services areas, the latter being those areas funded by university self-sustaining revenues;

(C) 21.64% - To the community college commission for community college district facilities.

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) appropriations made under subsection (a) of this section shall be separately accounted for by the recipient and shall not revert. Expenditures from these appropriations shall be restricted to expenses incurred for major building and facility repair and replacement as defined in paragraph (d)(i) of this section and as prescribed by rule and regulation of the state building commission.

(c) Not later than October 31, 2013, the general services division of the department of administration and information, the University of Wyoming and the community college commission shall report to the state building commission and the joint appropriations committee on the expenditures and commitments made from the appropriations under subsection (a) of this section.

(d) As used in this section:

(i) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use, including for compliance with the Americans with Disabilities Act, and including installing fire suppression systems in residential facilities and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;

(ii) "Routine maintenance and repair" means activities necessary to keep a building or facility in safe and good working order so that it may be used at

its original or designed capacity for its originally intended purposes, including janitorial, grounds keeping and maintenance tasks done on a routine basis and typically accomplished by state, university or community college personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance.

(e) Not later than September 1, 2013, the general services division of the department of administration and information shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2014, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation shall be based on a formula adopted by the state building commission, which shall be based on the following:

(i) The gross square footage of buildings and facilities for each category of buildings for state facilities, university facilities, and community college facilities, not to exceed seven (7) building categories for each entity, excluding student housing, the student union and auxiliary services areas funded exclusively through university or community college generated revenues;

(ii) A multiplier to maintain facilities in fair condition based on criteria from organizations with expertise in this area, such as the National Association of College and University Business Officials;

(iii) The gross square footage of buildings and the other components of the formula shall otherwise be computed in the same manner as for major maintenance for school facilities under W.S. 21-15-109, including using the most current edition of the R.S. Means construction cost index, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis to calculate replacement cost.

[ZERO BASED BUDGETING]

Section 318. The budget division of the department of administration and information shall formulate a plan to include with agency budgets submitted to the joint appropriations committee for the 2015-2016 fiscal biennium budget request, zero-based budgets for all budget items in the ~~200~~, 600 and 900 series. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]

[STANDARD BUDGET REDUCTIONS]

Section 319.

(a) All agencies, except the department of health, in coordination with the department of administration and information budget division, shall prepare reductions to the agency standard budgets for fiscal year 2014 which equal or exceed 4% of the general funds appropriated in the 2012 budget session for the

individual agency. These reductions shall be presented to the appropriate standing committee of the legislature, as determined by the management council in consultation with the governor, not later than July 1, 2012. The legislative committee shall submit comments to each reporting agency not later than October 1. The agency shall report to the joint appropriations committee, as part of the supplemental budget request, by December 1, 2012, the proposed reductions, including any modifications to proposed reductions made in response to standing committee review and comments. In preparing the governor's budget request for the 2015-2016 fiscal biennium, reductions totaling 8% of the 2012 budget session general fund appropriation for agency standard budgets, including the department of health, shall be included in the governor's recommendation.

(b) The supreme court and all district courts shall prepare reductions to each court's standard budgets for fiscal year 2014 which equal or exceed 4% of the general funds appropriated in the 2012 budget session for the court. The supreme court shall report to the joint appropriations committee, as part of the supplemental budget request, by December 1, 2012, the proposed reductions. In preparing the courts' budget request for the 2015-2016 fiscal biennium, reductions totaling 8% of the 2012 budget session general fund appropriation for courts' standard budgets shall be included in the request.

(c) This section is effective immediately.

[NATURAL GAS REVENUE REDUCTION PROVISION]

Section 320. If the consensus revenue estimating group issues a revenue report revision prior to the October revenue forecast which lowers the official estimate of forecasted natural gas prices from price levels forecasted in the preceding official January estimates to a degree which results in directly related lower estimated revenue to the general fund and budget reserve account, from severance tax and federal mineral royalty sources, individually or in combination, such that the corresponding reduction is one hundred fifty million dollars (\$150,000,000.00) or more, one hundred fifty million dollars (\$150,000,000.00) shall be transferred from the legislative stabilization reserve account to the general fund upon certification by the governor that a revised estimate meeting the requirements of this section has been issued.

[EMPLOYEE INSURANCE FUNDING DE-APPROPRIATION]

Section 321. The general fund appropriation of eight million seven hundred thousand dollars (\$8,700,000.00) contained in 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 003 for employee insurance shall immediately revert to the capitol rehabilitation and restoration account created by W.S. 9-5-109(j).

[DATA CENTER RECRUITMENT-REAPPROPRIATION OF FUNDS]

Section 322.

(a) All remaining funds appropriated to the governor's office under 2011 Wyoming Session Laws, Chapter 88, Section 343 are hereby reappropriated to the governor's office for the purposes of providing grants to cities, towns and counties for necessary public infrastructure to enable the recruitment and operation of data centers. The expenditure of this appropriation shall be subject to the following:

(i) The data center shall have:

(A) Entered into a contract or option for the purchase or lease of real property on which the data center is to be constructed and which is zoned to allow use of the property as a data center;

(B) An anticipated construction cost of more than fifty million dollars (\$50,000,000.00).

(ii) The proposed use of the grant funds shall be reviewed by the attorney general and the attorney general shall first determine that the infrastructure will be of substantial benefit to the public and that the use is lawful;

(iii) The governor may require as a condition to any grant that the city, town or county enter into a cooperative agreement with the Wyoming business council or the Wyoming department of transportation to oversee the expenditure of the grant funds;

(iv) If the governor has received multiple applications for the grant funds before approval of any grant, the grant funds shall be allocated in the governor's sole determination between the governmental entities based upon the anticipated assessed valuation of the projects and expected employment. No determination by the governor under this section is appealable.

(b) Data storage, processing and service centers shall not be subject to the provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, regardless of whether the cost of construction exceeds the threshold amount established pursuant to that act. No impact assistance payments shall be made pursuant to W.S. 39-15-111(c) or 39-16-111(d) as a result of the construction of such a data center.

[LOCAL GOVERNMENT DISTRIBUTIONS]

Section 323.

(a) From the general fund there is appropriated eighty-one million dollars (\$81,000,000.00) to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

(i) Two-thirds (2/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to cities and towns;

(ii) One-third (1/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to counties;

(iii) Five and one-half percent (5.5%) of the total amount appropriated, for distribution to revenue challenged cities and towns;

(iv) Five and one-half percent (5.5%) of the total amount appropriated, for distribution to revenue challenged counties.

[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

(b) Funds appropriated in paragraph (a)(i) of this section are to be distributed to cities and towns in two (2) equal distributions on August 15, 2012 and on August 15, 2013, subject to the following:

(i) From these distributions each city or town with a population of thirty-five (35) or less shall first receive five thousand dollars (\$5,000.00) and each city or town with a population over thirty-five (35) shall first receive ten thousand dollars (\$10,000.00). From the remainder each city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph with each city or town receiving amounts in the proportion which the adjusted population of the city or town bears to the adjusted population of all cities and towns in Wyoming. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the fiscal year beginning July 1, 2010 and ending June 30, 2011 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county, which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) Distribute the remainder of the revenues under this paragraph on a per capita basis using the total adjusted population for all cities and towns and the adjusted population for each city or town as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraph (a)(ii) of this section are to be distributed to counties in two (2) equal distributions on August 15, 2012 and on August 15, 2013. From these distributions each county shall receive the following:

(i) An equal share of fifteen percent (15%) of the total amount to be distributed; and

(ii) Of the remaining eighty-five percent (85%), an amount to be distributed to each county in the proportion each county's population bears to the total population of the state.

[CITY AND TOWN REVENUE CHALLENGED ALLOCATIONS]

(d) Funds appropriated in paragraph (a)(iii) of this section are to be distributed to eligible cities and towns in two (2) equal distributions on August 15, 2012 and on August 15, 2013, subject to the following:

(i) Each eligible city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) Calculate the per capita distribution of sales and use tax revenues for the period beginning July 1, 2010 and ending June 30, 2011 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

(B) Arrange the counties in ascending order by the per capita distribution calculated;

(C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;

(D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county;

(I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);

(II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;

(2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;

(3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

(4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.

(III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);

(IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:

(1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;

(2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;

(3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.

(V) An adjustment factor of one (1) shall be applied to the remaining counties.

(E) From the adjusted population of a city or town as calculated in subparagraphs (A) through (D) of this paragraph, subtract the actual population of the city or town to determine the resulting population adjustment. Distribute the funding under this paragraph in the proportion which the population adjustment of the city or town bears to the population adjustments of all cities and towns in Wyoming as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

(I) A county's "incorporated population" means the population of all cities and towns within the county;

(II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY REVENUE CHALLENGED ALLOCATIONS]

(e) Funds appropriated in paragraph (a)(iv) of this section are to be distributed to eligible counties in two (2) equal distributions on August 15, 2012 and on August 15, 2013. The office of state lands and investments shall calculate the amounts to be distributed to eligible counties as determined by this subsection as follows:

(i) Multiply each county's total assessed valuation for tax year 2011 by twelve mills (.012). This amount shall represent the county property tax available;

(ii) Calculate the sum of the following to determine the county funding need:

(A) One million two hundred thousand dollars (\$1,200,000.00); plus

(B) The product of the county population from zero (0) to five thousand (5,000) multiplied by one hundred sixty dollars (\$160.00); plus

(C) The product of the county population from five thousand one (5,001) to twenty-five thousand (25,000) multiplied by one hundred thirty dollars (\$130.00); plus

(D) The product of the county population above twenty-five thousand (25,000) multiplied by one hundred dollars (\$100.00).

(iii) Calculate the property tax shortfall for each county by subtracting the property tax available as determined by paragraph (i) of this subsection from the county funding need as determined by paragraph (ii) of this subsection. If the amount is greater than zero (0), the county shall be eligible for distribution of money under this subsection;

(iv) The amount distributed under this subsection to each eligible county shall be in the proportion that the county's property tax shortfall bears to the total property tax shortfall of all counties eligible to receive a distribution under this subsection.

(f) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as updated by the bureau of census.

(g) It is the intent of the legislature that the funds distributed under this section shall be expended for one-time needs or for equipment or other purchases of limited duration. The funds are not to be used for recurring expenditures such as salary adjustments, additional personnel or payment of recurring expenses such as utilities.

[LOCAL GOVERNMENT DISTRIBUTIONS - II]

Section 324.

[CAPITAL PROJECT FUNDING]

(a) There is appropriated from the general fund, fifty-four million dollars (\$54,000,000.00) to the office of state lands and investments to be expended for the purpose of grants for capital improvement projects and subject to subsection (b) of this section shall be allocated for each county as follows:

(i) To each county an amount equal to the amount allocated in this subsection multiplied by eighty percent (80%) divided by the total state population and multiplied by the county's population; plus

(ii) To each county, an amount equal to the remainder of the amount allocated in this subsection multiplied by each county's inverse per capita assessed valuation factor computed as follows:

(A) Divide each county's tax year 2011 assessed valuation by that county's population to compute county assessed valuation per capita and the total state 2011 assessed valuation by the total state population to compute state assessed valuation per capita;

(B) Divide the state assessed valuation per capita by each county's assessed valuation per capita to compute an inverse ratio for each county;

(C) Sum all the county inverse ratios computed in subparagraph (B) of this paragraph for a state total inverse ratio;

(D) Divide each county's inverse ratio by the state total inverse ratio to compute each county's inverse per capita assessed valuation factor.

(b) Funds subject to subsection (a) of this section shall not be distributed until after July 1, 2012 and shall only be expended for capital projects, including capital projects constructed by special districts. To be eligible for the grants, the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the in-

corporated population shall certify to the state loan and investment board that they have reached agreement on the projects for which the funds will be used.

(c) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as updated by the bureau of census.

(d) In preparing the 2015-2016 fiscal biennium budget, the governor shall include a recommendation of one hundred twenty-five million dollars (\$125,000,000.00) from the general fund for appropriation to cities, towns and counties, if the general fund and budget reserve account total revenues for fiscal years 2015 and 2016 as projected by the consensus revenue estimating group in the October 2013 estimation process equal or exceed the general fund and budget reserve account projected total revenues in the January 2012 revenue estimates.

(e) Amounts granted for capital project funding under this section which are in excess of final project costs shall not revert upon project completion, but may be applied by the recipient governing bodies to any remaining project agreed upon in the consensus process at the county level as determined by the governing bodies. Any amounts in excess of project costs from grants pursuant to 2011 Wyoming Session Laws, Chapter 88, Section 342, may likewise be used by the governing bodies as authorized in this subsection. Any funds reverted to the office of state lands as excess amounts from previous grants under Section 342 shall be refunded to the applicable governing bodies for projects as authorized in this subsection. To the extent excess funds are not sufficient to complete an additional project those funds may be held by the county treasurer for future project use as authorized in this subsection. As determined by the governing body in each county, amounts granted to a recipient governing body for a future project for which the funds will not be formally encumbered during the 2013-2014 biennium, shall not revert. This subsection is effective immediately.

[E-RATE EXCESS REVENUE FUNDS]

Section 325.

(a) All unencumbered, unexpended, unobligated funds within the e-rate appropriation account 2009-001-205-4600, as of the effective date of this section, shall be deposited into the school foundation program account. All federal funds received by the state from the schools and libraries program of the universal service fund on and after the effective date of this section shall be deposited into the school foundation program account.

(b) Commencing with the fiscal year beginning on July 1, 2012, and each fiscal year thereafter, the office of chief information officer shall annually apply to the universal service administrative company under the federal communications commission for amounts available to the state under the schools and libraries program of the universal service fund.

(c) This section is effective immediately.

[EDUCATION ACCOUNTABILITY DATA SYSTEMS]

Section 326.

(a) Based upon efforts initiated under 2003 Wyoming Session Laws, Chapter 131, Section 327, 2008 Wyoming Session Laws, Chapter 95, Section 901 and 2010 Wyoming Session Laws, Chapter 39, Section 005, Footnote 2, and efforts initiated under 2011 Wyoming Session Laws, Chapters 182 and 184 and required under W.S. 21-2-202(a)(xxxiv) and 21-2-203(c), the amounts appropriated under this section shall be expended by specified state agencies to support necessary storage, management and reporting of education data for purposes of the statewide education accountability system, to support the education resource block grant model monitoring process established under W.S. 21-13-309(u), to continue state efforts on the long term effects of the Hathaway student scholarship program on Wyoming high school students and to support and address other education information systems as may be required by the legislature.

(b) As used in this section, the “deferred account” means the e-rate excess revenue account of the deferred federal revenue fund within the general fund of the department of education. Any funds remaining in this account related to e-rate revenues, upon the effective date of this section, which are in excess of the amounts appropriated in this section shall be transferred to and deposited to the school foundation program account.

(c) For purposes related to maintaining and supporting efforts for a statewide education longitudinal data system, the following amounts are appropriated from the deferred account for the period commencing upon the effective date of this section and ending June 30, 2014:

(i) Two hundred eighty thousand dollars (\$280,000.00) to the state chief information officer, for one (1) full-time position, which shall serve as education coordinator for information system design, oversight and data verification;

(ii) Two hundred eighty thousand dollars (\$280,000.00) to the Wyoming community college commission for one (1) full-time position, which position shall assist the agency with education data management and transmission pertaining to post secondary performance and completion, applicable Hathaway student scholarship program data extraction and transmission including the transmission of transcript data pursuant to W.S. 21-16-1308(a)(ii) and through the transcript data center initiated under 2009 Wyoming Session Laws, Chapter 205, Section 2, and shall implement data reporting and accountability requirements for the post secondary enrollment options program pursuant to W.S. 21-20-201;

(iii) One hundred eighty-eight thousand dollars (\$188,000.00) to the Wyoming community college commission, to be used to contract for necessary post secondary education data definition, mapping and retrieval, and to provide statewide support in accessing education data;

(iv) Three hundred thousand dollars (\$300,000.00) to the state chief information officer, for contractual expertise in providing statewide capability to share and access educational information between all education data participants within the state, through common labeling and storage of data, both internally for state use and externally for federal data collections. To the extent possible, the data system shall use existing data bases and focus on acquiring the necessary system components to enable uniform, statewide reporting of this educational information.

(d) For purposes of supporting the data monitoring process within the education resource block grant model, and to support other education information data needs and analysis, up to five hundred thousand dollars (\$500,000.00) is appropriated from the deferred account for the period commencing on the effective date of this section and ending June 30, 2014, to the department of workforce services, office of research and planning, to conduct data collection and analysis necessary for the education resource block grant model monitoring process as required under W.S. 21-13-309(u), and to assist with the collection and analysis of data necessary for the long term effects of the Hathaway student scholarship program on Wyoming high school students and other data collection and analysis efforts which may be required to carry out this section.

(e) Pursuant to requirements under 2011 Wyoming Session Laws, Chapter 185, Section 4(c), and for the period commencing on the effective date of this section and ending June 30, 2014, the following amounts are appropriated from the deferred account:

(i) Up to one million six hundred eighty-seven thousand dollars (\$1,687,000.00) to the state chief information officer, to implement an on-line educator credentialing, assignment validation and reporting system in conjunction with the University of Wyoming, the Wyoming professional teaching standards board and the department of education. Of this amount:

(A) Not more than one million one hundred twenty-eight thousand dollars (\$1,128,000.00) shall be expended for necessary hardware and system support costs to establish the on-line certification and certification renewal system. In accordance with 2011 Wyoming Session Laws, Chapter 185, Section 4(c), information from this on-line certification and certification renewal system shall expand the data repository required under W.S. 21-2-202(a)(xxxiv);

(B) Up to one hundred eighty-four thousand dollars (\$184,000.00) may be expended for on-going maintenance and operation costs of the on-line system, which shall be equally shared between the department of education and the Wyoming professional teaching standards board in future biennial budgets;

(C) Up to three hundred seventy-five thousand dollars (\$375,000.00) may be expended on additional data storage necessary for the system within the government agency enterprise solution established by the department of administration and information, office of chief information officer.

(ii) Up to three hundred thirty-one thousand two hundred fifty-four dollars (\$331,254.00) to the state chief information officer, for two (2) full-time positions, including position support costs, one (1) of which shall serve as a database analyst and one (1) position shall serve as a business analyst.

(f) The department of education, the University of Wyoming, the Wyoming community colleges, the Wyoming community college commission, the Wyoming professional teaching standards board, the department of workforce services and other state agencies shall provide information and other assistance to the state chief information officer as necessary to carry out the duties and requirements of this section.

(g) On or before December 31, 2012, and on or before December 31, 2013, the state chief information officer shall report to the joint appropriations committee and the joint education interim committee on expenditures under this section, progress on education data systems implemented under this section and recommendations on future development and implementation of the data systems. In addition, the report shall include a separate reporting of expenditures and recommendations from the department of workforce services for work undertaken pursuant to subsection (d) of this section.

(h) This section is effective immediately.

[LIVESTOCK ANIMAL REIMBURSEMENT PROGRAM]

Section 327.

(a) If 2012 Senate File 18 is enacted into law, up to five hundred thousand dollars (\$500,000.00) of the unexpended, unobligated funds remaining on June 30, 2012 in the general fund appropriation for brucellosis testing in 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 003 shall not revert and are hereby reappropriated to the animal reimbursement account created by W.S. 11-19-106(g). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose.

(b) This section is effective immediately.

[EDUCATIONAL LIAISON]

Section 328.

(a) An educational liaison shall coordinate efforts by the legislature, the advisory committee to the select committee on statewide education accountability, the state superintendent of public instruction, the state board of education, and the Wyoming department of education as required by the Wyoming Accountability in Education Act, W.S. 21-2-204 and Section 326 of this act. The educational liaison shall:

(i) Coordinate, collect and review all information, data and reports required by the Wyoming Accountability in Education Act to be submitted to a legislative committee or the legislature and compile feedback and suggestions for the legislature;

(ii) Provide periodic status reports on the execution of the Wyoming Accountability in Education Act by the state superintendent of public instruction, the state board of education and the Wyoming department of education;

(iii) Review all requests for proposals or information, contracts and agreements executed or proposed for execution for the purposes of carrying out the duties required by the Wyoming Accountability in Education Act;

(iv) Review applicable rules, regulations and policies related to implementation and administration of the Wyoming Accountability in Education Act; and

(v) Identify and request necessary background and supporting information from appropriate educational and state agencies to provide feedback and recommendations to the legislature.

(b) All state agencies, boards, personnel, officials, Wyoming school districts and contractors shall cooperate with and provide all requested information to the education liaison in the most expedited manner possible.

(c) The education liaison shall be treated as an employee of the Wyoming department of education and a school official with a legitimate educational interest evaluating education programs for purposes of requesting and receiving access to data and information. Notwithstanding W.S. 9-1-603(a)(vi), the attorney general shall resolve any question related to the receipt, distribution or sharing of information obtained by the education liaison in fulfilling his duties under this section.

(d) Funds made available to the legislative service office under 2012 Senate File 57, Section 7(a), as enacted into law, and 2012 Senate File 90, Section 6, as enacted into law, may be used by that office to retain an at-will contract employee or consultant as determined by the management council to implement the purposes of this section.

[EFFECTIVE DATE]

Section 400.

(a) As used in this act, "effective immediately" means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act which is effective immediately shall not lapse until June 30, 2014, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 27**ABANDONED MINE LAND FUNDS**

Original House Bill No. 121

AN ACT relating to abandoned mine land funds; authorizing application for funds; appropriating and specifying authorized use of funds; modifying past authorizations; providing for reports; specifying and amending reversion dates for funds; providing for an abandoned mine land funds balancing account; and providing for an effective date.

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

Section 1. [Future AML funding]

(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. Grant funds received for the projects authorized in this act 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, including funds previously deposited in the reserve account created by W.S. 35-11-1210(a), for the period ending June 30, 2013 for the following projects:

(i) Two million two hundred thousand dollars (\$2,200,000.00) for the solid waste orphaned site program administered by the department of environmental quality;

(ii) One million four hundred seventy-five thousand dollars (\$1,475,000.00) to the department of environmental quality air quality division for addressing statewide energy impacts;

(iii) One million eight hundred fifty-six thousand seven hundred twenty-four dollars (\$1,856,724.00) to the department of environmental quality air quality division for expenditure on operations and maintenance of ambient air monitors.

(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, the Wyoming wildlife and natural resources trust, the Wyoming water development commission and the Wyoming department of transportation

for the period ending June 30, 2013 for distribution to the specified account or entity for the following projects:

(i) Three hundred fifty thousand dollars (\$350,000.00) to the University of Wyoming for Level II planning for renovation and addition to the facilities of the college of engineering and applied science;

(ii) Ten million dollars (\$10,000,000.00) to the University of Wyoming for athletics facilities matching funds for the renovation of the arena auditorium. After qualifying contributions and revenue bonds meeting the requirements of this paragraph have been received and issued, the state treasurer shall distribute these matching funds to the university and the project may commence. Funds subject to this paragraph shall not lapse until June 30, 2017. No funds from this source shall be distributed to the university until:

(A) Revenue bonds issued pursuant to W.S. 21-17-402 through 21-17-450 of an equal amount have been issued for renovation costs. The revenue bonds shall be primarily paid from revenues generated by university athletic events and facilities. The university may pledge other revenue streams for bond payment as authorized by W.S. 21-17-402 through 21-17-450. The bonds are eligible for supplemental coverage in accordance with W.S. 9-4-1003. To the extent practicable, bond counsel resident to Wyoming shall be utilized to issue the revenue bonds to be used in this project; and

(B) Ten million dollars (\$10,000,000.00) has been matched by qualifying contributions of funds other than state of Wyoming funds, which contributions shall meet the provisions of W.S. 21-16-1001 through 21-16-1003, including valuation of matching funds.

(iii) Five million dollars (\$5,000,000.00) to the University of Wyoming school of energy resources for implementation of strategic areas of concentration for the school of energy resources as described in the school's strategic plan. These funds shall be expended only to the extent that they are matched dollar for dollar from private funds or funds other than state of Wyoming funds;

(iv) Six million dollars (\$6,000,000.00) to the Wyoming wildlife and natural resources trust income account for project funding, except that that no funds appropriated under this paragraph shall be used to purchase or acquire conservation easements or other development rights;

(v) Three million five hundred thousand dollars (\$3,500,000.00) to the University of Wyoming for an agriculture building in Sheridan;

(vi) Twenty-three million twenty-five thousand dollars (\$23,025,000.00) to the Wyoming water development commission for the Gillette Madison water project as authorized by W.S. 99-3-1405; and

(vii) Thirty million dollars (\$30,000,000.00) to the highway fund for highway projects.

(d) Except for funds specified in this subsection, funds appropriated under this section shall be for the period beginning with the effective date of this act and ending June 30, 2014. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

(i) Paragraph (c)(ii) of this section for the athletics matching program shall not revert until June 30, 2017;

(ii) Paragraph (c)(iii) of this section for the school of energy resources matching funds shall not revert until June 30, 2018;

(iii) Paragraph (c)(v) of this section for the University of Wyoming agriculture building in Sheridan shall not revert until June 30, 2016.

(e) The joint minerals, business and economic development interim committee, in consultation with the governor, the college of engineering, the school of energy resources at the University of Wyoming and the community college commission, shall:

(i) Assist in the development of the parameters for the renovation and reconstruction plan for the college of engineering at the University of Wyoming, which plan shall be designed in cost and approach to lead the university toward a tier one academic and research institution in areas of excellence appropriate for Wyoming. It is anticipated that the budget for the project will approximate one hundred million dollars (\$100,000,000.00) or so much as is reasonably needed to accomplish this task;

(ii) Develop a plan for the use of an appropriate amount of anticipated remaining abandoned mine land funds to fund programs that support and enhance new and existing technologies important to the economy of Wyoming. The programs may include grants and equipment purchases that will recruit and retain innovative research and technological advances with a goal to create sustainable jobs and economic development along with improving the prestige and quality of teaching at the college of engineering and community colleges.

Section 2. [AML FUNDING – REDIRECTION OF PRIOR AUTHORIZATIONS]

(a) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining to redirect previously authorized funds as specified in this section. The redirected funds shall be used for the projects as specified in subsection (b) of this section:

(i) Of the amounts authorized for clean coal research funds under 2008 Wyoming Session Laws, Chapter 48, Section 320, as amended by 2009 Wyoming Session Laws, Chapter 159, creating a new Section 339(c)(ii), four million two hundred fifty thousand one hundred fifty-four dollars (\$4,250,154.00) shall be redirected;

(ii) Of the amounts authorized for carbon sequestration research and demonstration project funds under 2010 Wyoming Session Laws, Chapter 39, Section 320(c)(ii), forty million dollars (\$40,000,000.00), and from clean coal technology research funds under Section 320(c)(v) one million dollars (\$1,000,000.00) shall be redirected.

(b) The grant applications submitted by the department to the federal office of surface mining shall seek authority to redirect the funds for the following projects:

(i) Ten million dollars (\$10,000,000.00) to the University of Wyoming for implementation of strategic areas of concentration for the school of energy resources as described in the school's strategic plan;

(ii) Ten million dollars (\$10,000,000.00) to the University of Wyoming for implementation of strategic areas of concentration for the school of energy resources as described in the school's strategic plan. These funds shall be expended only to the extent that they are matched dollar for dollar from private funds or public funds other than state of Wyoming funds;

(iii) One million dollars (\$1,000,000.00) to the department of transportation for a compressed natural gas fueling station and conversion of existing vehicles or purchase of new vehicles for the department or the University of Wyoming powered by compressed natural gas, subject to the following conditions:

(A) The construction and operation shall be subject to oversight by the department of administration and information;

(B) To the extent permissible under Wyoming law, the station shall be constructed by Wyoming residents as defined in W.S. 16-6-101(a)(i);

(C) The station shall be available to the university, the department of transportation, school districts, local governments and private payers using credit cards and shall be located to enhance usage by the public and private sectors;

(D) No expenditure for a natural gas fueling station shall be made unless authorized by the governor after the department of transportation and university explore the possibility of constructing and operating the station in conjunction with the private sector. After construction the station may be sold at any time;

~~(E) Any nongifted proceeds from the sale of the station shall be deposited in the general fund. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 8, 2012.]~~

(iv) Seven hundred fifty thousand one hundred fifty-four dollars (\$750,154.00) to the University of Wyoming for Level II planning for the project specified in paragraph (c)(i) of section 1 of this act;

(v) Ten million dollars (\$10,000,000.00) to the University of Wyoming school of energy resources for the continuation of clean coal research as recom-

mended by the clean coal research task force pursuant to W.S. 21-17-121;

(vi)(A) Five hundred thousand dollars (\$500,000.00) to the University of Wyoming school of energy resources for the purpose of providing grants to conduct one (1) or more studies to determine the feasibility of constructing a commercial scale minerals to value added products facility in Wyoming. All studies, data and analysis produced using funds from this appropriation shall be the property of the state of Wyoming. Grants authorized under this paragraph shall be awarded by the clean coal task force pursuant to W.S. 21-17-121. The studies shall identify:

(I) Whether a commercial scale facility which converts minerals to value added products would be economically viable in Wyoming given projected energy prices and regulatory trends;

(II) Attributes unique to the state of Wyoming which mitigate for and against construction of a commercial scale minerals to value added products facility in the state;

(III) The best available technologies for the commercial scale conversion of minerals to value added products in Wyoming;

(IV) Potential obstacles to the construction of a minerals to value added products facility in Wyoming and possible strategies to address those obstacles, including, but not limited to the following:

- (1) Regional and national political climate;
- (2) Economic issues;
- (3) Regulatory issues; and
- (4) Transportation.

(V) Potential input sources of minerals and water for the facility and potential markets for the final value added product and any other products created during the conversion process;

(VI) Whether, and at what level and in what form, state support is necessary for the development of such a project. The study shall identify possible state incentives available for the construction of a commercial scale minerals to value added products facility and determine which incentives are likely to have the most benefit to industry and the citizens of the state of Wyoming.

(B) The University of Wyoming school of energy resources and the clean coal task force shall report to the joint minerals, business and economic development interim committee on the results of the studies authorized by this paragraph on or before September 1, 2012. The task force shall also provide recommendations to the committee for grants under subparagraph (C) of this paragraph based on applications received by the task force. The joint minerals, business and economic development interim committee shall then recommend to the governor the funding level for each application;

(C) Nine million dollars (\$9,000,000.00) to the governor's office for the purpose of supporting the construction and operation of a commercial scale facility which converts minerals to value added products. Applications for grants under this subparagraph shall be received by the clean coal task force. Grants authorized under this subparagraph shall be awarded by the governor after receiving the recommendation of the joint minerals, business and economic development interim committee in accordance with this section. The governor may take all actions necessary to ensure the legality of an expenditure of any portion of this appropriation. No funds shall be expended from this appropriation to provide salaries. No funds shall be expended from this appropriation without:

(I) A dollar for dollar match of funds not from the state of Wyoming;

(II) A signed written agreement between the University of Wyoming school of energy resources and the grantee, providing that all data, information, studies and analysis produced with funds from this appropriation or matching funds involving the siting of a commercial scale minerals to value added products facility shall be transferred to the state of Wyoming upon abandonment of the project by the grantee as directed by the governor;

(III) A determination by the clean coal task force that the grant has a reasonable likelihood of leveraging a substantial future capital investment in a large plant siting in this state. In the event of multiple grant requests, the task force shall consider and give weight to whether the applicant has demonstrated a past record of producing jobs in Wyoming and whether the applicant has and is likely to maintain a nexus to the state of Wyoming.

(D) As used in this paragraph a "commercial scale minerals to value added products facility" may include commercial scale minerals to liquid fuels or other value added products facilities but shall not include any facility which will derive fifty percent (50%) or more of its anticipated revenues from the generation of electricity.

(vii) Two million dollars (\$2,000,000.00) to the Wyoming pipeline authority to begin to develop and implement a permitting process to further a carbon dioxide pipeline network across federal lands in Wyoming. The Wyoming pipeline authority shall perform this work in coordination with the University of Wyoming school of energy resources and the enhanced oil recovery institute;

(viii) One million dollars (\$1,000,000.00) to the University of Wyoming for the school of energy resources to continue research related to carbon storage and enhanced oil recovery. These funds shall be expended only to the extent that they are matched dollar for dollar from private funds or public funds other than state of Wyoming funds;

(ix) Seven hundred thousand dollars (\$700,000.00) to the University of Wyoming college of engineering to conduct basic and applied research into rare earth materials to determine new processing technologies, improved uses

and new production methods. The University of Wyoming college of engineering shall provide a report on the findings of the research conducted under this paragraph to the joint minerals, business and economic development interim committee not later than December 1, 2013;

(x) One hundred thousand dollars (\$100,000.00) to the University of Wyoming school of energy resources for the purpose of providing grants to conduct one (1) or more studies to evaluate the feasibility of using Wyoming natural resources to manufacture glass and glass products in Wyoming. Grants authorized under this paragraph shall be awarded by the clean coal task force. The University of Wyoming school of energy resources and the clean coal task force shall report to the joint minerals, business and economic development interim committee on the results of the studies authorized by this paragraph not later than June 1, 2013; and

(xi) Two hundred thousand (\$200,000.00) to the Wyoming geological survey to conduct geological analysis on potential rare earth material deposits and other deposits and catalog deposits in Wyoming outside of the known deposits of rare earth minerals in the bear lodge mountains in Crook County. The Wyoming geological survey shall provide a report on the findings of the geological analysis conducted under this paragraph to the joint minerals, business and economic development interim committee not later than June 1, 2013.

(c) Except for funds specified in this subsection, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2014. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

(i) Paragraph (b)(i) of this section shall not revert until June 30, 2016;

(ii) Paragraph (b)(ii) of this section shall not revert until June 30, 2018;

(iii) Paragraph (b)(v) of this section shall not revert until June 30, 2016;

(iv) Subparagraph (b)(vi)(C) of this section shall not revert until June 30, 2016;

(v) Paragraph (b)(vii) of this section shall not revert until June 30, 2016; and

(vi) Paragraph (b)(viii) of this section shall not revert until June 30, 2016.

Section 3. 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 subsections 1(c) and 2(b) of this act 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, where matching fund requirements would unduly delay a project, or where the use of federal abandoned mine land funds would be impractical for projects pursuant to section

1, paragraphs (c)(i), (ii), (iii) and (v) and section 2, paragraphs (b)(i), (ii), (iv), (v), (vi)(A), (viii), (ix) and (x) of this act.

Section 4. The governor may substitute funds from the 2012 Senate File 0001, section 2, section 045, department of transportation general fund appropriation to the commission, for any project funded with abandoned mine land funds in this act in order to expedite expenditure of abandoned mine land funds as the governor determines necessary or convenient. Abandoned mine land funds received for a project for which general funds were substituted pursuant to this section shall be distributed to the transportation commission upon receipt. Any substitution of funds pursuant to this section shall be in accordance with the b-11 process authorized by W.S. 9-2-1005(b)(ii) and shall be reported by the governor to the joint appropriations committee in the monthly report provided by W.S. 9-2-1005(o).

Section 5.

(a) From funds within the abandoned mine land funds balancing account created as W.S. 35-11-1210(e) under section 6 of this act, there is appropriated, as available:

(i) Fourteen million two hundred thousand dollars (\$14,200,000.00) to the University of Wyoming for the performing arts building. The University of Wyoming may raise private funds and issue revenue bonds pursuant to W.S. 21-17-402 through 21-17-450 for amounts up to fourteen million two hundred thousand dollars (\$14,200,000.00) for renovation and construction associated with the performing arts building. Any bonds issued shall be eligible for supplemental coverage in accordance with W.S. 9-4-1003. To the extent practicable, bond counsel used on the issuance of the revenue bonds for this project shall be resident to Wyoming;

(ii) Fifteen million eight hundred thousand dollars (\$15,800,000.00) to an account which shall be held by the state treasurer for distribution to the university of Wyoming for construction costs of the engineering building as provided in this paragraph. The funds shall be available to be matched by qualifying contributions meeting the provisions of W.S. 21-16-1401 through 21-16-1403, including valuation of matching funds. Funds under this paragraph shall only be available for expenditure as specifically authorized by the legislature.

Section 6. W.S. 35-11-1210 by creating a new subsection (e) is amended to read:

35-11-1210. Abandoned mine land funds reserve account.

(e) There is created the abandoned mine land funds balancing account. Notwithstanding other provisions of this section, the legislature may deposit into the balancing account and appropriate therefrom funds as it determines appropriate to substitute for or supplement abandoned mine land funds received from the federal government, from the Surface Mining Control and Reclamation Act Amendments of 2006, Section 411(h)(1).

Section 7. 2008 Wyoming Session Laws, Chapter 48, Section 320(e), as amended by 2009 Wyoming Session Laws, Chapter 159, Section 346 and as further amended by 2010 Wyoming Session Laws, Chapter 39, Section 322 is amended to read:

Section 320.

(e) Except for funds subject to 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:

(iv) Subsection (c) of this section shall not revert until June 30, ~~2012~~ 2016.

Section 8. 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 8, 2012.

Chapter 28

REGISTERED AGENTS-COMMERCIAL AGENT REGISTRATION

Original Senate File No. 4

AN ACT relating to registered agents; providing for resignation of commercial registered agents; providing for continued responsibilities of resigned commercial registered agents; providing a timeline for renewal of commercial registered agent registration; providing for tiered late fees for renewal of commercial registered agent registration; and providing for an effective date.

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

Section 1. W.S. 17-28-103(g) and 17-28-106(b) and (c) are amended to read:

17-28-103. Resignation of registered agent.

(g) Failure of a commercial registered agent to ~~register pursuant to W.S. 17-28-105~~ renew registration pursuant to W.S. 17-28-106 shall ~~not~~ constitute a resignation of the registered agent pursuant to this section ~~and for purposes of administrative dissolution, revocation or forfeiture of the entities represented,~~ but the registered agent shall remain responsible for all the requirements of this chapter with respect to each entity represented until a new registered agent is appointed, the registered agent has resigned in accordance with subsection (a) of this section or until the entity is administratively dissolved, revoked or its authority to transact business is forfeited.

17-28-106. Registration requirements.

(b) Every applicant for registration shall pay a filing fee as set by rule adopted pursuant to this chapter. The fee, other than the late filing fee provided in subsection (c) of this section, shall be designed to recover the cost of administering the provisions of this chapter relating to registered agents. If an application is withdrawn or denied, the secretary of state shall retain the entire fee.

(c) Registration of a commercial registered agent shall be valid for the calendar year of registration and shall expire December 31 of each year: subject to the following:

(i) Renewal of registration shall be made by paying the annual registration fee by November 30 of each calendar year;

(ii) Any person acting as a commercial registered agent who renews the registration between December 1 and December 31 shall pay an additional late registration fee equal to the annual filing fee;

(iii) Any person who acts as a commercial registered agent after the expiration of his registration on December 31 of each year and willfully or by neglect fails to renew such registration as provided in this subsection shall be acting in violation of this act. Renewal of a commercial agent registration after December 31 shall be accompanied by a late renewal fee of five hundred dollars (\$500.00) plus an administrative fee which reflects the reasonable costs incurred by the secretary of state for notification of the entities, represented by the commercial registered agent, classified as delinquent awaiting administrative dissolution, revocation or forfeiture of its authority to transact business as provided in W.S. 17-28-103(f);

(iv) All fees shall be paid in full prior to any reregistration as a commercial registered agent.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012 .

Chapter 29

SPICE DEFINITION AMENDED

Original Senate File No. 29

AN ACT relating to the Wyoming Controlled Substances Act; amending the definition of synthetic cannabinoids; and providing for an effective date.

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

Section 1. W.S. 35-7-1014(d)(xlii)(C) and by creating new subparagraphs (E) and (F) is amended to read:

35-7-1014. Substances included in Schedule I.

(d) *Hallucinogenic substances.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xlii) Synthetic cannabinoids as follows:

(C) Any compound structurally derived from 3-(1-naphthoyl)indole, 1H-indol-3-yl-(1-naphthyl)methane, 3-(1-naphthoyl)pyrrole, ~~or~~ 3-(phenylacetyl)indole, 3-(benzoyl)indole or naphthylideneindene by substitution at the nitrogen atom of the indole ring, ~~or~~ pyrrole ring or 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring, pyrrole ring or indene ring to any extent, and whether or not substituted in the naphthyl or phenyl ring to any extent; ~~some trade or other names: JWH class compounds;~~

(E) Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent;

(F) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone; some trade or other names: WIN 55,212-2.

Section 2. W.S. 35-7-1014(d)(xlii)(D) is repealed.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 30

DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES

Original Senate File No. 33

AN ACT relating to administration of government; creating a new department of enterprise technology services; specifying powers and duties of department; placing the state chief information officer in the position of director of the department of enterprise technology services; removing the division of information technology from the department of administration and information and generally transferring functions of the division to the new department; transferring other information technology related functions as

specified; authorizing the transfer of positions and funds; providing for subsequent budgeting of the new department; providing for a study; providing for reports; making conforming amendments; and providing for an effective date.

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

Section 1.

(a) The division of information technology within the department of administration and information and the position and office of state chief information officer are transferred by a type 1 transfer to the department of enterprise technology services created by this act. All positions, personnel, appropriations, property, equipment and authority in agencies and programs transferred to the department of enterprise technology services by this act are under the control of the department as provided by this act. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs transferred by this act is not affected by this act.

(b) Notwithstanding any other provision of law, the governor may authorize the use of authorized positions within the department of administration and information and the office of state chief information officer and funds appropriated to those agencies to staff and fund the department of enterprise technology services for the remainder of the fiscal biennium ending June 30, 2012 and for the fiscal biennium commencing July 1, 2012. For the fiscal biennium commencing July 1, 2014, the director of the department of enterprise technology services shall submit an estimated budget to the governor and the governor shall submit a recommended budget for the department in accordance with W.S. 9-2-2907.

(c) Notwithstanding W.S. 9-2-2903, the governor may appoint a temporary director for the department of enterprise technology services upon the effective date of this act. Thereafter the governor shall submit any proposed appointment of a director of the department to the senate in accordance with W.S. 28-12-101 through 28-12-103.

Section 2. W.S. 9-2-2019 and 9-2-2901 through 9-2-2907 are created to read:

9-2-2019. Department of enterprise technology services created.

As part of the reorganization of Wyoming state government, there is created the department of enterprise technology services consisting of the existing division of information technology within the department of administration and information and the position and office of state chief information officer. The department shall not be subject to a transition period as defined in W.S. 9-2-1703(a)(ix). A reorganization plan shall not be required of the director.

ARTICLE 29

DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES

9-2-2901. Department of enterprise technology services created.

There is created the department of enterprise technology services.

9-2-2902. Department divisions.

(a) The department shall consist of the following divisions in addition to the office of the director of the department:

- (i) Information technology division;
- (ii) Information services division.

9-2-2903. Director and division administrators; appointment; removal.

(a) The governor shall appoint a state chief information officer with the advice and consent of the senate. The state chief information officer shall serve as the director of the department of enterprise technology services and shall be the department's executive and administrative head.

(b) With the approval of the governor, the state chief information officer may appoint administrators for each of the divisions. The governor may remove the state chief information officer and division administrators as provided in W.S. 9-1-202.

9-2-2904. Definitions; powers generally; duties of governor; cooperation with legislature and judiciary.

(a) As used in this article:

(i) "Agency" means an office, department, board, commission, council, institution, separate operating agency or any other operating unit of the executive branch of state government. "Agency" shall not include the University of Wyoming or Wyoming community colleges;

(ii) "Data analytics" means data analysis, including the ability to use the data for assessment and extraction of policy relevant information;

(iii) "Department" means the department of enterprise technology services;

(iv) "Enterprise data analytics" means data analytics which affect or are conducted by more than one (1) agency;

(v) "Executive branch" means the executive department of state government established by article 2, section 1 of the Wyoming constitution;

(vi) "Information processing software" means all purchased, procured or developed software for use on any information technology equipment;

(vii) "Information technology equipment" means all business and personal computing devices, intelligent handheld devices including tablets and smart phones, printers and other related peripheral equipment;

(viii) "Judiciary" means the judicial department of state government established by article 2, section 1 of the Wyoming constitution;

(ix) "Legislature" means the legislative department of state government established by article 2, section 1 of the Wyoming constitution;

(x) "State chief information officer" means the person appointed in accordance with W.S. 9-2-2903. The state chief information officer shall also function as the director of the department;

(xi) "Telecommunications transport services" means the telecommunication transmission facilities under which voice, data and video communications are distributed between distant locations for use by state agencies, institutions and educational institutions on a shared basis.

9-2-2905. Duties of the department in assisting the governor.

(a) The department may assist the governor in discharging his duties as chief executive and administrative officer of the executive branch of government of the state of Wyoming. The governor through the department shall:

(i) Coordinate, consolidate and provide information technology services which are used by more than one (1) agency;

(ii) Review agency information technology programs, expenditures and management to identify problems and suggest improvements;

(iii) Promote economy and efficiency in government use of information technology; and

(iv) Establish uniform standards of information technology administration.

(b) This article shall be construed to provide the governor, through the department, with a more coordinated and responsive system of information technology management of the executive branch of state government, and to preserve and protect the separation of powers mandated by article 2, section 1 of the Wyoming constitution. The legislature and the judiciary shall cooperate with the department and may utilize the services and assistance of the department to achieve economy in government, but information technology procedures affecting the administration of the legislature shall be determined by the legislature and the management council, and information technology procedures affecting the administration of the judiciary shall be determined by the judges for their respective courts, and they shall not be bound by rules and regulations promulgated by the department.

9-2-2906. Office of the state chief information officer and director; authority; duties of department.

(a) The state chief information officer may:

(i) Employ professional, technical and other assistants to work in the director's office or in any of the divisions, along with other employees necessary to carry out the purpose of this article;

(ii) Formulate through his office the policies and programs to be carried out by the department through its respective divisions.

(b) The department shall carry out the following coordination and management functions:

(i) Develop a biennial information technology plan for the executive branch. The department may inventory agency software, hardware, servers and data centers as it determines necessary to develop the plan, using existing information available to the department and as supplemented by agencies upon request of the department;

(ii) Implement and maintain an information technology governance program for the agencies;

(iii) Establish review criteria for the agencies information technology projects, procurements and purchases;

(iv) Develop and implement recommendations for the proper management of agencies information technology resources;

(v) Review and make recommendations to the governor concerning information technology budget requests made by agencies;

(vi) Adopt information technology policies and standards and ensure agency compliance with the policies and standards;

(vii) Recommend information technology procurement improvements;

(viii) Develop and promote information technology training programs for all branches of government;

(ix) Encourage information technology coordination, information sharing and collaboration among all branches and levels of government in Wyoming;

(x) Enhance geographic information systems coordination among all governmental users of geographic information systems;

(xi) Carry out the duties prescribed by W.S. 9-2-2501;

(xii) Enhance statewide broadband adoption and coordination among all governmental users and where possible among the citizens of the state;

(xiii) Advise the governor and the legislature on technology and telecommunications matters;

(xiv) Establish, maintain and annually evaluate a quality management model. The quality management model shall include training and assurances for data privacy, protection and use throughout the agency and shall track customer feedback on technology services and oversight. The department shall involve the agencies in assessment of needs, successes and areas of improvement and shall produce customer satisfaction and performance reports. The department shall report, annually on or before December 1, to the joint appropriations interim committee its findings from the quality management model.

(c) The University of Wyoming, Wyoming community colleges, and the judicial and legislative departments of state government may adhere to the standards, policies and plans developed pursuant to subsection (b) of this section

to the extent feasible, as determined by the entity or the department of government, as applicable.

(d) The department shall carry out the following oversight and approval functions:

(i) Review agency expenditure requests for information technology or telecommunications personnel, hardware or software or contractual services for information technology if the expenditure exceeds the maximum amount established by department policy for small purchases. No funds for purchase in excess of the maximum amount shall be expended until the state chief information officer has approved the expenditure. Upon request for expenditure, the state chief information officer shall review the request and shall:

(A) Disapprove a request which fails to meet existing department standards, security and procurement policies; and

(B) If the state chief information officer determines a less expensive alternative to effectively accomplish the need is available, approve the request only for the lesser amount.

(ii) Review agency expenditures for information technology or telecommunications personnel, hardware or software or contractual services for information technology which are within the maximum amount established by department policy for small purchases as the state chief information officer determines necessary. Agencies shall provide information as requested by the department regarding small purchases;

(iii) Establish and enforce data security policies and standards for the state data infrastructure. These provisions shall be the minimum security requirements adhered to by all agencies. Agencies may choose to set additional security requirements to exceed but not in lieu of or that in any way interfere with the standards set by the state chief information officer;

(iv) Establish policies and standards for enterprise data analytics.

(e) The department shall provide the following services:

(i) Develop and provide computer and information technology services to agencies and the judiciary and the legislature. Central delivery of common services shall be promoted to the extent they encourage a more economical and efficient operation of state programs, while maintaining a compatibility of hardware and software among agencies, the legislature and the judiciary;

(ii) Upon request of an agency, provide information and recommendations regarding the installation and acquisition of computer and information technology equipment, the qualifications of information technology personnel and software systems required by the agency. The information and recommendations shall be directed to advising the agency how to comply with the uniform standards, minimize duplication and promote effectiveness in the collection, storage, interchange, retrieval, processing and transmission of information;

(iii) Upon request of an agency, provide enterprise data analytics services;

(iv) Data analytics security services and validation services as directed by the governor.

(f) The state chief information officer shall administer through his office all accounting, billing and collection functions required by the department. These activities shall be taken pursuant to policies adopted by the state chief information officer after consultation and in cooperation with the director of the department of administration and information. The policies shall include provisions for attributing shared costs to agencies receiving common services from the department and for interagency accounting, billing and collection for other services provided to individual agencies. The department of enterprise technology services and the department of administration and information shall jointly develop a memorandum of understanding through which the departments will exchange administrative support, accounting functions and information technology services.

(g) The department shall carry out the following functions:

(i) Establish and promulgate rules and regulations governing the use and funding of telecommunications services, equipment, software and networks by agencies;

(ii) In consultation with state agencies and educational institutions, develop recommendations for a current and long-range telecommunications transport service plan for state government and higher education involving telephone, radio, microwave, facsimile, closed circuit television, teleconferencing, interactive educational training, public radio, public television, data communications, transmission circuits, fiberoptics, satellites and cellular radio and the integration of these mediums into applicable telecommunications networks. The plan shall be submitted to the governor for approval;

(iii) Administer the approved current and long-range plan for use of telecommunications by agencies and coordinate the telecommunications transport service network;

(iv) Inventory current telecommunications infrastructure of agencies, solicit comments and recommendations on needs, practices and technologies for providing telecommunications services in the most efficient manner possible, accommodate economic growth and development in the state and enhance educational opportunities at all levels of instruction;

(v) Review all existing and future agencies telecommunications planning, networks, systems and programs and recommend priorities therefor in accordance with the purposes of this section;

(vi) As appropriate, coordinate the acquisition of compatible telecommunications equipment, software and licensure for telecommunications transport service networks with agencies and with educational institutions;

(vii) Establish telecommunications procedures, standards and records for management of telecommunications transport service networks and facilities for agencies;

(viii) Review, assess and ensure compliance with federal and state telecommunications regulations governing the needs and functions of agencies for telecommunication transport services;

(ix) Provide telecommunications services including billing, installation and repair of telephone services including interstate and intrastate long distance, to agencies;

(x) Coordinate telecommunications network training for agencies.

(h) Notwithstanding subsection (g) of this section:

(i) The director of the Wyoming department of transportation and the colonel of the Wyoming highway patrol shall administer and control the operation, maintenance and conduct of the two-way, land based mobile and related facilities for the public safety radio-microwave systems specifically provided by the department and patrol and performed by radio technicians, dispatchers and telephone operators. The department shall provide and accommodate agency needs as approved jointly by the department and the agency and as agency budgets allow;

(ii) The attorney general shall administer and control the operation and conduct of the criminal law enforcement system and shall coordinate statewide telecommunications network services under this system through the department;

(iii) The University of Wyoming and community college districts shall administer the operation and control of telephone data and video systems on the respective campuses and the department shall coordinate statewide telecommunications network services under these systems;

(iv) Telecommunications transport service requirements for any agency and educational institutions shall be coordinated through the department;

(v) Any public broadcasting service operating in the state shall be responsible for its operational services and federal licensing. The department shall assist in the coordination of any required statewide telecommunications transport services as appropriate;

(vi) The state public safety communications commission established under W.S. 9-2-1101 shall coordinate its statewide telecommunications transport service requirements through the department;

(vii) An agency may independently contract with a private service provider to obtain telecommunications services, equipment, software and networks, provided:

(A) The services, equipment and software meet compatibility standards

established by the department; and

(B) The agency's action will result in at least ten percent (10%) savings compared to the cost of similar services, equipment and software provided through the department;

(C) The action is approved as provided by subsection (d) of this section.

(j) The department may, through the infrastructure network developed under the statewide education technology plan in accordance with W.S. 21-2-202(a)(xx), contract with one (1) or more telecommunications providers to provide telecommunications services to:

(i) Private schools if the department determines network capacity is sufficiently available and private schools accessing the network reimburse the department for the costs of services provided under this subsection, including proportionate overhead and administrative costs;

(ii) Private health care providers if services are requested by the department of health under this subsection. The department of health shall:

(A) Determine health care services necessary for the effective and efficient operation of a telehealth network in the state;

(B) Notify the department in writing of the services deemed necessary;

(C) Reimburse the department for costs incurred for the provision of telecommunications services under this subsection from funds available for this purpose, including proportionate overhead and administrative costs;

(D) Develop charges for telecommunication services that cover the costs of the provision of telecommunication services to private health care providers; and

(E) In providing or facilitating the provision of services under this subsection, the department of health shall determine that services are not reasonably available from other sources.

(k) The state chief information officer may authorize a designee to carry out any duties assigned, whether denominated as the state chief information officer or director of the department, unless specifically precluded from doing so by statute.

(m) The department shall adopt reasonable rules and regulations to administer this article pursuant to the Wyoming Administrative Procedure Act.

(n) Nothing in this article shall be construed to authorize the department or the director to regulate or otherwise have any jurisdiction or authority over nongovernmental providers of telecommunications services or broadband services. Nothing in this article shall be construed to authorize the department or the state to be a telecommunications services provider to the private sector.

(o) The department shall report by November 1 of each year to the joint appropriations committee a list of any federal program being implemented by the department. The list shall include the specific statutory authorization, if any, authorizing the department's implementation of the program. The department shall not be required to report any program pursuant to this subsection for which it is providing solely support services for an agency charged with implementing the federal program.

9-2-2907. Department budget.

(a) The department shall not develop or use a standard budget, base budget and exception budget as provided in W.S. 9-2-1002 through 9-2-1014. The department of administration and information budget division shall transmit on or before August 15 of each odd numbered year, to the department of enterprise technology services its budget as approved by the legislature for the previous biennium. The director of the department shall develop an estimated budget for the subsequent fiscal biennium by revising the current budget, taking into account the duties and functions of the department and the most efficient means of performing those duties and functions and prepare and submit to the department of administration and information an estimated budget for the subsequent fiscal biennium. The estimated budget shall identify differences from the current budget, itemizing and explaining in writing the reason for each change.

(b) The information developed in budget documents shall include:

(i) Appropriations or other allotted revenues authorized to the department including all types of revenue regardless of source and final fund destination, federal fund identification and expected length of continuance of the federal funding;

(ii) Expenditures, obligations, encumbrances and balances of funds appropriated to the department from whatever source derived;

(iii) Estimates of revenues and future needs of the department;

(iv) Program changes, descriptions and activities of the department;

(v) An explanation of and reasons for anticipated receipts and expenditures of the department;

(vi) An assurance that the budget estimate was prepared in accordance with the department plan prepared according to W.S. 28-1-115 and 28-1-116;

(vii) Recommended transfers of appropriations and positions from other agencies within the executive branch to the department of enterprise technology.

(c) On or before September 15 of each odd numbered year the director shall return the completed estimated budget to the department of administration and information.

(d) The director of the department of administration and information and administrator of the budget division after compiling the requested budget estimate and related information shall include the estimated budget with those collected from the several agencies of the state and shall submit the overall state budget estimate and related information along with their comments and recommendations to the governor no later than November 1 of each year.

(e) The governor may, upon examining the budget estimate and requests and after consultation with the director of the department of enterprise technology services approve, disapprove, alter or revise the estimate and requests in accordance with applicable state and federal laws.

(f) The submission of the department's budget and expenditures therefrom, including preparation of supplemental budgets for presentation in general sessions shall be made within the time frame of W.S. 9-2-1012 and shall otherwise be in accordance with the provisions of W.S. 9-2-1002 through 9-2-1014.

Section 3. W.S. 9-2-117(a)(viii), 9-2-1003(c)(iv), 9-2-1005(a)(xii)(intro) and (B), 9-2-1104(a)(i), (iii) and (c), 9-2-1704(a)(intro), 9-2-2501(b), (c)(intro), (d) and (h), 9-12-103(g)(i), 16-4-202(d)(v), 19-13-104(d)(iii) and by creating a new paragraph (v), 21-2-202(a)(xx) and (xxxiv), 24-2-114(a)(i), 37-15-104(b), 37-15-407(b), 40-21-118(b)(intro) and 40-21-119 are 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:

(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~~ department of enterprise technology services.

9-2-1003. Director and division administrators; appointment; removal; powers of director.

(c) The director may:

(iv) Formulate through his office ~~or the information technology division~~ the policies and programs to be carried out by the department through its respective divisions.

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

(a) No warrant shall be drawn by the auditor or paid by the treasurer:

(xii) If the expenditure is for data processing hardware, software, consultants or training and exceeds the small purchase amount established by the department of enterprise technology services, unless specifically approved by one (1) of the following:

(B) The state chief information officer, ~~the director of the department making the expenditure or, if the agency is a separate operating agency, the administrative head of the agency for the executive branch.~~ A purchase shall not be approved pursuant to this subparagraph if it fails to conform with the criteria developed pursuant to W.S. ~~9-1-222(a)(iii)~~ 9-2-2906(b)(iii);

9-2-1104. Commission; powers and duties; advisory capacity to promote system development; public meetings; clerical and administrative support.

(a) The commission shall:

(i) Work with the ~~administrator of the information technology division of the department of administration and information enterprise technology services, the department of homeland security~~ and the department of transportation in an advisory capacity to promote the development, improvement and efficiency of public safety communications systems in the state;

(iii) Submit a plan for statewide system networking to the ~~administrator of the information technology division~~ department of enterprise technology services for inclusion in the statewide telecommunications plan developed pursuant to W.S. ~~9-2-1026.1(a)~~ 9-2-2906(g);

(c) Necessary clerical and administrative support for the commission shall be furnished in accordance with W.S. ~~9-2-1026.1(a)(xiii)~~ 19-13-104(d)(v).

9-2-1704. Reorganization plan; structure; time frame.

(a) Pursuant to this act and other laws establishing individual departments, the entire executive branch of state government shall be organized into not more than ~~fifteen (15)~~ sixteen (16) principal departments except for the offices of the following officials and except as provided in subsections (d); and (e) and (f) of this section:

9-2-2501. Director of department of enterprise technology services; duties; electronic transaction of business.

(b) The state chief information officer may provide for any state agency business to be conducted electronically in accordance with rules adopted under this section and in conformity with the provisions of the Uniform Electronic Transactions Act in title 40, chapter 21. No state agency shall be required by the chief information officer to conduct business electronically. Any state agency desiring to conduct business electronically shall adopt the procedures contained in rules of the ~~chief information officer~~ department of enterprise technology services.

(c) The ~~chief information officer~~ department of enterprise technology services may enact rules ~~he~~ the chief information officer deems necessary to implement this section subject to the provisions of the Uniform Electronic Transactions Act in title 40, chapter 21. The rules shall at a minimum:

(d) In adopting rules the ~~chief information officer~~ department of enterprise technology services shall consider whether the rule will allow for efficient, safe, secure and accurate transactions.

(h) No statutory provision which authorizes facsimile or electronic filing with any state agency shall be superseded by this section or any rule of the ~~chief information officer~~ department adopted pursuant to this section.

9-12-103. Wyoming business council; creation; composition; compensation; termination; meetings; surety bonds; fiscal control.

(g) Except as specifically provided in this act, the following provisions do not apply to the council:

(i) W.S. 9-2-1001 through ~~9-2-1026~~ 9-2-1026;

16-4-202. Right of inspection; rules and regulations; unavailability.

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(v) Nothing in this section shall prohibit the ~~state chief information officer~~ director of the office of homeland security from enacting any rules pursuant to his authority under W.S. ~~9-2-2501~~ 19-13-104(d)(v).

19-13-104. Powers of governor generally; director, office of homeland security.

(d) The position of the director, office of homeland security is created in the governor's office and shall be appointed by the governor. He shall be responsible to the governor and may be removed by the governor as provided in W.S. 9-1-202. The director shall:

(iii) Coordinate with the federal department of homeland security; ~~and~~

(v) Provide necessary administrative and clerical assistance to the public safety communications commission established under W.S. 9-2-1101.

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, ~~state telecommunications council~~, public service commission, department of transportation, department of ~~administration and information~~ enterprise technology services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provi-

sion of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of ~~administration and information enterprise technology services~~ pursuant to W.S. ~~9-2-1026.1(d)~~ 9-2-2906(g). Not later than January 10 of each year and with the assistance of participating agencies, an annual report on the status of the statewide education technology plan shall be prepared and issued by the state superintendent;

(xxxiv) In consultation with the ~~office of the chief information officer~~ department of enterprise technology services and through a single repository, establish criteria and guidelines for the collection, storage, management and reporting of data related to teacher certification and the administration of the school finance system.

24-2-114. State agency law enforcement communications system; department duties and responsibilities.

(a) The department of transportation shall:

(i) Maintain, install, operate and dispatch the state agency law enforcement communications system as defined by W.S. 9-2-1101(b); ~~subject to the supervision of the director of telecommunications as provided by W.S. 9-2-1026.1;~~

37-15-104. Services not regulated by this title.

(b) In addition to subsection (a) of this section, telecommunications service does not include, and the provisions of this title do not apply to telecommunications services provided by the department of ~~administration and information enterprise technology~~ to private health care providers under W.S. ~~9-2-1026.1(d)~~ 9-2-2906(j).

37-15-407. Annual report.

(b) The commission's report shall be filed with the legislature; and the governor; ~~and the state telecommunications council.~~

40-21-118. Acceptance and distribution of electronic records by governmental agencies.

(b) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (a) of this section, the ~~state chief information officer~~ department of enterprise technology services shall promulgate rules in accordance with the Wyoming Administrative Procedure Act to specify for state agencies:

40-21-119. Interoperability.

The ~~state chief information officer~~ department of enterprise technology services in adopting standards pursuant to W.S. 40-21-118 may encourage and promote consistency and interoperability with similar requirements adopted

by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

Section 4. W.S. 9-1-222, 9-2-1002(d)(iv), 9-2-1018, 9-2-1026.1 and 9-2-1026.2 are repealed.

Section 5.

(a) The directors of the departments of enterprise technology services and administration and information, with recommendations from the information technology policy council or any successor entity formed under the information technology governance program, shall review all existing authorized positions providing information technology support to an executive branch state agency. The directors shall submit to the governor's office a list of all such positions which provide common or shared services and should be transferred to the department of enterprise technology services in order to more efficiently provide services to the citizens of the state or state agencies.

(b) Commencing with the effective date of this section, no vacant position providing information technology support within an executive branch agency shall be filled until the agency director provides to the state chief information officer a description of the position and the agency director's recommendation as to whether the position should remain within the agency, be transferred to the department of enterprise technology or be eliminated with the department of enterprise technology assuming the responsibilities of the position. The governor may authorize the agency to fill, eliminate or transfer to the department of enterprise technology any position subject to this subsection.

(c) By November 1, 2012, the governor shall submit a list to the joint appropriations interim committee of those positions subject to subsection (a) of this section which he recommends should be transferred to the department of enterprise technology services. The listing shall include for each position the source of funding and for positions not wholly funded by the state general fund whether the funding source would be affected by transfer of the position. The governor shall also separately identify any positions eliminated or transferred to the department of enterprise technology pursuant to subsection (b) of this section.

(d) The joint appropriations interim committee shall review the lists provided and sponsor legislation in the 2013 general session as it determines appropriate to transfer positions and associated equipment and funding to the department of enterprise technology services and to remove from agency budgets positions eliminated pursuant to subsection (b) of this section or transferred to the department of information technology.

(e) Nothing in this section shall be construed to limit the authority of the governor to effect voluntary transfers of positions between agencies as otherwise authorized by law.

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 March 8, 2012

Chapter 31

CRIME VICTIM SERVICE PROVIDERS-REPORTING

Original House Bill No. 54

AN ACT relating to the Crime Victims Compensation Act; clarifying reporting requirements for recipients of crime victim services grants; 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 it 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 each provider of~~ community based services and ~~providers programs~~ submit an annual unduplicated count of the number of victims it 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 8, 2012.

Chapter 32

PERFECTION OF SECURITY INTERESTS-TITLED PERSONAL PROPERTY

Original House Bill No. 55

AN ACT relating to secured transactions; specifying the means for perfecting a security interest in specified titled personal property; and providing for an effective date.

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

Section 1. W.S. 34.1-9-311(a)(ii) is amended to read:

34.1-9-311. Perfection of security interests in property subject to certain statutes, regulations and treaties.

(a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(ii) The following statutes of this state: ~~there are no statutes~~ W.S. 31-2-101 through 31-2-105;

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 8, 2012.

Chapter 33

OPTIONAL SALES/USE TAX-USSES

Original House Bill No. 40

AN ACT relating to taxation and revenue; providing for the specific purpose excise to include maintenance of public roadways as specified; and providing for an effective date.

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

Section 1. W.S. 39-15-203(a)(iii)(B) and 39-16-203(a)(ii)(B) are amended to read:

39-15-203. Imposition.

(a) Taxable event. The following shall apply:

(iii) The following provisions apply to imposition of the specific purpose excise tax under W.S. 39-15-204(a)(iii):

(B) The revenue from the tax shall be used in a specified amount for spe-

cific purposes authorized by the qualified electors. Specific purposes may include one (1) time major maintenance, renovation or reconstruction of a specifically defined section of a public roadway. Specific purposes shall not include ordinary operations of local government except those operations related to a specific project;

39-16-203. Imposition.

(a) Taxable event. The following shall apply:

(ii) The following provisions apply to imposition of the specific purpose excise tax under W.S. 39-16-204(a)(ii):

(B) The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors. Specific purposes may include one (1) time major maintenance, renovation or reconstruction of a specifically defined section of a public roadway. Specific purposes shall not include ordinary operations of local government except those operations related to a specific project;

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 34

GOLD STAR LICENSE PLATES-EXPANDED ELIGIBILITY

Original House Bill No. 22

AN ACT relating to specialty license plates; expanding eligibility for the gold star license plate; and providing for an effective date.

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

Section 1. W.S. 31-2-229(a) is amended to read:

31-2-229. Special plates; gold star.

(a) Any person required to register a vehicle in Wyoming pursuant to this article may apply to the Wyoming veteran's commission for a statement of eligibility for distinctive gold star 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. Upon payment of the fee required in W.S. 31-3-102(a)(viii) by the department, the Wyoming veteran's commission shall issue a written statement of eligibility for the gold star plate. Only parents, grandparents, ~~or~~ spouses, children or siblings of a member of the United States armed forces who died while in service or who died as a result of the service shall be eligible to receive the gold star plates. Application shall be made at least thirty (30) days before registration of the vehicle expires.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 35

LIENS-FUEL CONSUMED IN A PROJECT

Original Senate File No. 46

AN ACT relating to liens; providing liens for fuel and lubricant consumed in a project as specified; providing applicability; and providing for an effective date.

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

Section 1. W.S. 29-1-201(a)(viii)(A), (B) and by creating a new subparagraph (C) is amended to read:

29-1-201. Definitions; agency relationships presumed.

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

(viii) "Material" means:

(A) Component parts incorporated into the project; ~~and~~

(B) Equipment and machinery, whether or not incorporated into the project; and

(C) Fuel and lubricants consumed in a project.

Section 2. This act shall apply to all fuel or lubricants furnished to a construction project on or after July 1, 2012.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 36

LIFE AND HEALTH INSURANCE GUARANTEE ASSOCIATION-LIMITATIONS

Original House Bill No. 5

AN ACT relating to insurance; increasing limits on annuity and health insurance benefits liability of life and health insurance guarantee association; and providing for an effective date.

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

Section 1. W.S. 26-42-103(d)(ii)(B) and (C) is amended to read:

26-42-103. Coverage and limitations.

(d) Except as provided in subsection (f) of this section, the benefits for which the association may be liable shall in no event exceed the lesser of:

(ii) With respect to any one (1) life, regardless of the number of policies or contracts:

(B) ~~One hundred thousand dollars (\$100,000.00)~~ In health insurance benefits:

(I) One hundred thousand dollars (\$100,000.00) for coverages not defined as disability insurance or disability income insurance or basic hospital, medical and surgical insurance or major medical insurance or long term care insurance including any net cash surrender and net cash withdrawal values;

(II) Three hundred thousand dollars (\$300,000.00) for disability insurance, disability income insurance and long-term care insurance;

(III) Three hundred thousand dollars (\$300,000.00) for basic hospital, medical and surgical insurance or major medical insurance.

(C) ~~One hundred thousand dollars (\$100,000.00)~~ Two hundred fifty thousand dollars (\$250,000.00) in the present value of annuity benefits including net cash surrender and net cash withdrawal values.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 37**INSURANCE-SURPLUS LINES**

Original House Bill No. 15

AN ACT relating to insurance; providing for regulation of surplus lines; providing for independently procured insurance; imposing a premium tax on such insurance; providing definitions; repealing inconsistent provisions; and providing for an effective date.

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

Section 1. W.S. 26-11-124 is created to read:

26-11-124. Independently procured insurance; duty to report and pay tax.

(a) Each insured in this state who procures, continues or renews insurance with a nonadmitted insurer on properties, risks or exposures located or to be performed in whole or in part in this state, other than insurance procured through a surplus lines broker, shall, within forty-five (45) days after the date

the insurance was so procured, continued or renewed, file a report with the commissioner, upon forms prescribed by the commissioner, showing the name and address of the insured or insureds, name and address of the insurer, the subject of insurance, a general description of the coverage, the amount of premium currently charged and additional pertinent information requested by the commissioner.

(b) At the time of filing the report required in subsection (a) of this section, the insured is subject to the same tax payment requirements as apply to a surplus lines broker in W.S. 26-11-118.

(c) This section does not abrogate or modify, and shall not be construed or deemed to abrogate or modify any other provision of this chapter.

Section 2. W.S. 26-3-102(a)(iii), 26-9-201, 26-9-207(g), 26-9-230(a), 26-11-101, 26-11-102(a)(intro) and by creating new subsections (b) and (c), 26-11-103(a)(iii), (iv)(A)(intro), by creating a new subparagraph (C), (v) and by creating new paragraphs (viii) through (xxi), 26-11-104(a)(intro), (ii), by creating new paragraphs (iv) through (vi) and by creating new subsections (b) and (c), 26-11-105, 26-11-106(a) and (b), 26-11-107(d) and by creating new subsections (e) through (g), 26-11-108(a), (b)(intro), (c), (e) and by creating a new subsection (f), 26-11-109, 26-11-110, 26-11-111, 26-11-112 by creating new subsections (f) through (n), 26-11-113(a)(intro) and by creating new paragraphs (iii) through (ix), 26-11-116(a)(intro), (i), by creating new paragraphs (x) through (xiii) and (b), 26-11-117(a), (b)(intro), (ii), (iv), by creating new paragraphs (vi) and (vii) and by creating new subsections (c) and (d), 26-11-118(c)(intro), (d) through (f) and by creating a new subsection (h), 26-11-119, 26-11-120(a) and 26-11-122 are amended to read:

26-3-102. When certificate not required.

(a) A certificate of authority is not required of an insurer for:

(iii) Transactions pursuant to surplus lines coverages lawfully written under chapter 11 of this code;

26-9-201. Purpose and scope.

This chapter governs the qualifications and procedures for the licensing of insurance producers. This chapter does not apply to excess and surplus lines brokers licensed pursuant to W.S. 26-11-112 except as provided in W.S. 26-9-207(b), 26-9-207(c), and ~~26-9-207(g)~~, 26-9-208 and 26-9-230 or as expressly provided in chapter 11 of this code.

26-9-207. License.

(g) The commissioner may contract with nongovernmental entities, including the National Association of Insurance Commissioners or any affiliates or subsidiaries that association oversees, to perform any ministerial functions, including the collection of fees, related to producer or surplus lines broker li-

censing that the commissioner and the nongovernmental entity may deem appropriate.

26-9-230. Service of process on nonresident producers.

(a) Application for and acceptance of a license as a nonresident insurance producer or surplus lines broker constitutes irrevocable appointment of the commissioner as the attorney of the licensee for the acceptance of service of process issued in this state in any action or proceeding against the licensee arising out of the licensing or any transactions under the license.

CHAPTER 11
NONADMITTED INSURANCE

26-11-101. Short title.

This chapter constitutes and may be cited as the "Surplus Line Nonadmitted Insurance Law".

26-11-102. Home state regulation of nonadmitted insurance; exemptions.

(a) This chapter does not apply to reinsurance or to the following insurances when placed by licensed agents or surplus line brokers of this state or when procured directly by an insured from a nonadmitted insurer:

(b) The placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home state.

(c) This section shall not be construed to preempt any state law, rule or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

26-11-103. Definitions.

(a) As used in this chapter:

(iii) "Export" means to place ~~in an unauthorized insurer under this surplus line law insurance covering a subject of insurance resident, located or to be performed in Wyoming~~ surplus lines insurance with a nonadmitted insurer;

(iv) "Home state" means as follows:

(A) Except as provided in ~~subparagraph~~ subparagraphs (B) and (C) of this paragraph, "home state" means, with respect to an insured:

(C) When a group policyholder pays one hundred percent (100%) of the premium from its own funds, the term "home state" means the home state, as determined pursuant to subparagraph (A) of this paragraph, of the group policyholder. When a group policyholder does not pay one hundred percent (100%) of the premium from its own funds, the term "home state" means the home state, as determined pursuant to subparagraph (A) of this paragraph, of the group member.

(v) “Nonadmitted insurance” means any property and casualty insurance not licensed to do the business of insurance in this state permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept the insurance;

(viii) “Affiliate” means with respect to an insured, any entity that controls, is controlled by or is under common control with the insured;

(ix) “Affiliated group” means any group of entities that are all affiliated;

(x) “Business entity” means a corporation, association, partnership, limited liability company, limited liability partnership or any other legal entity;

(xi) “Control” means an entity has “control” over another entity if:

(A) The entity directly or indirectly or acting through one (1) or more other persons owns, controls or has the power to vote twenty-five percent (25%) or more of any class of voting securities of the entity; or

(B) The entity controls in any manner the election of a majority of directors or trustees of the other entity.

(xii) “Independently procured insurance” means insurance procured directly by an insured from an eligible nonadmitted insurer;

(xiii) “Kind of insurance” means one (1) of the types of insurance required to be reported in the annual statement which is filed with the commissioner by admitted insurers;

(xiv) “Nonadmitted insurer” means with respect to a state, an insurer not licensed to engage in the business of insurance in the state, but does not include a risk retention group as that term is defined in section 2(a)(4) of the Liability Risk Retention Act of 1986, 15 U.S.C. 3901(a)(4);

(xv) “Premium tax” means with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees and any other compensation given in consideration for a contract of insurance;

(xvi) “Principal place of business” means with respect to determining the home state of the insured:

(A) The state where the insured maintains its headquarters and where the insured’s high-level officers direct, control and coordinate the business’ activities;

(B) If the insured’s high-level officers direct, control and coordinate the business’ activities in more than one (1) state, the state in which the greatest percentage of the insured’s taxable premium for that insurance contract is allocated;
or

(C) If the insured maintains its headquarters or the insured’s high-level

officers direct, control and coordinate the business activities outside of any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(xvii) "Principal place of residence" means with respect to determining the home state of the insured:

(A) The state where the insured resides for the greatest number of days during a calendar year; or

(B) If the insured's principal residence is located outside any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(xviii) "Qualified risk manager" means with respect to a policyholder of commercial insurance, a person who meets all of the requirements set forth by department rule and regulation, which requirements shall be in compliance with the Nonadmitted and Reinsurance Reform Act of 2010;

(xix) "Surplus lines broker" means an individual or business entity which is licensed in a state to sell, solicit or negotiate insurance on properties, risks or exposures located or to be performed in a state with nonadmitted insurers;

(xx) "Type of insurance" means coverage afforded under the particular policy that is being placed;

(xxi) "Wet marine and transportation insurance" means:

(A) Insurance upon vessels, crafts, hulls and other interests in them or with relation to them;

(B) Insurance of marine builder's risks, marine war risks and contracts of marine protection and indemnity insurance;

(C) Insurance of freight and disbursements pertaining to a subject of insurance within the scope of this subsection; and

(D) Insurance of personal property and interests therein, in the course of exportation from or importation into any country, or in the course of transportation coastwise or on inland waters, including transportation by land, water or air from point of origin to final destination, in connection with any and all risks or perils of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any incidental delays, transshipment or reshipment, provided, however, that insurance of personal property and interests therein shall not be considered wet marine and transportation insurance if the property has:

(I) Been transported solely by land;

(II) Reached its final destination as specified in the bill of lading or other shipping document; or

(III) The insured no longer has an insurable interest in the property.

26-11-104. Conditions for export.

(a) If certain insurance coverages cannot be procured from authorized insurers, those coverages, designated in this chapter as “surplus lines”, may be procured from ~~unauthorized nonadmitted~~ insurers, subject to the following conditions:

(ii) The full amount of insurance required is not procurable, after diligent effort has been made to do so, from among the insurers authorized to transact and actually writing that kind and class of insurance in this state, and the amount of insurance exported shall be only the excess over the amount procurable from authorized insurers. The surplus lines broker shall verify that a properly conducted diligent effort search was performed and documented as prescribed by the commissioner;

(iv) The insurer is an eligible nonadmitted insurer;

(v) The insurer is authorized to write the kind of insurance in its domiciliary jurisdiction;

(vi) All other requirements of this chapter are met.

(b) A surplus lines broker is not required to make a diligent effort search to determine whether the full amount or type of insurance can be obtained from admitted insurers when the broker is seeking to procure or place nonadmitted insurance for an exempt commercial purchaser provided:

(i) The broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(ii) The exempt commercial purchaser has subsequently requested in writing for the broker to procure or place such insurance from a nonadmitted insurer.

(c) For purposes of this section, the term “exempt commercial purchaser” means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(i) The person employs or retains a qualified risk manager to negotiate insurance coverage;

(ii) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of one hundred thousand dollars (\$100,000.00) in the immediately preceding twelve (12) months;

(iii) The person meets at least one (1) of the following criteria:

(A) The person possesses a net worth in excess of twenty million dollars (\$20,000,000.00) as adjusted pursuant to paragraph (iv) of this subsection;

(B) The person generates annual revenues in excess of fifty million dollars (\$50,000,000.00) as adjusted pursuant to paragraph (iv) of this subsection;

(C) The person employs more than five hundred (500) full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than one thousand (1,000) employees in the aggregate;

(D) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least thirty million dollars (\$30,000,000.00) as adjusted pursuant to paragraph (iv) of this subsection;

(E) The person is a municipality with a population in excess of fifty thousand (50,000) individuals.

(iv) Effective on January 1, 2015 and every five (5) years thereafter, the amounts in subparagraphs (A), (B) and (D) of paragraph (iii) of this subsection shall be adjusted to reflect the percentage change for such five (5) year period in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor.

26-11-105. Surplus lines transaction report.

(a) ~~At the time of effecting~~ Within forty-five (45) days after placing any surplus line insurance ~~the for an insured whose home state is this state, each surplus lines broker shall execute an affidavit in a form the commissioner prescribes or accepts, setting forth facts from which it can be determined whether the insurance is eligible for export under W.S. 26-11-104. The broker shall file this affidavit with the commissioner within thirty (30) days after the insurance is effected. and file a report regarding the insurance coverage which shall be kept confidential by the commissioner, including the following:~~

(i) The name and address of the insured;

(ii) The identity of the insurer or insurers;

(iii) A description of the subject and location of the risk;

(iv) The amount of premium charged for the insurance;

(v) Tax allocation information detailing the portion of the premium attributable to properties, risks or exposures located in each state; and

(vi) Any other information as may be required by the commissioner.

(b) The report shall be on forms prescribed by the commissioner.

26-11-106. Open lines for export.

(a) The commissioner, by order, may declare eligible for export generally and without compliance with W.S. 26-11-104(a)(i) and ~~26-11-105~~ 26-11-104(a)(ii) and (iii), any class of insurance coverage or risk for which he finds, after a hearing of which notice is given to each insurer authorized to transact those classes in this state, that there is not a reasonable or adequate market among authorized insurers either as to acceptance of the risk, contract terms, premium or premium rate. The order shall continue in effect during the existence of the conditions upon which predicated, but subject to the commissioner's earlier termination.

(b) The broker shall file with or as directed by the commissioner a ~~memorandum report~~ as to each coverage he places in ~~an unauthorized~~ a nonadmitted insurer, in such form and context as the commissioner requires for the identification of the coverage and determination of the tax payable to the state, ~~relative thereto~~.

26-11-107. Requirements for eligible nonadmitted insurers; publication of eligible insurers.

(d) The commissioner from time to time may publish a list of all surplus lines insurers he deems eligible currently and shall mail a copy of the list to each broker at his office last of record with the commissioner. This subsection does not obligate the commissioner to determine the actual financial condition or claims practices of any ~~unauthorized nonadmitted~~ insurer. The status of eligibility, if granted by the commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary. While any such list is in effect the broker shall restrict to the insurers listed all surplus line business he places.

(e) A surplus lines broker shall not place coverage with a nonadmitted insurer unless, at the time of placement, the surplus lines broker has determined that the nonadmitted insurer is eligible under this section.

(f) A nonadmitted insurer eligible to place surplus lines insurance or independently procured insurance shall:

(i) Be authorized to write the kind of insurance in its domiciliary jurisdiction;

(ii) Have established satisfactory evidence of good repute and financial integrity; and

(iii) Be qualified under one (1) of the following subparagraphs:

(A) Have capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:

(I) The minimum capital and surplus requirements under the law of this state; or

(II) Fifteen million dollars (\$15,000,000.00).

(B) The requirements of subparagraph (A) of this paragraph may be satisfied by an insurer's possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the commissioner. The finding shall be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability and company record and reputation within the industry. In no event shall the commissioner make an affirmative finding of acceptability when the nonadmitted insurer's capital and surplus is less than four million five hundred thousand dollars (\$4,500,000.00);

(iv) For an insurer not domiciled in the United States or its territories, the insurer is listed on the quarterly listing of alien insurers maintained by the NAIC international insurers department.

(g) The commissioner is authorized to enter into a cooperative agreement or interstate agreement or compact to establish additional and alternative nationwide uniform eligibility requirements that shall be applicable to nonadmitted insurers domiciled in another state or territory of the United States.

26-11-108. Evidence of surplus lines insurance.

(a) Upon placing a surplus line coverage lines insurance coverage, the surplus lines broker shall promptly issue and deliver to the insured or the producer the policy, or if the policy is not then available, a certificate as described in subsection (f) of this section, cover note, binder or other evidence of the insurance, consisting either of the policy as issued by the insurer, or, if the policy is not then available, the surplus line broker's certificate. The certificate described in subsection (f) of this section, cover note, binder or other evidence of insurance shall be executed by the broker and shall show the description and location of the subject of the insurance, coverage coverages including any material limitations other than those in standard forms, conditions and term a general description of the coverages of the insurance, the premium and rate charged, taxes to be collected from the insured, and the name and address of the insured and surplus lines insurer. If more than one (1) insurer assumes the direct risk, the certificate shall state the name and address of each insurer and the or insurers and the proportion of the entire direct risk each assumes assumed by each and the name and license number of the surplus lines broker.

(b) No broker shall issue or deliver any certificate or any cover note evidence of insurance or purport to insure or represent that insurance will be or has been granted written by any unauthorized nonadmitted insurer, unless he the broker has:

(c) If after the issuance and delivery of any certificate evidence of insurance there is any change as to the insurer's identity, or the proportion of the direct risk an assumed by any insurer assumes as stated in the broker's original certificate, or in any other material respect change in coverage as to stated in the surplus lines broker's original evidence of insurance evidenced by the certificate or in any other material as to the insurance coverage so evidenced, the surplus lines broker shall promptly issue and deliver to the insured a or the original producer an appropriate substitute certificate for, or endorsement of the original document, accurately showing the current status of the coverage and the insurers responsible thereunder for the coverage.

(e) Any surplus line-lines broker who knowingly or negligently issues a false certificate or other evidence of insurance, or who fails promptly to notify the insured of any material change with respect to the insurance by delivery to the

insured of a substitute certificate, cover note, binder or other evidence of insurance as provided in subsection (c) of this section, upon conviction, is subject to the penalty provided by W.S. 26-1-107 or to any greater applicable penalty otherwise provided by law.

(f) As soon as reasonably possible after the placement of the insurance, the surplus lines broker shall deliver a copy of the policy or, if not available, a certificate of insurance to the insured or producer to replace any evidence of insurance previously issued. Each certificate or policy of insurance shall contain or have attached a complete record of all policy insuring agreements, conditions, exclusions, clauses, endorsements or any other material facts that would regularly be included in the policy.

26-11-109. Endorsement of contract; duty to notify insured.

(a) Any insurance contract procured and delivered as a surplus ~~line~~lines coverage pursuant to this chapter shall have stamped or printed upon it, ~~initiated by or bearing the name in~~ at least ten (10) point bold type font, the name and address of the surplus line broker who procured ~~it~~the coverage, and the following: "This insurance contract is issued pursuant to the Wyoming Insurance Laws by an insurer neither licensed by nor under the jurisdiction of the Wyoming Insurance Department. In the event of insolvency of the surplus lines insurer, losses will not be paid by the Wyoming Insurance Guaranty Association."

(b) No contract of insurance placed by a surplus lines broker under this chapter shall be binding upon the insured and no premium charged shall be due and payable until the surplus lines broker shall have notified the insured in writing, in a form acceptable to the commissioner, a copy of which shall be maintained by the surplus lines broker with the records of the contract and available for possible examination, that:

(i) The insurer with which the surplus lines broker places the insurance is not licensed by this state and is not subject to its supervision; and

(ii) In the event of the insolvency of the surplus lines insurer, losses will not be paid by the state insurance guaranty association.

(c) Nothing herein contained shall nullify any agreement by any insurer to provide insurance.

26-11-110. Enforceability and validity of nonadmitted insurance.

Insurance contracts procured as ~~surplus line~~coverage from unauthorized insurers in accordance with this chapter are fully valid and enforceable as to all parties and shall be given recognition in all matters and respects to the same effect as like contracts issued by authorized insurers.

26-11-111. Liability of insurer as to losses and unearned premiums; applicability of section to insurers.

(a) As to a surplus line risk which is assumed by ~~an unauthorized~~ a nonad-

mitted insurer pursuant to this chapter, and if the premium thereon is received by the surplus line broker who placed the insurance, in all questions thereafter arising under the coverage as between the insurer and the insured the insurer is deemed to have received the premium due to it for that coverage. The insurer is liable to the insured for losses covered by the insurance and for unearned premiums which are payable to the insured upon cancellation of the insurance, whether or not the broker is indebted to the insurer with respect to the insurance or for any other cause.

(b) Each ~~unauthorized nonadmitted~~ insurer assuming a surplus line risk under this chapter subjects itself to the terms of this section.

26-11-112. Surplus lines broker's license; authority for issuance; application; fee; applicable law.

(f) The commissioner may issue a resident surplus lines broker license to a qualified holder of a current property and casualty producer license if:

(i) The person has paid the fees set forth in W.S. 26-4-101(a);

(ii) The person has submitted or transmitted to the commissioner a completed uniform application;

(iii) The individual has taken and passed a written examination in a form prescribed by the commissioner; and

(iv) The person has established and continues to maintain an office in this state.

(g) A nonresident person shall receive a nonresident surplus lines broker license pursuant to the requirements of W.S. 26-9-208.

(h) A business entity acting as a surplus lines broker is required to obtain a surplus lines broker license. In addition to the requirements for licensure set forth in subsections (f) and (g) of this section; before approving the application the commissioner shall find that the business entity has designated a licensed surplus lines broker responsible for the business entity's compliance with the insurance laws, rules and regulations of this state.

(j) The commissioner may require any documents reasonably necessary to verify the information contained in an application.

(k) The commissioner shall waive any requirements for a nonresident surplus lines license applicant with a valid license from his home state, except the requirements imposed by this section, if the applicant's home state awards nonresident surplus lines licenses to residents of this state on the same basis.

(m) A business entity surplus lines broker license shall expire on March 31 in the second year following the issuance or renewal of the license, and an application for renewal shall be filed on or before the license expiration date upon payment of the continuation fee and compliance with other provisions of this section.

(n) The license and licensee are subject to chapter 9 of this title as provided in W.S. 26-9-201.

26-11-113. Surplus lines broker's license; suspension or revocation; grounds; procedure.

(a) The commissioner may, after appropriate notice and opportunity for hearing pursuant to the Wyoming Administrative Procedure Act and in accordance with W.S. 26-2-125 through 26-2-129, place on probation, suspend, or revoke or refuse to issue or renew any surplus ~~line~~ lines broker's license or other license issued under this title, or may levy a civil penalty in accordance with W.S. 26-1-107 or any combination of actions for any one (1) or more of the following causes:

(iii) Removal of the resident surplus lines broker's office from this state;

(iv) Removal of the resident surplus lines broker's office accounts and records from this state during the period during which the accounts and records are required to be maintained under W.S. 26-11-116;

(v) Failure to make and file required reports when due;

(vi) Failure to remit the tax on surplus lines premiums as provided in this chapter;

(vii) Failure to maintain a bond as required by W.S. 26-11-114;

(viii) Violation of any provision of this chapter; or

(ix) For any cause for which an insurance license could be denied, revoked, suspended or renewal refused under chapter 9 of this title.

26-11-116. Records of broker; contents; examination.

(a) Each surplus lines broker shall keep in his office a full and true record of each surplus ~~line~~ coverage he procures, including a copy of each daily report, if any, ~~lines~~ insurance contract placed by or through the broker for which this state is the home state of the insured, including a copy of each ~~the~~ policy, certificate, cover note or other evidence of insurance ~~he issues and any showing~~ each of the following applicable items:

(i) Amount of the insurance, risks and perils insured;

(x) Amount of tax and other sums to be collected from the insured;

(xi) Allocation of taxes by state as referred to in W.S. 26-11-118;

(xii) Identity of the producer, any confirming correspondence from the insurer or its representative, and the application; and

(xiii) Any other information the commissioner requires.

(b) The record of each contract shall be kept open at all reasonable times to examination by the commissioner at all times ~~within~~ without notice for a period of not less than five (5) years after issuance of the coverage to which

it relates following termination of the contract. In lieu of maintaining offices in this state, each nonresident surplus lines broker shall make available to the commissioner any and all records that the commissioner deems necessary for examination.

26-11-117. Annual report; summary of exported business.

(a) Each surplus lines broker, annually, on or before March 1, shall file with the commissioner a verified statement report of all surplus line insurance he transacted during the preceding calendar year.

(b) The statement report shall be on forms the commissioner prescribes ~~and furnishes~~ and shall show:

(ii) Aggregate gross premiums ~~charged~~ written;

(iv) Aggregate of net premiums; ~~and~~

(vi) Amount of aggregate tax remitted to this state; and

(vii) Amount of aggregate tax due or remitted to each other state for which an allocation is made pursuant to W.S. 26-11-118.

(c) More frequent reporting and tax payment may be required by participation in a multistate compact, reciprocal agreement or clearinghouse pursuant to W.S. 26-11-123.

(d) The report shall include the surplus lines broker's affidavit as to the diligent effort to place coverages with admitted insurers and the results thereof.

26-11-118. Tax on surplus lines.

(c) In addition to the full amount of gross premiums charged by the insurer for the insurance, every surplus lines ~~producer-broker~~ shall collect and pay to the commissioner a sum equal to three percent (3%) of the gross premiums charged, ~~assessments, membership fees, subscriber fees, policy fees and service fees less any return premiums~~, for surplus lines insurance provided by the surplus lines ~~producer-broker~~. Where the insurance covers properties, risks or exposures located or to be performed both in and out of Wyoming, the sum payable shall be computed based on:

(d) The tax on any portion of the premium unearned at termination of insurance having been credited by the state to the surplus lines ~~producer-broker~~ shall be returned to the policyholder directly by the surplus lines ~~producer-broker~~. The surplus lines ~~producer-broker~~ is prohibited from rebating, for any reason, any part of the tax.

(e) Annually, on or before March 1, each surplus lines broker shall pay the premium tax due for the policies written during the preceding calendar year as shown by his annual statement report filed with the commissioner unless more frequent reporting and payment is required by participation in a multistate compact, reciprocal agreement or clearinghouse pursuant to subsection (g) of this section. The surplus lines broker shall pay interest on the amount of any delinquent tax due, at

the rate of nine percent (9%) per year, compounded annually, beginning the day the amount becomes delinquent.

(f) If a surplus lines policy procured through a surplus lines ~~producer-broker~~ covers properties, risks or exposures only partially located or to be performed in Wyoming, the tax due shall be computed on the portions of the premiums which are attributable to the properties, risks or exposures located or to be performed in this state. In determining the amount of premiums taxable in Wyoming, all premiums written, procured or received in Wyoming shall be considered written on properties, risks or exposures located or to be performed in Wyoming, except premiums which are properly allocated or apportioned and reported as taxable premiums of a reciprocal state.

(h) The commissioner is authorized to utilize the allocation schedule included in the nonadmitted insurance multistate agreement for the purpose of allocating risk and computing the tax due on the portion of premium attributable to each risk classification and to each state where properties, risks or exposures are located.

26-11-119. Failure to file report or pay tax; penalty.

~~If Any licensed surplus lines broker or insured who independently procures insurance, who fails to file his annual statement, or fails to remit the tax provided by W.S. 26-11-118, prior to April 1 after the tax is due, and if in the commissioner's opinion the failure is without just cause, the broker is liable for a twenty-five dollar (\$25.00) fine a report in the form and within the time required or provided for in W.S. 26-11-117 or 26-11-124 may be fined up to twenty-five dollars (\$25.00) per day for each day of the delinquency commencing with April 1 continues, beginning the day after the report was due until the date the report is received. The tax may be collected by distraint, or the tax and fine may be recovered by an action the commissioner institutes in any court of competent jurisdiction. The surplus lines broker or insured who independently procures insurance shall pay interest on the amount of any delinquent tax due as required by W.S. 26-11-118(e).~~

26-11-120. Service of process against nonadmitted insurer.

~~An unauthorized~~ A nonadmitted insurer shall be sued, upon any cause of action arising in this state under any contract it issues as a surplus line nonadmitted insurance contract pursuant to this chapter, in the district court of the county in which the cause of action arises.

26-11-122. Disclosure to commissioner of insurance placed with nonadmitted insurer.

Any person for whom insurance is placed with an ~~unauthorized nonadmitted~~ insurer, upon the commissioner's order, shall produce for his examination all policies and other documents evidencing the insurance and shall disclose to the commissioner the amount of gross premiums paid or agreed to be paid

for the insurance. If the person refuses to obey the commissioner's order, he is subject to the penalties provided by W.S. 26-1-107 for each refusal.

Section 3. W.S. 26-11-107(a) and (b), 26-11-108(d), 26-11-112(a) through (d), 26-11-113(a)(i) and (ii) and 26-11-116(a)(ix) 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 March 8, 2012.

Chapter 38

INSURANCE CODE-REVISIONS

Original House Bill No. 16

AN ACT relating to insurance; modifying provisions relating to maintaining NAIC accreditation and relating to financial solvency of insurers; authorizing premium rate adjustments by the commissioner; providing for judicial review of commissioner decisions; providing for consideration of protection of creditors in suspension or revocation of certificates of authority; providing guidelines for suspension and revocation of certificates of authority; adjusting risk based capital requirements for life, disability and health insurers; and providing for an effective date.

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

Section 1. W.S. 26-3-133 is created to read:

26-3-133. Judicial review.

Any order or decision of the commissioner pursuant to this title shall be subject to review in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115, at the instance of any party to the proceedings whose interests are substantially affected.

Section 2. W.S. 26-3-116(c)(intro), (i), (ii), (iv), (vii) and by creating new paragraphs (xvi) through (xxi), 26-3-132(a)(ii), (b)(intro), by creating new paragraphs (x) through (xii) and (c), 26-48-103(a)(i)(B), 26-48-202 by creating a new subsection (d), 26-48-203(a) by creating a new paragraph (ii) and by amending and renumbering paragraphs (ii) and (iii) as (iii) and (iv) and 26-48-208(e) are amended to read:

26-3-116. Suspension and revocation of certificate of authority; discretionary and special grounds.

(c) In determining whether the continued operation of any insurer transacting insurance business in this state is hazardous or injurious to policyholders, creditors or the general public the commissioner may consider any of the following:

(i) Adverse findings reported in financial condition and market conduct examination reports, audit reports and actuarial opinions, reports or summaries;

(ii) The National Association of Insurance Commissioners' Insurance Regulatory Information System and its related reports other financial analysis solvency tools and reports;

(iv) The value, liquidity and diversity of the insurer's asset portfolio under the current economic conditions to assure the company's ability to meet its outstanding Whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations as they mature and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts;

(vii) Any affiliate's, subsidiary's, parent's, obligor's or reinsurer's insolvency, threatened insolvency or delinquency in payment of its monetary or other obligations and which in the opinion of the commissioner may affect the solvency of the insurer;

(xvi) Whether the insurer's operating loss in the last twelve (12) month period or any shorter period of time, excluding net capital gains, is greater than twenty percent (20%) of the insurer's remaining surplus as regards policyholders in excess of the minimum required;

(xvii) Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the commissioner;

(xviii) Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles or standards of practice;

(xix) Whether management persistently engages in material underreserving that results in adverse development;

(xx) Whether transactions among affiliates, subsidiaries or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;

(xxi) Any other finding determined by the commissioner to be hazardous to the insurer's policyholders, creditors or general public.

26-3-132. Commissioner's authority.

(a) For the purposes of making a determination of an insurer's financial condition under this code, the commissioner may:

(ii) Make appropriate adjustments, including disallowance, to asset values attributable to investments in or transactions with an insurer's parent company, subsidiaries or affiliates consistent with the NAIC Accounting Practices and Procedures Manual, state laws and regulations;

(b) If the commissioner determines that the continued operation of the insurer licensed to transact business in this state may be hazardous or injurious to ~~the~~ its policyholders, creditors or the general public, then the commissioner may, in addition to any other action permitted by this code, issue an order requiring the insurer to:

(x) Correct corporate governance practice deficiencies and adopt and utilize governance practices acceptable to the commissioner;

(xi) Provide a business plan to the commissioner in order to continue to transact business in the state;

(xii) Notwithstanding W.S. 26-14-102, 26-19-304, 26-21-109, 26-23-326 and 26-34-109, adjust rates for any nonlife insurance product written by the insurer that the commissioner considers necessary to improve the financial condition of the insurer.

(c) Any insurer subject to an order under subsection (b) of this section may request a hearing to review that order as provided in W.S. 26-2-125. The notice of hearing shall be served upon the insurer pursuant to W.S. 26-2-126. The notice of hearing shall state the time and place of hearing and the conduct, condition or grounds upon which the commissioner based the order. Unless mutually agreed between the commissioner and the insurer, the hearing shall occur not less than ten (10) days nor more than thirty (30) days after notice is served and shall be either in Laramie County or in some other place convenient to the parties designated by the commissioner. Notwithstanding any other provision of law, the commissioner shall hold all hearings under this subsection privately, unless the insurer requests a public hearing, in which case the hearing shall be public.

26-48-103. Company action level event.

(a) “Company action level event” means any of the following events:

(i) The filing of an RBC report by an insurer which indicates any of the following:

(B) If a life or disability insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of authorized control level RBC and ~~two and one-half (2 1/2)~~ three (3), and has a negative trend; or

26-48-202. Risk-based capital reports.

(d) An excess of capital over the amount produced by the risk-based capital requirements contained in this article and the formulas, schedules and instructions referenced in this article is desirable in the business of health insurance. Accordingly, health organizations should seek to maintain capital above the RBC levels required by this article. Additional capital is used and useful in the insurance business and helps to secure a health organization against various

risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk-based capital requirements contained in this article.

26-48-203. Company action level event.

(a) “Company action level event” means any of the following events:

(ii) If a health organization has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and three (3) and triggers the trend test determined in accordance with the trend test calculation included in the health RBC instructions;

(ii)(iii) Notification by the commissioner to the health organization of an adjusted RBC report that indicates an event in paragraph (i) or (ii) of this subsection, provided the health organization does not challenge the adjusted RBC report under W.S. 26-48-207; or

(iii)(iv) If a health organization challenges an adjusted RBC report that indicates the event in paragraph (i) or (ii) of this subsection under W.S. 26-48-207, the notification by the commissioner to the health organization that the commissioner has, after a hearing, rejected the health organization’s challenge.

26-48-208. Confidentiality; prohibition on announcements; prohibition on use in ratemaking.

(e) The comparison of a health organization’s total adjusted capital to any of its RBC levels is a regulatory tool which may indicate the need for corrective action with respect to the health organization and is not intended as a means to rank health organizations generally. Therefore, except as otherwise required under the provisions of this article, the making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over a radio or television station, or in any other way, an advertisement, announcement or statement containing an assertion, representation or statement with regard to the RBC levels of any health organization, or of any component derived in the calculation, by any health organization, agent, broker or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited, provided, however, that if any materially false statement with respect to the comparison regarding a health organization’s total adjusted capital to its RBC levels or an inappropriate comparison of any other amount to the health organizations’ RBC levels is published in any written publication and the health organization is able to demonstrate to the commissioner with substantial proof the falsity of the statement, or the inappropriateness, as the case may be, then the health organization may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

Section 3. W.S. 26-3-116(c)(iii) is repealed.

Section 4. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 39

SERVICE OF PROCESS FEES

Original House Bill No. 2

AN ACT relating to service of process fees; providing for setting of service of process fees; and providing for an effective date.

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

Section 1. W.S. 18-3-608(a)(intro) is amended to read:

18-3-608. Fees generally.

(a) For the serving of process according to the Wyoming Rules of Civil Procedure, each county sheriff shall receive from the party requesting service a single fee, to be determined and set ~~biannually~~ by the board of county commissioners after a public hearing, paid in advance to be credited to the county general fund, not to exceed fifty dollars (\$50.00) for the first three (3) attempts at service at a different time and date for each attempt. Thereafter a fee not to exceed ten dollars (\$10.00) may be charged for each succeeding attempt. The court may waive the fees upon an adequate showing of indigency. Any fees waived may, pursuant to court order, be assessed and collected against any judgment rendered. Each county sheriff shall receive from the party for whom service is rendered in civil cases the following fees which shall be transmitted to the county treasurer to be credited to the county general fund and which shall be paid in advance if demanded by the sheriff from the party for whom the service is rendered:

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 40

NUCLEAR ENERGY TASK FORCE EXTENSION

Original Senate File No. 12

AN ACT relating to nuclear energy; reconstituting the nuclear energy production task force as specified; 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) The task force on nuclear energy production created by 2011 Wyoming Session Laws, Chapter 148, Section 1 is hereby reconstituted as specified in this act. At the pleasure of the official who appointed them to the prior task force, current members of the task force may be appointed to serve on the reconstituted task force or the president of the senate, the speaker of the house or the governor, respectively, may appoint new members to the task force. All task force appointments or reappointments shall occur on or before April 15, 2012.

(b) The task force shall study the following, as they relate to nuclear energy production:

(i) Potential incentives to encourage nuclear energy production in this state including taxation issues, use of unappropriated waters of the state and private and public sector partnerships;

(ii) State regulatory provisions unduly restricting the development of nuclear power production;

(iii) The role of local land use planning;

(iv) Any relevant federal statutes that may preempt or limit state or county authority;

(v) Storage and reprocessing technologies, including short term and long term storage issues;

(vi) The role of higher education within the state in developing nuclear energy production;

(vii) Other issues the task force may consider useful in encouraging appropriate nuclear energy production in the state, including avoidance of duplicative or conflicting requirements.

(c) The task force shall submit its recommendations, including proposed legislation with respect to the issues specified in subsection (b) of this section, to the joint minerals, business and economic development interim committee and the governor no later than November 1, 2012. The joint minerals, business and economic development interim committee shall consider the recommendations and develop legislation it deems appropriate for consideration by the legislature in the 2013 general session.

(d) The task force shall exist until December 31, 2012. 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.

Section 2.

(a) For the purposes of this act, there is appropriated from the general fund:

(i) Eighteen thousand dollars (\$18,000.00) to the legislative service office for payment of salary, per diem and mileage for legislative task force members;

(ii) Eight thousand dollars (\$8,000.00) to the governor's office for payment of authorized per diem and mileage for nonlegislative task force members.

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 8, 2012.

Chapter 41**NUCLEAR AND HYBRID ENERGY SYSTEM RELATED PROJECTS**

Original Senate File No. 14

AN ACT relating to business development; requiring the Wyoming business council to contact the department of energy and other entities regarding next generation nuclear plants and hybrid energy system facilities as specified; providing an appropriation; requiring a report; and providing for an effective date.

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

Section 1.

(a) The Wyoming business council, in consultation with the governor, shall contact the United States department of energy and other entities regarding the possibility of locating within the state of Wyoming any next generation nuclear plant project under consideration by the department of energy under its nuclear energy research initiative. In addition, the Wyoming business council shall investigate the feasibility of locating hybrid energy system facilities that include the use of other forms of energy resources in Wyoming including, without limitation, coal and coal gasification, natural gas, oil, wind and other renewable resources. The Wyoming business council shall also evaluate supply chain industries related to nuclear and hybrid energy systems facilities including, without limitation, those industries that provide equipment and feed stocks. This evaluation shall include, without limitation, consideration of whether the supply chain industries would limit the development of projects and opportunities for adding value to Wyoming resources.

(b) Not later than November 1, 2012, the Wyoming business council shall report the results of any discussions with the United States department of energy or other entities under this section to the joint minerals, business and economic

development interim committee. The report shall include any suggested legislation which may encourage the location of a next generation nuclear plant, hybrid energy system facility or supply chain manufacturing facility project within the state of Wyoming.

(c) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the Wyoming business council. This appropriation shall only be expended for the purpose of conducting the investigations and providing the report as specified under this act. No portion of this appropriation shall be expended prior to an agreement between the Wyoming business council and the Idaho national laboratory or other entity that the Idaho national laboratory or other entity will expend an amount not less than two hundred fifty thousand dollars (\$250,000.00) in conducting the investigations and providing information for the report as specified under this act. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall be provided to the University of Wyoming for support from the college of engineering and applied sciences, the college of business, the school of energy resources and for coordination with the state geological survey. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) may be used to contract with outside entities including nuclear reactor and next generation nuclear power facilities. 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, 2013.

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 8, 2012.

Chapter 42

PURCHASE OF FEDERAL LANDS

Original Senate File No. 55

AN ACT relating to state trust lands; authorizing the purchase of federal lands with permanent land fund monies as specified; and providing for an effective date.

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

Section 1. W.S. 9-4-715(k) and by creating a new subsection (o) is amended to read:

9-4-715. Permissible investments.

(k) Except as provided in subsection (o) of this section, upon request of the

board, the state treasurer may invest funds received from sales of state trust lands plus up to two million dollars (\$2,000,000.00) one-time seed money contained in the common school account within the permanent land fund, by purchasing land and improvements thereon within Wyoming as assets of the trust.

(o) Upon request of the board and when determined by the board to be consistent with the duties and obligations owed to beneficiaries of state trust land sales proceeds, the state treasurer shall invest funds received from the sale of state trust lands to the federal government by purchasing federal lands and improvements within Wyoming from the federal government.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 43

DUI-PENALTIES

Original House Bill No. 88

AN ACT relating to motor vehicles; increasing penalty for fourth or subsequent offense of driving under the influence; and providing for an effective date.

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

Section 1. W.S. 31-5-233(e) is amended to read:

31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection (h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. On a second offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least

seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). On a third offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall receive a substance abuse assessment pursuant to W.S. 7-13-1302 and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least thirty (30) days in jail except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment during any mandatory period of incarceration. The minimum period of imprisonment for a third violation shall be mandatory, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the offender completes an inpatient treatment program approved by the court. In addition, the person may be fined not less than seven hundred fifty dollars (\$750.00) nor more than three thousand dollars (\$3,000.00). The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall not exceed three (3) years for up to and including a third conviction. On a fourth offense resulting in a conviction or subsequent conviction within ten (10) years for a violation of this section or other law prohibiting driving while under the influence, he shall be guilty of a felony and fined not more than ten thousand dollars (\$10,000.00), punished by imprisonment for not more than ~~two (2)~~ seven (7) years, or both.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 44

INSURANCE FRAUD PREVENTION

Original House Bill No. 50

AN ACT relating to insurance; providing immunity from liability for cooperating with and furnishing information regarding suspected insurance code violations as specified; modifying related provision regarding attorney's fees and costs; and providing for an effective date.

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

Section 1. W.S. 26-2-131(b) and (c) is amended to read:

26-2-131. Immunity from liability.

(b) No cause of action shall arise nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner, the commissioner's authorized representative or examiner or law enforcement agencies pursuant to an examination made under this chapter or any other criminal investigation under title 6 of the Wyoming statutes, if the act of communication or delivery was performed in good faith and without fraudulent intent.

(c) Any person identified in subsection (a) or (b) of this section shall be entitled to an award of attorney's fees and costs if he is a prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out an examination or related activity under the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time it was initiated.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 45

WIND ESTATE DISCLOSURE

Original House Bill No. 13

AN ACT relating to property; providing that the status of the wind estate shall be disclosed to a prospective buyer of land not within the corporate boundaries of a city or town; and providing for an effective date.

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

Section 1. W.S. 34-1-151(a)(intro), (vi), (vii), (b) and by creating a new subsection (e) is amended to read:

34-1-151. Property disclosure statement.

(a) ~~Except~~ Unless disclosure is waived as provided in subsection (b) of this section, every seller of vacant land shall provide to any prospective buyer a property disclosure statement that includes, but is not limited to, the following information:

(vi) The availability of fire protection services; and

(vii) The existence and location of any easements across the land known to the seller or recorded in the records of the county clerk; ~~and~~

(b) A buyer may waive disclosure of the information required under ~~subsection~~ subsections (a) and (e) of this section.

(e) Unless disclosure is waived as provided in subsection (b) of this section, every seller of land not within the corporate boundaries of any city or town shall disclose in writing to any prospective buyer whether fee ownership of the wind estate has in any way been severed in the chain of title from the surface estate, including the existence of a wind energy agreement as defined in W.S. 34-27-102(a)(i).

Section 2. W.S. 34-1-151(a)(viii) is repealed.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 46

PREDATOR MANAGEMENT DISTRICTS-MANAGEMENT

Original Senate File No. 19

AN ACT relating to predator control; establishing voting rights for predator management district meetings; amending time limits for issuing predator animal control fee refunds; repealing archaic provisions; and providing for an effective date.

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

Section 1. W.S. 11-6-202(a)(i) and (ii), 11-6-203(a)(intro) and 11-6-210(g)(intro) are amended to read:

11-6-202. Administration of districts by district boards; number and qualifications of members; term; filling of vacancies.

(a) The affairs of each district shall be administered by a board of directors, each of whom shall be a bona fide resident of Wyoming. Directors for the positions identified in paragraphs (i) and (ii) of this subsection shall be elected at an annual meeting of district livestock owners. Directors for the positions identified in paragraphs (iv) and (v) of this subsection shall be appointed as described. The composition of the board shall be as follows:

(i) Three (3) directors shall be sheep owners having paid predator management fees on sheep in the district in the year preceding election. At each subsequent annual district meeting one (1) director shall be elected for a three (3) year term. Subject to the provisions of W.S. 11-6-203(a), all sheep owners whether an individual, corporation or partnership, having paid predator management fees on sheep in the district regardless of the domicile of the sheep, are entitled to one (1) vote at the meeting;

(ii) Three (3) directors shall be cattle owners having paid predator man-

agement fees on cattle in the district in the year preceding election. At each subsequent annual district meeting one (1) director shall be elected for a three (3) year term. Subject to the provisions of W.S. 11-6-203(a), all cattle owners whether an individual, corporation or partnership, having paid predator management fees on cattle in the district regardless of the domicile of the cattle, are entitled to one (1) vote at the meeting;

11-6-203. Manner of calling annual meeting of predator management districts; when held; election of chairman and secretary.

(a) The annual meeting of each predator management district shall be held within the first two (2) weeks of December. and Any person having paid predator fees in the district within the preceding twelve (12) months shall be entitled to one (1) vote at the annual meeting. Predator fees paid in the name of a business entity may be represented by one (1) representative of the entity paying the fees, provided that the representative is authorized by the entity to vote on behalf of the entity and has provided proof of such written authorization. Proof of payment of predator fees within the district shall only be through a verified copy of a brand inspection certificate which clearly shows that the fees have been paid and the date upon which the fees were paid. No person paying fees within the district shall be entitled to more than one (1) vote at the annual meeting and no proxies shall be allowed. Each board shall:

11-6-210. Creation of predator management district fund; predator management fees; donations; appropriation by county commissioners.

(g) Each predator management district board shall annually allocate five percent (5%) of all predator management fee collections to be used for refunds, in whole or in part. If a refund is requested the board shall pay the refund within one hundred eighty (180) days of application one hundred twenty (120) days after the end of the calendar year in which the fee was paid. Refunds under this subsection shall be subject to the following:

Section 2. W.S. 11-6-203(a)(i) and 11-6-210(m) are repealed.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012 .

Chapter 47

UNEMPLOYMENT INSURANCE COMPLIANCE

Original House Bill No. 9

AN ACT relating to unemployment insurance; amending information that an employer must submit to the state directory of new hires; providing a definition; and providing for an effective date.

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

Section 1. W.S. 27-1-115(b) and (d) by creating a new paragraph (iii) is amended to read:

27-1-115. State directory of new hires; requirements; exceptions; definitions.

(b) Except as provided in subsection (c) of this section, each employer in the state shall furnish to the department of employment within twenty (20) days of hiring a new employee, or in the case of an employer transmitting reports magnetically or electronically, by two (2) monthly transmissions not less than twelve (12) days nor more than sixteen (16) days apart, a report that contains the name, address and social security number of the employee, the date services for remuneration were first performed by the employee and the name and address of, and identifying number assigned to, the employer under section 6109 of the Internal Revenue Code. The report shall be made on a W-4 form approved by the internal revenue service or, at the option of the employer, on an equivalent form approved by the department. The form may be transmitted by first class mail, electronically or magnetically in a format acceptable to the designated department.

(d) For purposes of this section:

(iii) “Newly hired employee” means an individual who has not previously been employed by the employer or was previously employed by the employer but has been separated from employment with that employer for at least sixty (60) days.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 48

WORKERS' COMPENSATION AMENDMENTS

Original Senate File No. 32

AN ACT relating to workers' compensation; authorizing the medical commission to report suspected substandard or inappropriate medical or health care to appropriate licensing authorities; clarifying that members of the workers' compensation medical commission shall be considered public employees for purposes of the Wyoming Governmental Claims Act; providing for an election of federal tort immunity under the Health Care Quality Improvement Act of 1986; providing that confidentiality does not prohibit authorized reports to professional licensing authorities; and providing for an effective date.

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

Section 1. W.S. 27-14-616(b)(iii), (iv), by creating a new paragraph (v), (c) and by creating a new subsection (f), 27-14-801(e) by creating a new paragraph

(iii), 27-14-805(a) by creating a new paragraph (iv) and 35-17-106(a) by creating a new paragraph (viii) are amended to read:

27-14-616. Medical commission; hearing panels; creation; membership; duties; rulemaking.

(b) One (1) member shall be elected by commission members as chairman and one (1) as vice-chairman. The division shall designate an employee to serve as executive secretary of the commission or contract with an individual to provide executive secretary services to the commission. The governor may appoint no more than eleven (11) additional health care providers as associate members of the commission whose function is limited to serving as members of individual medical hearing panels. Except for initial members, the terms of commission members and associate members shall be three (3) years. Three (3) members of the initial commission and three (3) initial associate members shall be appointed to a one (1) year term and four (4) initial commission members and four (4) initial associate members shall be appointed to a two (2) year term. The duties of the commission shall be:

(iii) To advise the division, upon request, on the usefulness of medical cost containment measures; ~~and~~

(iv) To furnish three (3) members of the commission to serve as a medical hearing panel to hear cases referred for hearing. The division shall refer medically contested cases to the commission for hearing by a medical hearing panel. The decision to refer a contested case to the office of administrative hearings or a medical hearing panel established under this section shall not be subject to further administrative review. Following referral by the division, the hearing examiner or medical hearing panel shall have jurisdiction to hear and decide all issues related to the written notice of objection filed pursuant to W.S. 27-14-601(k). Different medical hearing panels with different membership may be selected to hear different cases, but a panel may hear more than one (1) case. Individual medical hearing panels shall be selected by the executive secretary under the supervision and guidance of the chairman of the medical commission. At least one (1) member of each panel shall be a physician. One (1) member shall be designated by the executive secretary to serve as chairman of the panel. When hearing a medically contested case, the panel shall serve as the hearing examiner and shall have exclusive jurisdiction to make the final administrative determination of the validity and amount of compensation payable under this act. For cases referred to the medical commission as small claims hearings under W.S. 27-14-602(b), the medical hearing panel may consist of one (1) physician who shall serve as the hearing examiner and shall have exclusive jurisdiction to make the final administrative determination of the validity and amount of compensation payable under this act; and

(v) To advise the division regarding any suspected substandard or inappropriate medical or health care provided to an injured worker by a health care provider or health care facility.

(c) The members of the commission and of medical hearing panels and any health care provider providing peer reviews or independent medical evaluations, reviews or opinions, when serving shall be deemed public employees for purposes of the Wyoming Governmental Claims Act, and shall be immune from liability and shall be defended by the attorney general if sued and indemnified against loss from legal action in the same manner as state employees pursuant to W.S. 1-39-104.

(f) Any member of the commission who knows or has reasonable cause to believe or suspect that a health care provider or health care facility has provided substandard or inappropriate medical or health care shall immediately report it to the appropriate professional or facility licensing authority and to the division.

27-14-801. Duties of director.

(e) The director shall:

(iii) Report to the appropriate professional or facility licensing authority any suspected substandard or inappropriate medical or health care provided to an injured worker by the provider or health care facility.

27-14-805. Confidentiality of information; unlawful disclosure; exception.

(a) Except as otherwise provided by this act, information obtained from any employer or covered employee pursuant to reporting requirements under this act or investigations conducted under W.S. 27-14-803 shall not be disclosed in a manner which reveals the identity of the employer or employee except to the employer, the employee, legal counsel for an employer, legal counsel for an employee or in situations necessary for the division to enforce any of the provisions of this act. The confidentiality limitations of this section do not apply to transfers of information between the divisions of the department of employment so long as the transfer of information is not restricted by federal law, rule or contract. In addition, nothing in this section shall prohibit the division from:

(iv) Reporting to the appropriate professional or facility licensing authority any suspected substandard or inappropriate medical or health care provided to an injured worker by a health care provider or health care facility.

35-17-106. Election to be covered by federal immunity.

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

(viii) The Wyoming workers' compensation medical commission and any health care provider providing peer reviews or independent medical evaluations, reviews or opinions, W.S. 27-14-101 through 27-14-806.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 49

COUNTY MEMORIAL HOSPITALS-STAGGERED TERMS

Original Senate File No. 6

AN ACT relating to county memorial hospitals; providing for five year terms for board members after initial staggered terms; and providing for an effective date.

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

Section 1. W.S. 18-8-104(a) is amended to read:

18-8-104. Hospital generally under control of board of trustees; appointment, powers and duties of trustees; incorporation; use of funds for erection of hospital; term of lease; consolidation of hospitals; acquisition of land; removal of board member; filling of vacancies.

(a) The erection, management and control of the county memorial hospital, county memorial hospital fund and all property and funds received for the benefit of the hospital shall be by a board of trustees composed of at least five (5) but not more than eleven (11) competent and responsible citizens of the county appointed by the board of county commissioners. The number of members of any board of trustees shall be an odd number determined by the county commissioners. The first board of trustees, or additional members to a board of trustees, as soon as appointed shall draw lots for the purpose of determining the term of each member of the board. Up to two (2) members of the original board or additional members of the board shall serve for a term of one (1) year, up to two (2) for a term of two (2) years, up to two (2) for a term of three (3) years, up to two (2) for a term of four (4) years and up to two (2) for a term of five (5) years after their appointment. Terms thereafter shall be five (5) years, consecutively staggered. Each trustee shall serve until the first Monday of July following the expiration of their term and the board of county commissioners annually at their meeting in June shall appoint a successor to the trustee or trustees whose term expires. As soon as the original board has determined the terms of its members they shall organize by electing a president, secretary and treasurer of the board. As soon as they are organized they shall file with the county clerk and the secretary of state a certificate showing their organization, for which filing no fee or charge shall be paid. Upon filing the certificate the board of trustees is a body corporate with

power to sue and be sued under the name of “Board of Trustees of the Memorial Hospital of County”. No individual member of the board of trustees is personally liable for any action or procedure of the board. The corporation has perpetual existence and it is not necessary to file any other or further certificate than that filed upon the original organization of the board of trustees.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 50

INDUSTRIAL SITING-FINANCIAL RESOURCES

Original House Bill No. 66

AN ACT relating to industrial siting; repealing requirements regarding adequate financial resources related to the construction, maintenance and operation of certain industrial facilities; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 35-12-107(b)(xiv), (h)(iii) and (j)(iv), 35-12-109(a)(xxi) and 35-12-113(a)(iv) are amended to read:

35-12-107. Request for waiver of permit application; form.

(b) A request for a waiver shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(xiv) Information demonstrating the applicant’s financial capability to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the information shall also demonstrate the applicant’s financial capability to construct, maintain and operate the facility;

(h) The applicant shall present any evidence necessary to demonstrate to the council:

(iii) That the applicant has financial resources to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the evidence shall also demonstrate the applicant’s financial capability to construct, maintain and operate the facility.

(j) Within ten (10) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the request for a waiver. The council shall grant a request for a waiver either as proposed or as modified by the council if it finds and determines that:

(iv) The applicant has financial resources to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the council shall also be required to find the applicant has financial resources to construct, maintain and operate the facility.

35-12-109. Application for permit; form; fee; financial accounting.

(a) An application for a permit shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(xxi) Information demonstrating the applicant's financial capability to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the information shall also demonstrate the applicant's financial capability to construct, maintain and operate the facility;

35-12-113. Decision of council; findings necessary for permit conditions imposed; service of decision on parties; waste management surcharge.

(a) Within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate. The council shall not consider the imposition of conditions which address impacts within the area of jurisdiction of any other regulatory agency in this state as described in the information provided in W.S. 35-12-110(b), unless the other regulatory agency requests that conditions be imposed. In considering the imposition of conditions requested by other agencies upon private lands, the council shall consider in the same manner and to the same extent any comments presented by an affected landowner. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

(iv) The applicant has financial resources to ~~construct, maintain, operate,~~ decommission and reclaim the facility. For facilities meeting the definition of W.S. 35-12-102(a)(vii)(E) the council shall also be required to find the applicant has financial resources to construct, maintain and operate the facility.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 51

JUVENILE DETENTION FACILITY PLACEMENTS

Original House Bill No. 72

AN ACT relating to school districts; exempting tuition for education programs provided to nonresident juvenile detention facility placements from local resource offset under the school foundation program; and providing for an effective date.

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

Section 1. W.S. 21-13-310(a)(ix) is amended to read:

21-13-310. Annual computation of district revenues.

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(ix) The amount of tuition paid to the district during the previous school year, including any amount charged under W.S. 21-4-501 and any amount assessed in excess of the costs incurred for adult education programs, summer school programs, programs provided under an agreement for cooperative educational programs under W.S. 21-20-101 through 21-20-111 and any amount assessed for programs and services for children with disabilities, but excluding any tuition assessed by a district for the provision of distance education programs to participating nonresident students pursuant to W.S. 21-13-330 or for the provision of educational programs to a nonresident student placed in a juvenile detention facility pursuant to an agreement with the student's resident school district;

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 52

IGNITION INTERLOCK PROGRAM FEES

Original House Bill No. 4

AN ACT relating to department of transportation funding; setting standards for ignition interlock driver's license fees; requiring a minimum fee; setting a maximum fee; providing for the deposit and continuous appropriation of fees; and providing for an effective date.

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

Section 1. W.S. 31-7-401 by creating new subsections (d) and (e) is amended to read:

31-7-401. Ignition interlock licenses; definitions; administration and enforcement.

(d) The department shall establish a fee chargeable to every person applying for an ignition interlock restricted license. The fee shall compensate the department for all the costs directly associated with operating the ignition interlock program required by this article, but in no event shall the fee exceed one hundred twenty-five dollars (\$125.00). The fee shall not be collected from any indigent person who qualifies for the benefits described by paragraph (b)(vii) of this section.

(e) All monies received by the department under subsection (d) of this section shall be deposited into an ignition interlock account. Interest earned on monies in the account shall be credited to the account. All monies in the account including earned interest are continuously appropriated to the department and shall be expended only for the purpose of operating the ignition interlock program required by this article.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 53

MIXED MARTIAL ARTS

Original House Bill No. 87

AN ACT relating to mixed martial arts; establishing the mixed martial arts board; providing definitions; providing for the appointment of the state mixed martial arts board, inspectors and deputies; specifying duties; requiring reports; providing procedures for licensure; providing for distribution of revenues; providing for contingent repeal of the act as specified; providing penalties; granting rulemaking authority; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 33-48-101 through 33-48-117 are created to read:

CHAPTER 48

MIXED MARTIAL ARTS REGULATION

33-48-101. State mixed martial arts board created; appointment; term; rules and regulations; definitions.

(a) The state board of mixed martial arts is created to implement and administer this chapter.

(b) The board shall consist of three (3) members.

(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.

(g) The board shall adopt a seal and shall make rules for the administration of this chapter.

(h) As used in this chapter:

(i) "Board" means the state board of mixed martial arts;

(ii) "Mixed martial arts" means unarmed combat involving the use, subject to any limitations set forth in this chapter or by rule of the board, of a combination of techniques from different disciplines of the martial arts including, without limitation, grappling, submission holds, kicking and striking;

(iii) "Unarmed combat" means any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

33-48-102. State mixed martial arts board; powers and duties; subpoenas; oaths.

(a) The board shall keep a full and accurate record of all acts and doings of the board. The board shall prepare for service of notices and other papers as may be necessary and shall have the power to administer oaths and issue subpoenas in all matters pertaining to the administration of the board's duties. Falsely swearing before the board shall be attended by the same consequences and be subject to the same penalties as if the disobedience or false swearing occurred in an action in the district court.

(b) A majority of the board constitutes a quorum for meetings and the transaction of business. The act of the majority of members of the board shall be the act of the board. The board shall meet as often as needed, but not less than four (4) times a year. The meetings shall be held in accordance with W.S. 16-4-401 through 16-4-407. The board shall keep permanent records of its meetings.

(c) Any subpoena issued by the board shall be subject to the following:

(i) The subpoena shall describe the objects required to be produced and shall prescribe a return date within a reasonable period of time within which the objects can be assembled and made available. If any tangible materials subpoenaed are located outside of this state, the person to whom the subpoena is issued shall make the materials available to the board at a convenient location;

(ii) At any time before the return date specified on the subpoena, the person summoned may, in the district court in which the person resides or does business, petition for an order modifying the subpoena, setting aside the subpoena or prohibiting disclosure of specified materials;

(iii) If any party fails or refuses to obey a subpoena, the attorney general may, upon request of the board and reasonable notice to all affected persons, apply to the district court for an order compelling compliance.

33-48-103. State mixed martial arts board; per diem; mileage.

Board members shall receive as compensation the salary, per diem and mileage allowance as allowed to state legislators for each day or portion thereof in which they are engaged in the performance of their duties, payments of the same to be made out of the state mixed martial arts board's appropriation. Provided, that if any state officer is appointed to act as a board member, compensation for the services shall not be reimbursed except for any necessary expenses incurred or paid subject to the submission of appropriate receipts.

33-48-104. State mixed martial arts board; report to legislature; repeal of chapter.

(a) The board shall make a full report to the joint travel, recreation, wildlife and cultural resources interim committee of all proceedings during the two (2) years preceding the first day of December before the beginning of the general session of the legislature. The report shall contain a statement of persons, clubs, organizations or corporations issued licenses, the number of licenses revoked, suspended or denied, the gross receipts from each person, club, organization or corporation, and other information and comments in relation to the work of the board as public interest may require.

(b) If the board raises fees pursuant to W.S. 33-48-108(b) and determines that the money received under this chapter remains insufficient to continue operations, the board shall report that information to the legislature and shall not request any appropriation from the legislature. W.S. 33-48-101 through 33-48-117 are repealed, effective upon adjournment of the first legislative session convened after the date a report under this subsection is made.

33-48-105. Jurisdiction over mixed martial arts matches and licenses; power of municipalities.

The board shall have sole direction, management, control of, and jurisdiction

over, all mixed martial arts matches to be conducted, held or given within the state. No mixed martial arts match shall be conducted, held or given within the state except pursuant to a license granted by the board and in accordance with the provisions of this chapter and the rules and regulations of the board. Every license shall be subject to such rules as the board may prescribe. The board may, at its discretion, issue and for cause revoke, deny or suspend a license to conduct, hold or give a mixed martial arts match. The board shall have full power and authority to limit the number of mixed martial arts matches to be held or given by any person, club, organization or corporation in this state. No provision of this chapter shall prevent any incorporated city or town from prohibiting by ordinance any mixed martial arts match, provided that no match shall be held other than in compliance with this chapter.

33-48-106. License application; fee and bond.

Application for a license to conduct mixed martial arts matches shall be in writing, shall be addressed to the board and shall be verified by the individual promoter or by an officer of the club, organization or corporation on whose behalf the application is made. The application shall be accompanied by a fee as established by the board in accordance with W.S. 33-1-201. The application shall show that the club, organization or corporation has been in existence not less than thirty (30) days. Before any license is issued under this chapter to any person, club, organization or corporation, the applicant shall file with the state treasurer a bond in an amount established by the board, not to exceed ten thousand dollars (\$10,000.00), with good and sufficient surety, conditioned for the faithful performance of the conditions of this chapter.

33-48-107. Report of person, club, organization or corporation; admission fee to be paid.

(a) Every person, club, organization or corporation which exercises any of the privileges conferred by this chapter shall within seventy-two (72) hours after the determination of every match:

(i) Furnish to the board, or its inspector or deputy, a written report, verified by the individual promoter or an officer of the club, organization or corporation. The report shall show the number of tickets sold for the match, the amount of gross proceeds from the match and other matters as the board may prescribe; and

(ii) Pay to the board a fee of five percent (5%) of its total gross receipts from the sale of tickets of admission and admission fees to any mixed martial arts match.

33-48-108. Disposition of fees.

(a) All money received by the board under this chapter shall be deposited with the state treasurer and credited to the mixed martial arts board account, which is hereby created.

(b) If at any time the board determines that the money received under this chapter is insufficient to continue operations without additional state funding, the board shall increase fees in accordance with W.S. 33-1-201 to the extent required to continue operations. If the board raises fees under this subsection and the money received under this chapter remains insufficient to continue operations, the board shall provide a report to the legislature as specified in W.S. 33-48-104(b).

33-48-109. Amateur matches.

Whenever an amateur mixed martial arts match is held by any person, club, organization or corporation, and the match is not for pecuniary profit, the license fee and bond provisions of W.S. 33-48-106, the reporting and fee provisions of W.S. 33-48-107, the presence of a board member and the deputy or inspector provisions of W.S. 33-48-110 shall not apply. The match shall, however, be subject to all other provisions of this chapter and the rules and regulations of the board.

33-48-110. County inspectors.

The board shall, after consultation with the county commissioners of the several counties, appoint official representatives designated as inspectors and deputy inspectors for each county. Each inspector and deputy shall receive from the board a card authorizing him to act as an inspector wherever the board may designate him to act. Any board member may, and at least one (1) inspector or deputy shall, be present at all matches conducted for pecuniary profit and see that the rules and regulations of the board are strictly observed. An inspector or deputy shall also be present at the counting of the gross receipts and shall immediately mail to the board the written report received by the inspector or deputy from the individual promoter or officer of the club, organization or corporation showing the number of tickets sold, the gross amount of proceeds and other matters as the board may prescribe. The board may establish compensation for, and pay, any inspectors or deputies appointed under this section from fees deposited in the mixed martial arts board account in accordance with W.S. 33-1-202 and this chapter.

33-48-111. Rules for conduct of matches.

(a) The board shall promulgate rules and regulations regarding the conduct of matches not inconsistent with this chapter or the unified rules of mixed martial arts adopted by the association of boxing commissions.

(b) No betting or wagering at any mixed martial arts match shall be permitted by any person directly associated with the mixed martial arts match, including the contestants, spectators and members of the club or organization, before, after or during any match, in or around the premises where the match is held. Nothing in this subsection shall be construed to prohibit betting or wagering as may be allowed by law away from the premises where the match is held, or to authorize betting or wagering otherwise prohibited by law.

33-48-112. Examination by physician.

Each contestant shall be examined not more than twelve (12) hours prior to a mixed martial arts match by a physician who has been licensed to practice in Wyoming and who has been designated by the board. The physician shall certify in writing, over his signature, as to the contestant's physical condition to engage in the match. The physician's compensation shall be provided by the individual promoter or entity unless otherwise agreed.

33-48-113. Referees.

No person shall act as a referee to a mixed martial arts match without a certificate granted by the board. The board is authorized to grant certificates to competent referees upon the application and the payment of an annual fee as established by the board in accordance with W.S. 33-1-201 and the board may revoke any certificate granted to any referee for cause as the board may deem sufficient.

33-48-114. Penalty for contestants violating rules of board.

(a) In addition to any penalty imposed under W.S. 33-48-117, any contestant who shall be found to be in violation of any rule or regulation of the board shall be penalized as follows:

(i) For the first offense he shall be restrained by order of the board from participating in any mixed martial arts match to be held or given by any person, club, organization or corporation licensed to give or hold any mixed martial arts match for a period of not less than three (3) months nor more than one (1) year at the discretion of the board;

(ii) For a second offense he shall be disqualified from further admission or participation in any mixed martial arts match, held or given by any person, club, organization or corporation licensed under this chapter.

33-48-115. Failure to make reports; unsatisfactory reports; examination of records, officers.

Whenever any person, club, organization or corporation fails to make a report of any match at the time prescribed by this chapter, or whenever the report is unsatisfactory to the board, the board may examine or cause to be examined, the books and records of the person, club, organization or corporation, and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any match and the amount of monies due pursuant to the provisions of this chapter. The board shall determine the amount due based upon the results of the examination. Should the person, club, organization or corporation fail to pay any monies determined to be due, together with the expenses incurred in making the examination, for a period of twenty (20) days after notice of the amount due by the board, the person, club, organization or corporation shall forfeit its license

and shall be disqualified from receiving any new license or any renewal of its license. In addition, the person, club, organization or corporation shall forfeit to the state of Wyoming the bond required to be filed by W.S. 33-48-106, which may be recovered by the attorney general in the name of the state of Wyoming. Appeals of a disqualification under this section may be made as provided in the Wyoming Administrative Procedure Act.

33-48-116. Weights and classes.

The weights and classes of mixed martial arts participants and the rules and regulations of mixed martial arts shall be the same as the weights and classes and rules and regulations adopted by the association of boxing commissions in the unified rules of mixed martial arts, except as otherwise provided in this chapter.

33-48-117. Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

Section 2. There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the mixed martial arts board created by this act for the fiscal period beginning July 1, 2012 and ending June 30, 2013 to establish rules and regulations 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, 2013.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 54

GAME AND FISH-AUTHORITY REVISIONS

Original Senate File No. 17

AN ACT relating to game and fish; providing for commission authority to establish specifications for weapons and ammunition allowed for hunting; providing for commission authority to allow baiting 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. 23-2-104(e) and (g), 23-3-110(a) and (c), 23-3-111(a)(intro) and (b) and 23-3-304(d) by creating a new paragraph (iv) are amended to read:

23-2-104. Archery licenses; special seasons; prohibition against firearms; equipment.

(e) ~~When hunting antelope, bighorn sheep, black bear, deer, mountain goat~~

or mountain lion the longbow hunter must be equipped with a longbow of not less than forty (40) pounds draw weight or possessing the ability to cast a hunting arrow of four hundred (400) grain weight at least one hundred sixty (160) yards. When hunting elk, grizzly bear or moose, the longbow hunter must be equipped with a longbow of not less than fifty (50) pounds draw weight or possessing the ability to cast a hunting arrow of five hundred (500) grain weight at least one hundred sixty (160) yards. The crossbow hunter must be equipped with a crossbow of not less than ninety (90) pounds draw weight which has a minimum draw length of fourteen (14) inches (from front of bow to back of string in the cocked position) and a positive safety mechanism. Crossbow bolts must be at least sixteen (16) inches long. The broadhead of arrows or bolts shall be of sharp steel with a minimum cutting width of one (1) inch. The commission shall establish by rule and regulation specifications for crossbows, longbows, recurve bows, compound bows, arrows and broadheads for taking of big or trophy game animals. The rules and regulations promulgated under the provisions of this subsection relating to the hunting of antelope, bighorn sheep, black bear, deer, mountain goat and mountain lion big or trophy game animals shall also apply to the hunting of the gray wolf as a trophy game animal from and 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.

(g) Except as otherwise provided, violation of this section or rules promulgated under subsection (e) of this section constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-110. Firearms; types permitted for hunting game birds.

(a) ~~Except as otherwise provided, The commission shall establish by rule and regulation firearm and ammunition specifications for taking game birds excluding ruffed and blue grouse may only be taken with a shotgun not larger than ten (10) gauge. Automatic loading, pump, or repeating shotguns must be plugged to admit no more than one (1) shell in the chamber and two (2) shells in the magazine or wild turkeys.~~

(c) Violation of this section or rules promulgated under this section constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-111. Firearms; size of guns to be used in hunting big or trophy game animals.

(a) ~~Except as otherwise provided, The commission shall establish by rule and regulation firearm and ammunition specifications for taking big or trophy game animals. may only be taken with the following types of firearms:~~

(b) Violation of this section or rules promulgated under this section constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-304. Certain trapping devices unlawful; game for bait prohibited; baiting big game animals prohibited; penalties.

(d) No person shall place any bait for the purpose of taking a big game animal nor shall any person knowingly take a big game animal by the use of any bait that has been deposited, placed, distributed or scattered in a manner to constitute a lure, attraction or enticement to, on or over the area where any hunter is taking big game animals. Nothing in this subsection shall:

(iv) Apply to the placement, distribution, depositing or scattering of bait for the taking of big game animals in hunt areas to address population management, damage, disease or human safety issues. The commission shall promulgate rules and regulations governing the provisions of this paragraph.

Section 2. W.S. 23-3-110(b) and 23-3-111(a)(i) and (ii) are repealed.

Section 3. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 55

WORKPLACE SAFETY-EMPLOYER ASSISTANCE

Original House Bill No. 89

AN ACT relating to workplace safety; providing for contracts to enhance workplace safety; specifying conditions for contracts; providing rulemaking authority; providing for additional consultation positions; transferring positions; providing for reports; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 9-2-2608 is created to read:

9-2-2608. Workplace safety contract program.

(a) The department of workforce services shall administer a program of workplace safety contracts as provided in this section.

(b) Upon application from a public or private employer, the department may contract with an employer to take specific actions to increase and provide for effective participation in workplace safety programs created and administered under title 27, chapter 11 or 14 of Wyoming statutes. Contract recipients under this section shall:

(i) Document the number of employees covered under the workplace safety programs created or enhanced by the contract;

(ii) Document decreases in occupational hazards accomplished through participation in the workplace safety programs.

(c) The department shall promulgate rules and regulations for administration of the contract program provided in this section. Contracts under this section shall be conditioned on the following:

(i) The recipient of the contract initiating or participating in a workplace safety program created and administered under title 27, chapter 11 or 14 of Wyoming statutes;

(ii) An in-cash cost sharing contribution of at least ten percent (10%) from the employer;

(iii) No contract under this program shall be made to any individual employer in excess of ten thousand dollars (\$10,000.00);

(iv) Funds expended on contracts under this section shall be used solely for enhancement or implementation of workplace safety programs, including for assistance in the purchase of safety equipment necessary to carry out the programs created and administered under title 27, chapter 11 or 14 of Wyoming statutes.

(d) The department shall report on contracts issued under this section to the joint minerals, business and economic development interim committee on or before October 1, 2013 and by October 1 annually thereafter. Reports submitted under this subsection shall include, but not be limited to, information for the time period since the submittal of the last report, including:

(i) Total number of contracts issued;

(ii) Total amount of funds contracted;

(iii) Number of employees covered under workplace safety programs created or enhanced under this section; and

(iv) The total number of employees injured or killed while working for employers who participate in the program, including:

(A) The percent increase or decrease of employees injured or killed while working for employers who received a contract under the program during the reporting period and for the last five (5) years when that information becomes available; and

(B) A comparison by industry and job classification of the percentage of employees injured or killed while working for employers who received a contract under the program and employees injured or killed while working for employers who did not receive a contract under the program for the reporting period and for the last five (5) years when that information becomes available.

Section 2. W.S. 9-2-2601(g)(v), (vi) and by creating a new paragraph (vii) is amended to read:

9-2-2601. Department of workforce services; duties and responsibilities; agreements with other agencies authorized; definition; merger with department of employment.

(g) The department shall take appropriate steps to:

(v) Conduct and publish results of investigations and research studies; ~~and~~

(vi) Assist the Wyoming workforce development council and the state youth council in pursuing their missions and goals; ~~and~~

(vii) Administer contracts pursuant to W.S. 9-2-2608.

Section 3.

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the Wyoming industrial accident fund to the department of workforce services. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014. This appropriation shall only be expended for the purpose of funding contracts under W.S. 9-2-2608 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, 2014.

(b) The occupational health and safety division is authorized an additional five (5) full-time equivalent positions to be retained as occupational health and safety consultants and not compliance officers. In addition, two(2) full-time equivalent positions shall be allocated from the department of workforce services to the occupational health and safety division. The positions shall be as determined by the governor and shall be filled only for the purposes of increasing occupational health and safety consultations. The funding associated with the transferred positions shall be transferred from the Wyoming industrial accident fund to the occupational health and safety division. There is additionally appropriated one million two hundred eighty-two thousand four hundred five dollars (\$1,282,405.00) from the Wyoming industrial accident fund to the occupational health and safety division. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014. This appropriation shall only be expended for the purpose of funding the five (5) additional full-time equivalent positions authorized by this subsection only for occupational health and safety consultations. 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, 2014. Funding for the seven (7) positions specified in this subsection shall be included in the division's 2015-2016 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 8, 2012.

Chapter 56

HANDICAPPED PARKING-SPACE SIZE AND MARKING

Original House Bill No. 46

AN ACT relating to handicapped parking; specifying the size and marking of handicapped parking spaces; and providing for an effective date.

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

Section 1. W.S. 31-5-501(b) is amended to read:

31-5-501. Authority to place signs prohibiting, regulating or restricting parking; handicapped parking; obedience to signs required; free parking areas.

(b) Signs reserving parking spaces for the handicapped in public places under the jurisdiction of the government agencies described in subsection (a) of this section or placed on private property by the real property owner pursuant to W.S. 31-5-111 shall be constructed of durable material, contain the international symbol of accessibility, be no less than twelve inches (12") by eighteen inches (18") in size and be placed above ground level so as to be visible at all times and not be obscured by a vehicle parked in that space. Parking spaces for the handicapped shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In public parking lots of ten (10) or more parking spaces, at least two percent (2%) of the total number of available parking spaces but not less than one (1) space shall be reserved for the handicapped. Handicapped parking spaces shall allow easy entrance and exit for wheelchairs, to include signage and any cross-hatched handicapped vehicle access markings that may be adjacent to the handicapped parking space, and be located on a level surface.

Section 2. This act is effective July 1, 2012.

Approved March 8, 2012.

Chapter 57

OMNIBUS WATER BILL-PLANNING

Original House Bill No. 41

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

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

[2012-2013 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, as created by W.S. 41-2-124(a)(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, 2015 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 2014 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
BEAR RIVER HYDROLOGY MODEL	LINCOLN/UINTA COUNTIES	\$50,000
GUERNSEY MASTER PLAN	PLATTE COUNTY	125,000
LOVELL MASTER PLAN	BIG HORN COUNTY	110,000
MIDDLE NORTH PLATTE WATERSHED	NATRONA COUNTY	250,000
NORTH PLATTE WATER YIELD ANALYSIS	CARBON COUNTY	75,000
STATEWIDE WATER RESEARCH	STATEWIDE	400,000
SUNDANCE MASTER PLAN	CROOK COUNTY	<u>150,000</u>
Total appropriation for Section 1		\$1,160,000

Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(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, 2015 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 2014 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
GILLETTE REGIONAL CONNECTIONS	CAMPBELL COUNTY	\$500,000
GREYBULL VALLEY HYDROPOWER	BIG HORN COUNTY	85,000
INDIAN PAINTBRUSH WATER SUPPLY	TETON COUNTY	375,000
WEATHER MODIFICATION PILOT PROGRAM	ALBANY/CARBON/FREMONT/ SUBLETTE COUNTIES	<u>2,400,000</u>
Total appropriation for Section 2		\$3,360,000

Section 3. LEVEL I RECONNAISSANCE STUDIES – STORAGE. The following sums of money are appropriated from water development account III, as

created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2015 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 2014 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
BADWATER-POISON CREEK WATERSHED	FREMONT/NATRONA COUNTIES	\$250,000
UPPER GREEN RIVER WATERSHED	SUBLETTE/LINCOLN/ TETON COUNTIES	<u>300,000</u>
Total appropriation for Section 3		\$550,000

Section 4. LEVEL II FEASIBILITY STUDIES – STORAGE. The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2015 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 2014 legislative session:

[LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
NOWOOD RIVER STORAGE	WASHAKIE/BIG HORN COUNTIES	\$350,000
SHELL VALLEY STORAGE	BIG HORN COUNTY	350,000
SHERIDAN SUPPLEMENTAL STORAGE	SHERIDAN COUNTY	<u>250,000</u>
Total appropriation for Section 4		\$950,000

Section 5. LEVEL II FEASIBILITY STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(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, 2015 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 2014 legislative session:

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
AUSTIN WALL CANALS	UINTA COUNTY	\$150,000
BASIN/BIG HORN CANAL	BIG HORN COUNTY	150,000
HAWK SPRINGS MASTER PLAN	GOSHEN COUNTY	200,000
LAKEVIEW IRRIGATION MASTER PLAN	PARK COUNTY	<u>250,000</u>
Total appropriation for Section 5		\$750,000

Section 6. The Wyoming water development commission is authorized to contract with the University of Wyoming in an amount not to exceed one hundred seventy-five thousand dollars (\$175,000.00) from water development account I to fund the office of water programs established under W.S. 41-2-125 from July 1, 2012 to June 30, 2014.

Section 7. W.S. 41-2-119(a) is amended to read:

41-2-119. Groundwater studies.

(a) The Wyoming water development commission may grant not to exceed ~~six million dollars (\$6,000,000.00)~~ six million eight hundred thousand dollars (\$6,800,000.00) to incorporated cities and towns, water and sewer districts and improvement and service districts in Wyoming for exploration for and feasibility studies of the use of underground water for municipal and rural domestic purposes, not to exceed four hundred thousand dollars (\$400,000.00) for any one (1) exploration or study. The grants shall be made from revenues from water development account I and those revenues are hereby so appropriated. Any city or town, water and sewer district or service and improvement district receiving a grant pursuant to this section shall provide at least twenty-five percent (25%) of the cost of the exploration or study from its own funds. The commission shall adopt rules and regulations governing application procedures for the grants.

Section 8. 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 8, 2012.

Chapter 58

DISTRICT COURT JUDGE INCREASE

Original Senate File No. 26

AN ACT relating to district courts; providing for an additional district court judge in the fourth judicial district; providing an appropriation and authorizing additional positions; specifying contingencies for implementing the act; and providing for an effective date.

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

Section 1. W.S. 5-3-102(a) is amended to read:

5-3-102. Number of judges; distribution among districts; concurrent jurisdiction; judicial conference to adopt rules.

(a) There shall be ~~one (1) judge of the district court in the fourth judicial district,~~ two (2) judges of the district court in the second, ~~fourth,~~ fifth and eighth judicial districts and three (3) judges of the district court in the first, third, sixth, seventh and ninth judicial districts. In the second judicial district, one (1) judge shall reside in Albany county and one (1) shall reside in Carbon county. In the third judicial district two (2) judges shall reside in Sweetwater county. In the fourth judicial district, one (1) judge shall reside in Sheridan county and one (1) shall reside in Johnson county. In the ninth judicial district one (1) judge shall reside in Fremont county, one (1) judge shall reside in Teton county and one (1) judge shall reside in Sublette county. All district judges in the state shall have concurrent jurisdiction throughout the state and for purposes of assignment, shall have concurrent jurisdiction throughout the state with all circuit court judges.

Section 2.

(a) There is appropriated nine hundred sixteen thousand nine hundred fifty dollars (\$916,950.00) from the general fund to the Wyoming supreme court for the biennium beginning July 1, 2012 and ending June 30, 2014. This appropriation shall only be expended for salaries, benefits, office equipment, supplies and fees necessary to implement the office of the fourth judicial district court judge in Johnson county authorized by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2014.

(b) There are authorized four (4) full-time equivalent positions for the biennium beginning July 1, 2012 and ending June 30, 2014 to implement the purposes of this act.

Section 3. No action shall be undertaken to fill, or to begin the process of appointment for, the judicial position authorized under this act until the chief justice of the Wyoming supreme court certifies in writing to the joint appropriations interim committee that suitable facilities in Johnson county are available and are ready for occupancy for the new judge. Adequate facilities shall include provision for court room security, a suitable court room to accommodate a twelve (12) person jury, offices and other required auxiliary facilities.

Section 4. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 59**ATM FEES**

Original Senate File No. 82

AN ACT relating to banks and banking; removing limits on fees for use of remote electronic terminals; and providing for an effective date.

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

Section 1. W.S. 13-1-502(f) is amended to read:

13-1-502. Remote electronic terminals.

(f) A Wyoming financial institution, financial institution or person operating remote electronic terminals in this state may impose a transaction fee for the use of the remote electronic terminal. The amount of the transaction fee shall be disclosed visually by placard and by electronic display at a time and manner that allows a user to terminate or cancel the transaction without incurring the transaction fee. ~~A transaction fee may be imposed per transaction as established by rules and regulations of the commissioner.~~

Section 2. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 60**INTERSTATE COMPACT ON STUDENTS OF MILITARY FAMILIES-3**

Original Senate File No. 78

AN ACT relating to education; providing for an interstate compact on educational opportunity for military children; facilitating enrollment and placement of children of military families; providing for involvement in an interstate commission; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 21-24-101 through 21-24-118 are created to read:

CHAPTER 24**INTERSTATE COMPACT ON STUDENTS OF MILITARY FAMILIES**

21-24-101. Purpose.

(a) It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

(i) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the trans-

fer of education records from the previous school district or variations in entrance-age requirements;

(ii) Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

(iii) Facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular academic, athletic and social activities;

(iv) Facilitating the on-time graduation of children of military families;

(v) Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

(vi) Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;

(vii) Promoting coordination between this compact and other compacts affecting military children;

(viii) Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

21-24-102. Definitions.

(a) As used in this compact, unless the context clearly requires a different construction:

(i) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211;

(ii) "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member;

(iii) "Compact commissioner" means the voting representative of each compacting state appointed pursuant to W.S. 21-24-108;

(iv) "Deployment" means the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station;

(v) "Educational records" means those official records, files and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs;

(vi) "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. "Extracurricular activities" include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities;

(vii) "Interstate commission on educational opportunity for military children" means the commission that is created under W.S. 21-24-109, which is generally referred to as interstate commission;

(viii) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions;

(ix) "Member state" means a state that has enacted this compact;

(x) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory. The term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects;

(xi) "Nonmember state" means a state that has not enacted this compact;

(xii) "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought;

(xiii) "Rule" means a written statement by the interstate commission promulgated pursuant to W.S. 21-24-112 that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the interstate commission, and includes the amendment, repeal or suspension of an existing rule;

(xiv) "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought;

(xv) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory;

(xvi) "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade;

(xvii) "Transition" means:

(A) The formal and physical process of transferring from school to school; or

(B) The period of time in which a student moves from one (1) school in

the sending state to another school in the receiving state.

(xviii) "Uniformed service" means the army, navy, air force, marine corps, and coast guard including the commissioned corps of the national oceanic and atmospheric administration and public health services;

(xix) "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

21-24-103. Applicability.

(a) Except as otherwise provided in subsection (b) of this section, this compact shall apply to the children of:

(i) Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211;

(ii) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

(iii) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

(b) The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

(c) The provisions of this compact shall not apply to the children of:

(i) Inactive members of the national guard and military reserves;

(ii) Members of the uniformed services now retired, except as provided in subsection (a) of this section;

(iii) Veterans of the uniformed services, except as provided in subsection (a) of this section; and

(iv) Other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

21-24-104. Educational records and enrollment.

(a) In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission to the extent feasible. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

(b) Simultaneous with the enrollment and conditional placement of the stu-

dent, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

(c) Compacting states shall give thirty (30) days from the date of entry, for students to obtain and provide proof of any immunization required by the receiving state. For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days and the child shall be permitted to attend school while receiving continuing immunization if the school administrator receives notification or a waiver is granted in accordance with W.S. 21-4-309.

(d) Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition with the exception of children that have not yet met the age requirements as required by W.S. 21-4-301 and 21-4-302. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state except where the child has not yet obtained the age as required by W.S. 21-4-301 and 21-4-302 for kindergarten and first grade.

21-24-105. Placement and attendance.

(a) When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and educational assessments conducted at the school in the sending state if the courses are offered and there is space available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation-placement in like programs in the sending state, provided that the program exists in the school and there is space available, as determined by the school district. Such programs include, but are not

limited to gifted and talented programs and English as a second language (ESL). This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his current individualized education program (IEP). In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.A. section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This subsection does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(d) Local education agency administrative officials shall have flexibility in waiving course-program prerequisites or other preconditions for placement in courses-programs offered under the jurisdiction of the local education agency.

(e) A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his parent or legal guardian relative to such leave or deployment of the parent or guardian.

21-24-106. Eligibility.

(a) Eligibility for enrollment shall be as follows:

(i) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent;

(ii) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent;

(iii) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he was enrolled while residing with the custodial parent.

(b) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

21-24-107. Graduation.

(a) In order to facilitate the on-time graduation of children of military families, states and local education agencies shall adhere to W.S. 21-2-304(a)(iii) and paragraph (iv) of this subsection and any applicable rules and regulations promulgated thereunder and to the extent possible incorporate the following procedures:

(i) Local education agency administrative officials shall use best efforts to waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time;

(ii) States shall accept:

(A) Exit or end-of-course exams required for graduation from the sending state;

(B) National norm-referenced achievement tests; or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his senior year, then the provisions of W.S. 21-24-107(a)(iii) shall apply.

(iii) Should a military student transferring at the beginning or during his senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall to the extent possible ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one (1) of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs (a)(i) and (ii) of this subsection.

21-24-108. State coordination.

(a) Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, a representative from a military installation, one (1) representative each from the legislative and executive branches of government and other offices and stakeholder groups the state council deems appropriate.

A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

(b) The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(c) The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

(d) The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

21-24-109. Interstate commission on educational opportunity for military children.

(a) The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the interstate commission are the formation of public policy and are a discretionary state function.

(b) The interstate commission shall:

(i) Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

(ii) Consist of one (1) interstate commission voting representative from each member state who shall be that state's compact commissioner subject to the following:

(A) Each member state represented at a meeting of the interstate commission is entitled to one (1) vote;

(B) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission;

(C) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting;

(D) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(iii) Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws,

may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members;

(iv) Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(v) Establish an executive committee whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one (1) year term. Members of the executive committee shall be entitled to one (1) vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules and other such duties as deemed necessary. The United States department of defense shall serve as an ex-officio, nonvoting member of the executive committee;

(vi) Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

(vii) Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

(A) Relate solely to the interstate commission's internal personnel practices and procedures;

(B) Disclose matters specifically exempted from disclosure by federal and state statute;

(C) Disclose trade secrets or commercial or financial information which is privileged or confidential;

(D) Involve accusing a person of a crime, or formally censuring a person;

(E) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) Disclose investigative records compiled for law enforcement purposes; or

(G) Specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

(viii) Shall cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

(ix) Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

(x) Shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

21-24-110. Powers and duties of the interstate commission.

(a) The interstate commission shall have the following powers:

(i) To provide for dispute resolution among member states;

(ii) To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact;

(iii) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions;

(iv) To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(v) To establish and maintain offices which shall be located within one (1) or more of the member states;

(vi) To purchase and maintain insurance and bonds;

(vii) To borrow, accept, hire or contract for services of personnel;

(viii) To establish and appoint committees including, but not limited to, an executive committee as required by W.S. 21-24-111, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

(ix) To elect or appoint such officers, attorneys, employees, agents or consultants and to fix their compensation, define their duties and determine their qualifications and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(x) To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it;

(xi) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed;

(xii) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(xiii) To establish a budget and make expenditures;

(xiv) To adopt a seal and bylaws governing the management and operation of the interstate commission;

(xv) To report annually to the legislatures, governors, judiciary and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

(xvi) To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity;

(xvii) To establish uniform standards for the reporting, collecting and exchanging of data;

(xviii) To maintain corporate books and records in accordance with the bylaws;

(xix) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

(xx) To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

21-24-111. Organization and operation of the interstate commission.

(a) The interstate commission shall, by a majority of the members present and

voting, within twelve (12) months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- (i) Establishing the fiscal year of the interstate commission;
- (ii) Establishing an executive committee, and such other committees as may be necessary;
- (iii) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;
- (iv) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;
- (v) Establishing the titles and responsibilities of the officers and staff of the interstate commission;
- (vi) Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations;
- (vii) Providing “start up” rules for initial administration of the compact.

(b) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

(c) Executive committee, officers and personnel:

(i) The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

(A) Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

(B) Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

(C) Planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

(ii) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

(d) The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities, provided, that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person:

(i) The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person;

(ii) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person;

(iii) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such per-

sons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

21-24-112. Rulemaking functions of the interstate commission.

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

21-24-113. Oversight, enforcement and dispute resolution.

(a) Oversight:

(i) The executive, legislative and judicial branches of state governments in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law;

(ii) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission;

(iii) The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact or promulgated rules.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

(i) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

(ii) Provide remedial training and specific technical assistance regarding the default;

(iii) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

(iv) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

(v) The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination;

(vi) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

(vii) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) Dispute resolution:

(i) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states;

(ii) The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement:

(i) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact;

(ii) The interstate commission, may by majority vote of the members,

initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees;

(iii) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

21-24-114. Financing of the interstate commission.

(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(b) In accordance with the funding limit established in subsection (e) of this section, the interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(c) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

(e) The interstate commission may not assess, levy or collect more than five thousand dollars (\$5,000.00) per year from Wyoming legislation appropriations. Other funding sources may be accepted and used to offset expenses related to the state's participation in the compact.

21-24-115. Member states; effective date; amendment.

(a) Any state is eligible to become a member state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective

date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

(c) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

21-24-116. Withdrawal and dissolution.

(a) Withdrawal:

(i) Once effective, the compact shall continue in force and remain binding upon each and every member state provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law;

(ii) Withdrawal from this compact shall be by the enactment of a statute repealing the same;

(iii) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof;

(iv) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal;

(v) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(b) Dissolution of compact:

(i) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state;

(ii) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

21-24-117. Severability and construction.

(a) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

(c) Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

21-24-118. Binding effect of compact and other laws.

(a) Nothing herein prevents the enforcement of any other law of a member state.

(b) Binding effect of the compact:

(i) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states;

(ii) All agreements between the interstate commission and the member states are binding in accordance with their terms;

(iii) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

(c) Notwithstanding W.S. 21-24-110(a)(iv), 21-24-111(d), 21-24-113 and 21-24-116(a)(iv) and any other provision of this compact, the state of Wyoming does not waive sovereign immunity by entering into this compact and specifically retains all immunities and defenses available to it as a sovereign pursuant to W.S. 1-39-104(a) and all other applicable law. Designations of venue, choice of law, enforcement actions and similar provisions should not be construed as a waiver of sovereign immunity.

(d) Notwithstanding W.S. 21-24-114(b) and (e), or any other provision of this compact, the terms of this compact shall not require appropriation by future legislatures in violation of Article 16, Section 2 of the Wyoming Constitution.

Section 2. There is appropriated five thousand dollars (\$5,000.00) from the general fund to the department of education. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014. This appropriation shall only be expended for the purpose of administering 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, 2014.

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 61**HEALTH INSURANCE EXCHANGE STUDY**

Original Senate File No. 58

AN ACT relating to the administration of government; amending duties and composition of the Wyoming health insurance exchange steering committee as specified; requiring a report and specifying reporting requirements; limiting the state's authority to operate a federally required health insurance exchange as specified; reappropriating funds, providing an appropriation and clarifying authorized expenditures; and providing for an effective date.

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

Section 1. 2011 Wyoming Session Laws, Chapter 195, Section 1(c) by creating a new paragraph (ix), by renumbering (ix) as (x), (e)(ii), (f) and (g) is amended to read:

Section 1.

(c) There is created the Wyoming Health Insurance Exchange Steering Committee. The committee shall consist of:

(ix) One (1) member who is an enrolled member of the Arapahoe Indian tribe and one (1) member who is an enrolled member of the Shoshone Indian tribe, both residents on the Wind River Indian Reservation, appointed by the governor;

~~(x)(ix)~~ At least five (5) members from affected state agencies and the governor's office appointed by the governor. The governor shall appoint two (2) co-chairmen for the steering committee.

(e) The study shall:

(ii) If the recommendation is that the state should proceed with the development of ~~the an~~ exchange, provide a work plan for the development of ~~the an~~ exchange and identify any legislation needed to implement ~~the an~~ exchange during the ~~2012-2013 legislative general and budget session, or subsequent legislative sessions;~~ If the recommendation is that the state should proceed with the development of an exchange, at least three (3) options shall be presented for consideration by the joint labor, health and social services interim committee. One (1) option shall provide for an exchange based on Wyoming data without influence from the health care reform acts. A second option shall provide for an exchange based upon Wyoming data and compliance with those aspects of the health care reform acts that fit the needs of Wyoming as the steering committee recommends, identifying those aspects of the exchange which would meet compliance with those acts.

A third option shall provide for complete compliance with the health care reform acts. All three (3) plans shall identify the known effects of compliance with those acts, including impacts on Wyoming citizens extending beyond the direct provision of health care and health care insurance. The steering committee shall apply the evaluations required by paragraphs (iii), (iv) and (vi) through (viii) of this subsection to each option. The steering committee may recommend a phase-in of an option as it determines appropriate;

(f) A preliminary study report shall be provided to the joint labor, health and social services interim committee by October 1, 2011. The Wyoming health insurance exchange steering committee shall further report to the joint labor, health and social services interim committee by June 1, 2012. The report on June 1, 2012 may be a preliminary or final report of the steering committee. If a preliminary report, the joint labor, health and social services interim committee may provide comment on the preliminary report. If comment is provided, the steering committee shall address those comments in a final report to the interim committee not later than October 1, 2012.

(g) The legislative members of the committee shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the committee as under this act in the amounts provided in W.S. 28-5-101. There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the legislative service office for the salary, per diem and travel for the legislative members of the steering committee. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. Legislative duties under this act include legislative members' attendance at steering committee meetings or other travel by those members as authorized by the steering committee cochairmen or management council of the legislature for activities associated with service on the steering committee.

Section 2. No state agency or any person representing the state of Wyoming shall, prior to April 1, 2013, commit the state of Wyoming to operating an American health benefits exchange as provided in the Patient Protection and Affordable Care Act, P.L. 111-148, nor shall any state agency or any person representing the state of Wyoming enter into any agreement that will cause the state to incur a financial penalty for failing to operate an American health benefits exchange as provided in the Patient Protection and Affordable Care

Act, P.L. 111-148. No state agency or person representing the state of Wyoming shall apply for a level one or level two establishment grant from the federal government until the United States supreme court rules in the case of *Florida et al. v. United States Department of Health and Human Services*, Docket No. 11-400.

Section 3. There is appropriated funds remaining from the appropriation under 2011 Wyoming Session Laws, Chapter 195, section 1(g) and an additional twenty-five thousand dollars (\$25,000.00) from the general fund to the legislative service office for the salary, per diem and travel for the legislative members of the Wyoming health insurance exchange steering committee created by 2011 Wyoming Session Laws, Chapter 195. The funds in this section may be used to host a health symposium to promote partnerships with other likeminded states to explore compacts and partnerships including shared information technology or insurance risk pools. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

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 9, 2012.

Chapter 62

LARGE PROJECT FUNDING

Original Senate File No. 42

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 2012; amending funding and timing for specified previously approved large projects; requiring specified conservation easements to include the state of Wyoming as a third party beneficiary as specified; requiring certifications regarding kickbacks and gifts; providing appropriations; providing for reversion of funds; and providing for an effective date.

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

Section 1. W.S. 9-15-701 through 9-15-712 are created to read:

ARTICLE 7

2012 LARGE PROJECT FUNDING

9-15-701. Munn Place conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Munn Place conservation easement:

(i) Project sponsor: Wyoming Land Trust;

(ii) Project purpose: Permanent use restriction on approximately two thousand two hundred eighty (2,280) acres in Sublette county in order to:

(A) Preclude loss of habitat for deer, antelope, sage grouse, songbirds, amphibians and other species; and

(B) Secure habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million eight hundred twenty-four thousand dollars (\$1,824,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred seventy-three thousand six hundred dollars (\$273,600.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred seventy-three thousand six hundred dollars (\$273,600.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-702. Devils Tower conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Devils Tower conservation easement:

(i) Project sponsor: Wyoming Stock Growers Agricultural Land Trust;

(ii) Project purpose: Permanent use restriction on approximately seven thousand four hundred ninety-three (7,493) acres in Crook county in order to:

(A) Preclude loss of habitat for deer, amphibians, fisheries, songbirds, raptors and other species;

(B) Secure viewsheds of significant local, regional and national importance; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Eight million nine hundred three thousand fifteen dollars (\$8,903,015.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-703. North Cottonwood conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: North Cottonwood Ranch conservation easement:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Permanent use restriction on approximately fifteen thousand three hundred forty (15,340) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, antelope, amphibians, songbirds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Twelve million one hundred thirty-seven thousand two hundred fifty dollars (\$12,137,250.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-704. Luman Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Luman Ranch conservation easement:

(i) Project sponsor: Wyoming Land Trust;

(ii) Project purpose: Permanent use restriction on approximately two thousand one hundred fifty-six (2,156) acres in Sublette county in order to:

(A) Preclude loss of habitat for deer, antelope, moose, waterfowl, sage grouse, songbirds, amphibians, fish and other species;

(B) Secure habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million seventy-five thousand one hundred fifty dollars (\$2,075,150.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred eleven thousand two hundred seventy-two dollars (\$311,272.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred eleven thousand two hundred seventy-two dollars (\$311,272.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-705. Johnson sections conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Johnson sections conservation easement:

(i) Project sponsor: Wyoming Land Trust;

(ii) Project purpose: Permanent use restriction on approximately one thousand five hundred sixty (1,560) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, song-birds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million four hundred eighteen thousand forty dollars (\$1,418,040.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred twelve thousand seven hundred six dollars (\$212,706.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twelve thousand seven hundred six dollars (\$212,706.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-706. Diamond G conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Diamond G conservation easement:

(i) Project sponsor: Jackson Hole Land Trust;

(ii) Project purpose: Permanent use restriction on approximately five thousand one hundred thirty (5,130) acres in Fremont county in order to:

(A) Preclude loss of habitat for elk, mule deer, moose, amphibians, fisheries, songbirds, raptors and other species;

(B) Secure viewsheds of significant local, regional and national importance; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Twenty million seventy-five thousand dollars (\$20,075,000.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-707. Wunder Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Wunder Ranch conservation easement:

(i) Project sponsor: Jackson Hole Land Trust;

(ii) Project purpose: Permanent use restriction on approximately two thousand seven hundred (2,700) acres in Fremont county in order to:

(A) Preclude loss of habitat and migration routes for elk, mule deer, sage grouse, antelope, amphibians, songbirds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million three hundred three thousand dollars (\$2,303,000.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-708. Richie Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Richie Ranch conservation easement:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Permanent use restriction on approximately one thousand three hundred seventy-nine (1,379) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, waterfowl, fish, songbirds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million five hundred twenty-five thousand dollars (\$2,525,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-709. Mooncrest/MC Ranch conservation easements.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Mooncrest/MC Ranch conservation easements:

(i) Project sponsor: Wyoming Land Trust;

(ii) Project purpose: Permanent use restriction on approximately seven-

teen thousand nine hundred fifty-three (17,953) acres in Park county in order to:

(A) Preclude loss of habitat for mule deer, bighorn sheep, elk, sage grouse, antelope and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Fourteen million twenty-five thousand dollars (\$14,025,000.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-710. Weber Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Weber Ranch conservation easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Permanent use restriction on approximately four thousand one hundred sixty-six (4,166) acres in Carbon county in order to:

(A) Preclude loss of habitat for elk, mule deer, antelope, sage grouse, songbirds and other species;

(B) Secure migration routes and crucial habitat for elk and mule deer in an area with high incidents of vehicle collisions; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million six hundred sixty-eight thousand seven hundred eighteen dollars (\$1,668,718.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred twenty thousand dollars (\$320,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the

board three hundred twenty thousand dollars (\$320,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-711. Double A Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Double A Ranch conservation easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Permanent use restriction on approximately two thousand three hundred eighty-two (2,382) acres in Fremont county in order to:

(A) Preclude loss of habitat for elk, mule deer, antelope, sage grouse, songbirds, amphibians and other species;

(B) Secure migration routes and crucial habitat for sage grouse directly adjacent to a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million three hundred fifty-three thousand five hundred eighteen dollars (\$2,353,518.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

9-15-712. Three Bar X Ranch conservation easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Three Bar X Ranch conservation easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Permanent use restriction on approximately one thousand two hundred twenty (1,220) acres in Fremont county in order to:

(A) Preclude loss of habitat for elk, mule deer, antelope, sage grouse, songbirds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million one hundred sixty-nine thousand six hundred eighty-four dollars (\$1,169,684.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred twenty thousand dollars (\$220,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty thousand dollars (\$220,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2015.

Section 2. W.S. 9-15-503(b)(iv) through (vi) is amended to read:

9-15-503. Greybull River Watershed.

(b) Project: Greybull River Watershed:

(iv) Total project budget: ~~Two million five hundred seventy thousand dollars (\$2,570,000.00)~~ Three million six hundred ninety-five thousand dollars (\$3,695,000.00);

(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)~~ four hundred fifty thousand dollars (\$450,000.00) for the purposes specified in this subsection;

(vi) Appropriation: 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. In addition to any amounts appropriated prior to 2012, there is appropriated from the income account to the board an additional one hundred fifty thousand dollars (\$150,000.00) 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, ~~2013~~ 2015.

Section 3. Each conservation easement for which funding is authorized under Section 1 or 2 of 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. Before any distribution of funds is made pursuant to the appropriations authorized by Sections 1 and 2 of this act, the person receiving the funds shall certify that no gratuities, kickbacks, gifts, commissions, contingency fees or other considerations have been or will be made in connection with the appropriation or the associated grant made by the Wyoming wildlife and natural resource trust account board.

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 9, 2012.

Chapter 63

STATE PARKS-ACQUISITION OF LX BAR RANCH

Original Senate File No. 36

AN ACT relating to state parks and cultural resources; authorizing the acceptance of lands as specified; creating an account for future maintenance and improvements; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 36-4-121 by creating a new subsection (q) is amended to read:

36-4-121. Permits to use state parks, recreation areas and historic sites.

(q) There is created the LX Bar Ranch challenge account. The department of state parks and cultural resources may accept gifts from any individual or entity to maintain and improve the LX Bar Ranch and deposit those funds to the account. State funds deposited to the account are continuously appropriated to the department of state parks and cultural resources for purposes of maintaining and improving the LX Bar Ranch, but shall only be expended from the account upon a dollar for dollar matching distribution of nonstate funds or a matching contribution of in kind gifts. Funds in the account shall not lapse at the end of any fiscal period.

Section 2.

(a) The legislature authorizes the acceptance of the following donated lands located in Campbell County, Wyoming, commonly known as the LX Bar Ranch, provided that upon transfer to the state of Wyoming, the lands shall not be subject to any restriction which would substantially impair the use, enjoyment or subsequent transfer of the lands by the state of Wyoming and provided that upon transfer, the state shall have legal access to the lands, including the right of ingress and egress to the lands and legal access to a public road. The

lands shall be managed by the department of state parks and cultural resources upon final negotiation with the appropriate parties:

(i) Track 82 and the portion of Track 53A north of the Powder River, all within Township 57 North, Range 76 West, Sections 10, 11, 14, 15, containing twenty-five (25) acres more or less.

Section 3. There is appropriated two hundred eighty thousand dollars (\$280,000.00) from the general fund to the department of state parks and cultural resources for the period beginning with the effective date of this act and ending June 30, 2014 for purposes of funding the stabilization and preservation of the LX Bar Ranch described in section 2(a) of this act. Funds appropriated under this section shall not be subject to the matching requirement provided in W.S. 364121(q). 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, 2014.

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 9, 2012 .

Chapter 64

AQUATIC INVASIVE SPECIES

Original Senate File No. 71

AN ACT relating to aquatic invasive species; providing for mandatory inspections of conveyances entering the state as specified; providing for rulemaking; providing for establishment of check stations as specified; providing an appropriation; authorizing positions; and providing for an effective date.

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

Section 1. W.S. 23-4-203 by creating new subsections (h) and (j) is amended to read:

23-4-203. Enforcement.

(h) As provided in this subsection, every conveyance entering the state by land shall be inspected by an authorized aquatic invasive species inspector in accordance with rules established by the commission prior to contacting or entering the waters of this state. The commission shall promulgate rules establishing the dates when such inspections are required and qualifications for authorized inspectors.

(j) The commission, in coordination with the department of transportation, the department of state parks and cultural resources and the department of agriculture,

is authorized to establish and inspect conveyances at mandatory aquatic invasive species check stations at ports of entry, other department of transportation facilities located near the borders of this state that meet established state and national safety and commerce requirements for the traveling public or other appropriate facilities.

Section 2.

(a) There is appropriated eight hundred fifty-two thousand dollars (\$852,000.00) from the general fund to the game and fish department. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014. Two hundred eighty-three thousand dollars (\$283,000.00) is one-time funding and shall only be expended for supportive services costs. Five hundred sixty-nine thousand dollars (\$569,000.00) of this appropriation shall only be expended for the purposes 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 June 30, 2014. Five hundred sixty-nine thousand dollars (\$569,000.00) of this appropriation shall be included in the department's 2015-2016 standard biennial budget request.

(b) There is authorized eighteen (18) at-will employee contract positions to the game and fish department for purposes of fulfilling the requirements of this act.

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 65

CIGARETTE MANUFACTURING

Original Senate File No. 83

AN ACT relating to regulation and taxation of tobacco; providing that provisions relating to tobacco settlement funds, reduced cigarette ignition propensity cigarettes and cigarette taxes apply to cigarettes produced by a machine as specified; amending definitions; and providing for an effective date.

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

Section 1. W.S. 9-4-1211 is created to read:

9-4-1211. Cigarette rolling machines.

Any person who maintains at a retail establishment a machine which enables a person to process tobacco, or any product made or derived from tobacco, into a roll or tube shall be deemed a tobacco product manufacturer and the resulting product shall be deemed a cigarette for purposes of this article.

Section 2. W.S. 35-9-802(a)(ii)(A) and 39-18-101(a)(vii) are amended to read:

35-9-802. Definitions.

(a) For the purposes of this act unless the context otherwise requires:

(ii) "Cigarette" means:

(A) Any roll of tobacco wrapped in paper or in any substance not containing tobacco. "Cigarette" includes any roll or tube of tobacco, or product derived from tobacco, that is produced by a machine on the premises of a retail dealer or a wholesale dealer; or

39-18-101. Definitions.

(a) As used in this article:

(vii) "Cigarette manufacturer" means any person who manufactures, fabricates, assembles, processes or labels a finished cigarette for sale in this state. "Cigarette manufacturer" includes any person who maintains at a retail or wholesale establishment a machine which enables a person to process into a roll or tube, tobacco or any product made or derived from tobacco;

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 66

DYSLEXIA SCREENING AND RESPONSE

Original Senate File No. 52

AN ACT relating to reading assessment and intervention; requiring assessment and early intervention for dyslexia and other reading difficulties; requiring a report; 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)(xxiii) and 21-3-401(a), (c) and by creating a new subsection (d) are amended to read:

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(xxiii) Implement and administer the reading screening and intervention program for students in kindergarten through grade three (3) as required by W.S. 21-3-401;

21-3-401. Reading assessment and intervention.

(a) Each school district shall design and implement a reading screening program that measures student reading progress and includes prescreening for dyslexia and other reading difficulties as early as possible in kindergarten through grade three (3). The screening program shall include a reading assess-

ment plan using screening instruments approved by the department of education, which is administered to all students in kindergarten through grade three (3), with standardized measures providing statewide longitudinal data and providing the capability for monitoring and measuring reading progress. In addition to a universal screening instrument, the department of education shall identify assessment instruments utilized to identify dyslexia and other reading difficulties. The program shall also include a plan for implementation of research based core curricula aligned to the statewide educational program standards and evidenced based interventions to meet the needs of all students. The program shall be multi-tiered and shall include various interventions to facilitate remediation of any reading difficulty as early as possible.

(c) Each district shall annually report to the department of education on the progress of each of its schools toward reaching the goal of eighty-five percent (85%) of all students reading at grade level upon completion of the third grade. The report shall include longitudinal data on all students in kindergarten through grade three (3), and shall include the percentage of students meeting or exceeding proficiency levels for the reporting period. The reporting shall also include the aggregate number of students identified by the screening instruments in each district by grade. Each school not meeting the eighty-five percent (85%) goal specified under this subsection shall submit an improvement plan to the department. At a minimum, the improvement plan shall outline the district's general strategy for increasing reading proficiency for the next school year and shall specifically address the student-teacher ratio, the use of certified tutors and the use of instructional facilitators in kindergarten through grade three (3) in all schools within the district.

(d) The state superintendent, in consultation with Wyoming school districts, professionals in the area of dyslexia and other reading difficulties, and other appropriate stakeholders, shall promulgate rules and regulations as necessary to administer the reading assessment and intervention program pursuant to this statute.

Section 2. Not later than August 1, 2012, the state superintendent shall report to the joint education interim committee on the reading screening program that will be utilized for all K-3 students, including prescreening for dyslexia and other reading difficulties as required by W.S. 21-3-401 as amended under section 1 of this act. The report shall also include information related to the multi-tiered intervention system and the educational plan.

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 67

911 SERVICES-ELIGIBLE ENTITIES

Original House Bill No. 92

AN ACT relating to emergency telephone services; expanding definitions of entities authorized to participate in emergency telephone services program; and providing for an effective date.

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

Section 1. W.S. 16-9-102(a)(i) and (vi) is amended to read:

16-9-102. Definitions.

(a) As used in this act:

(i) "Governing body" means the board of county commissioners of a county, city council or other governing body of a city, town or county, ~~or~~ the board of directors of a special district or a joint powers board established pursuant to W.S. 16-4-101 through 16-4-110;

(vi) "Public agency" means any city, town, county, special district, a joint powers board established pursuant to W.S. 16-4-101 through 16-4-110 or other political subdivision of the state located in whole or in part within this state providing or having the authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

Section 2. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 68

REAL ESTATE BROKERS PRICE OPINIONS

Original Senate File No. 67

AN ACT relating to real estate licensees; providing for opinions regarding the price of real estate; providing disclaimer language; providing definitions; providing conforming amendments; and providing for an effective date.

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

Section 1. W.S. 33-28-125 is created to read:

33-28-125. Broker's price opinions.

(a) A licensee may prepare a broker's price opinion:

(i) To a potential seller or third party, recommending a listing price of real estate;

(ii) To a potential buyer or third party, recommending a purchase price of real estate; or

(iii) To any third party, for any purpose permitted by law.

(b) Every printed or electronic broker's price opinion prepared as provided in subsection (a) of this section shall include the statement: "This is an opinion of price and is not a certified appraisal of the market value of the property. If such an appraisal is desired, the service of a certified appraiser must be obtained."

Section 2. W.S. 33-28-102(b)(xlv)(intro), (M), (N), by creating a new subparagraph (O), by creating a new paragraph (lxii) and by renumbering (lxii) as (lxiii) and 33-39-103 are amended to read:

33-28-102. Definitions.

(b) As used in this act:

(xlv) "Real estate activity" occurs when an individual for another and for compensation performs any one or more of the following:

(M) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, lease or rental of real estate; or

(N) Deals in time shares; or

(O) Provides a broker's price opinion as provided in W.S. 33-28-125.

(lxii) "Broker's price opinion" means an estimate prepared by a licensee that details the probable selling price of real estate and provides a varying level of detail about the real estate's condition, market and neighborhood and information about sales of comparable real estate;

(lxiii)(lxiii) "This act" means W.S. 33-28-101 through 33-28-401

33-39-103. Exemptions.

(a) Except as provided in subsection (b) of this section, this act does not apply to any person who does not hold himself out as, or offer to perform services as, a certified real estate appraiser.

(b) Any licensed real estate licensee shall only provide an opinion as to the price of real estate as provided in W.S. 33-28-125.

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 69**PROPERTY EXEMPT FROM EXECUTION**

Original Senate File No. 24

AN ACT relating to civil procedure; amending property amounts exempt from execution and attachment as specified; amending property that is exempt from execution as specified; and providing for an effective date.

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

Section 1. W.S. 1-20-101, 1-20-104, 1-20-105, 1-20-106(a)(iii), (iv) and (b) and 1-20-110(a)(iii) are amended to read:

1-20-101. Homestead exemption; right and amount.

Every resident of the state is entitled to a homestead not exceeding ~~ten thousand dollars (\$10,000.00)~~ twenty thousand dollars (\$20,000.00) in value, exempt from execution and attachment arising from any debt, contract or civil obligation entered into or incurred.

1-20-104. Homestead exemption; composition.

The homestead may consist of a house ~~and on a lot or lots in any town or city, or a farm consisting or other lands~~ of any number of acres, or a house trailer or other movable home on a lot or lots, whether or not the house trailer or other movable home is equipped with wheels or resting upon immovable support; ~~the value of which does not exceed six thousand dollars (\$6,000.00).~~

1-20-105. Wearing apparel.

The necessary wearing apparel of every person not exceeding ~~one thousand dollars (\$1,000.00)~~ two thousand dollars (\$2,000.00) in value, determined in the manner provided in W.S. 1-20-106 is exempt from levy or sale upon execution, writ of attachment or any process issuing out of any court in this state. Necessary wearing apparel shall not include jewelry of any type other than wedding rings.

1-20-106. Exemption of other personal property; personalty used in livelihood; appraisalment.

(a) The following property, when owned by any person, is exempt from levy or sale upon execution, writ of attachment or any process issuing out of any court in this state and shall continue to be exempt while the person or the family of the person is moving from one (1) place of residence to another in this state:

(iii) Furniture, bedding, provisions and other household articles of any kind or character as the debtor may select, not exceeding in all the value of ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00). When two (2) or more persons occupy the same residence, each shall be entitled to a separate exemption;

(iv) The value in a motor vehicle not exceeding in value two thousand four hundred dollars (\$2,400.00) five thousand dollars (\$5,000.00).

(b) The tools, team, implements or stock in trade of any person, used and kept for the purpose of carrying on his trade or business, not exceeding in value two thousand dollars (\$2,000.00) four thousand dollars (\$4,000.00), or the library, instruments and implements of any professional person, not exceeding in value two thousand dollars (\$2,000.00) four thousand dollars (\$4,000.00), are exempt from levy or sale upon execution, writ of attachment or any process out of any court in this state.

1-20-110. Exemption for retirement funds and accounts.

(a) The following are exempt from execution, attachment, garnishment or any other process issued by any court:

(iii) Any retirement or annuity fund of any person, including individual retirement accounts (IRAs) Roth individual retirement accounts (Roth IRAs) and simplified employee pension individual retirement accounts (SEP IRAs), to the extent payments are made to the fund while solvent, provided the earnings on the fund are protected from federal income tax or subject to deferral of federal income tax, or are not subject to federal income tax upon withdrawal, and the appreciation thereon, the income therefrom and the benefits or annuity payable thereunder; and

Section 2. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 70

EXCEEDING SPEED LIMIT WHILE PASSING

Original House Bill No. 21

AN ACT relating to motor vehicles; authorizing drivers to exceed posted speed limits in order to pass vehicles traveling under the posted speed limit; specifying additional restrictions and application; requiring a report; and providing for an effective date.

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

Section 1. W.S. 31-5-203 by creating a new subsection (b) and 31-5-301(b)(intro) and (c) are amended to read:

31-5-203. Rules governing overtaking on the left.

(b) A driver of a passenger car, motorcycle or pickup truck, not towing any other vehicle, may exceed the speed limit by up to ten (10) miles an hour while passing another vehicle traveling at less than the legal maximum speed, in order to safely pass the vehicle. The overtaking vehicle shall return to the right-

hand lane and reduce speed to the posted speed limit as soon as practicable. This subsection shall be applicable only upon roadways divided into two (2) lanes for two (2) way movement of traffic and where the posted speed limit is fifty (50) miles per hour or greater. This subsection shall not be applicable in construction zones. Passing a vehicle pursuant to this subsection shall be subject to all other applicable motor vehicle laws. A driver of a vehicle exceeding the ten (10) mile per hour limitation of this subsection shall be subject to the full penalty or penalties applicable to exceeding the posted speed limit by the actual speed of the vehicle. As used in this section, "motorcycle," "passenger car," "pickup" and "vehicle" mean as defined in W.S. 31-1-101.

31-5-301. Maximum speed limits.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, subject to W.S. 31-5-203(b), the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(c) Subject to W.S. 31-5-203(b), the maximum speed limits set forth in this section may be altered as authorized in W.S. 31-5-302 and 31-5-303.

Section 2. The Wyoming department of transportation shall report to the joint transportation, highways and military affairs interim committee on the effectiveness of the implementation and enforcement of W.S. 31-5-203(b) before July 1, 2013.

Section 3. This act is effective July 1, 2012.

Approved March 9, 2012.

Chapter 71

PROFESSIONAL TEACHING STANDARDS BOARD-TEACHER CERTIFICATION

Original House Bill No. 108

AN ACT relating to teacher certification; requiring criminal history record check for certification issuance or upon the request of the school district; providing for denial and refusal to renew; clarifying conditions for removal or nonrenewal; providing for reporting to local district boards 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 (xxvi), 7-19-201(a)(iii), 21-2-802(c) and (e)(intro) and 21-3-111(a) by creating a new paragraph (xxi) 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:

(xxvi) The Wyoming professional teaching standards board for purposes of obtaining background information on applications for certification and if requested by a school district, to school district boards of trustees for obtaining background information on employees who may have access to minors in the course of employment.

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:

(iii) Applicants for initial certification by the professional teaching standards board and employees initially hired by a school district on or after July 1, 1996, who may have access to minors in the course of their employment. In accordance with W.S. 21-3-111(a) (xxi), employees of a school district who meet the qualifications of this paragraph shall also be required to submit to fingerprinting for purposes of this subsection upon request of, and payment of applicable fees by, the employing school district;

21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.

(c) The board may revoke, ~~or~~ suspend, deny or refuse to renew certification for incompetency, conviction of a felony committed after July 1, 1996, immorality and other reprehensible conduct or gross neglect of duty or knowing misrepresentation of information on an application or resume, upon its own motion or upon the petition of any local board of trustees. Except as provided in subsection (h) of this section, no certificate shall be revoked or suspended without a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing.

(e) No certification shall be issued under this section until a criminal history background check has been filed with and received by the board, the applicant provides a release of information and the applicant consents to the release of any criminal history information to the board and if applicable, to the employing school district. Upon receipt of a background report pursuant to this subsection indicating that the applicant has a conviction equal to a felony under Wyoming law or any conviction for an act which would constitute a violation under chapter 2 or chapter 4 of title 6 of the Wyoming statutes, the board shall immediately provide a copy of the report to the employing local school board if the information involves a certified individual employed by that local board

and if the local board has requested a copy of the report. For all persons seeking initial certification under this section on or after July 1, 1996:

21-3-111. Powers of boards of trustees.

(a) The board of trustees in each school district within the state may:

(xxi) Request the fingerprints of any employee initially hired by a school district on or after July 1, 1996, who may have access to minors in the course of the employee's employment, as provided by W.S. 7-19-106(a)(xxvi) and 7-19-210(a)(iii). The school district shall pay for the costs associated with the request.

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, 2012.

Chapter 72

STATE PARKS-ACQUISITION OF LANDS

Original Senate File No. 43

AN ACT relating to state parks and cultural resources; authorizing the acceptance of lands as specified; authorizing the acquisition of lands commonly known as the Douglas POW officer's quarters; directing the conveyance and purchase of state trust lands from the state board of land commissioners as specified; providing appropriations; and providing for an effective date.

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

Section 1.

(a) The legislature authorizes the acceptance, by the department of state parks and cultural resources, of the following donated lands located in Douglas, Wyoming, commonly known as the Douglas POW officer's quarters, to be managed by the department of state parks and cultural resources upon final negotiation with the appropriate parties:

(i) Lots 115 and 117 within Section 8, Township 32 North, Range 71 West, 6th P.M. Converse County, Wyoming, containing 1.537 acres more or less.

(b) The board of land commissioners is authorized and directed to convey its right, title and interest, in the surface estate of the following described parcel of land to the department of state parks and cultural resources:

(i) For inclusion into Hot Springs State Park, eighty (80) acres of land in the W1/2 SE1/4 Section 30; Township 43 North, Range 94 West in Hot Springs County located in the bison pasture at Hot Springs State Park.

Section 2.

(a) There is appropriated eighty-nine thousand five hundred dollars (\$89,500.00) from the general fund to the department of state parks and cultural resources for the period beginning with the effective date of this act and ending June 30, 2014 for purposes of funding the stabilization and maintenance of the Douglas POW officer's quarters described in section 1(a) 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 June 30, 2014.

(b) There is appropriated an amount not to exceed ninety-six thousand dollars (\$96,000.00) from the general fund to the office of state lands and investments for the period beginning with the effective date of this act and ending June 30, 2014 for purposes of funding the purchase provided in section 1(b) 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 June 30, 2014.

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, 2012.

Chapter 73**APPLIED AGRICULTURAL RESEARCH FUNDING PROGRAM**

Original Senate File No. 65

AN ACT relating to the department of agriculture; establishing the agricultural research funding program as specified; providing rulemaking authority; providing an appropriation; requiring a report; and providing for an effective date.

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

Section 1. W.S. 11-2-208 is created to read:

11-2-208. Agricultural research funding program.

(a) The director shall, through rule and regulation, establish a process to solicit applications from the agricultural industry in the state for applied agricultural research projects.

(b) The director, with approval from the board, may solicit applications for applied research under this section and shall contract with any appropriate

educational institution or other qualified entity to conduct the research as provided in the application.

(c) In soliciting and reviewing applications under this section, the director and the board shall:

(i) Consult with producers and nonprofit organizations representing Wyoming agricultural producers;

(ii) Consider the potential impacts of the research in strengthening Wyoming's agricultural industry and agricultural production;

(iii) Consider the time for anticipated completion of the research;

(iv) Consider the educational institution or other qualified entity which will conduct the research, giving preference to educational institutions located within the state;

(v) Ensure that the research results will be widely disseminated to the appropriate sectors of Wyoming agriculture;

(vi) Establish requirements for matching contributions from the educational institution or entity involved in the research and give preference to those projects which include additional private and institutional funding in support of the projects.

Section 2.

(a) There is appropriated two hundred thousand dollars (\$200,000.00) 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, 2014. This appropriation shall only be expended for the purpose of contracting with educational institutions or other qualified entities pursuant to the agricultural research funding program established 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, 2014. This appropriation shall not be included in the department's 2015-2016 standard biennial budget request.

(b) Not later than November 30, 2013, the director of the department of agriculture shall provide a report to the joint agriculture, public lands and water resources interim committee on the expenditure of any funds appropriated under this section pursuant to the agricultural research funding program created by this act.

Section 3. This act is effective July 1, 2012.

Approved March 13, 2012.

Chapter 74

PUBLIC RECORDS

Original Senate File No. 25

AN ACT relating to public records; amending and repealing definitions; amending provisions relating to inspection of documents and exemptions from disclosure; amending penalty provision to provide a civil penalty; and providing for an effective date.

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

Section 1. W.S. 16-4-201(a)(v) and by creating new paragraphs (ix) and (x), 16-4-202(a) through (c), 16-4-203(d)(xii), (xiii) and by creating new paragraphs (xiv), (xv) and (xvi) and 16-4-205 are amended to read:

16-4-201. Definitions.

(a) As used in this act:

(v) “Public records” when not otherwise specified includes ~~the original and copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map drawing or other document, regardless of physical form or characteristics that have been made by the state of Wyoming and any counties, municipalities and political subdivisions thereof and by any agencies of the state, counties, municipalities and political subdivisions thereof, or received by them in connection with the transaction of public business, except those privileged or confidential by law~~ any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term “public records” includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting;

(ix) “Application” means a written request for a public record. However, a custodian may in his discretion deem a verbal request to be an application;

(x) “Information” means opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic or other physical form.

16-4-202. Right of inspection; rules and regulations; unavailability.

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the state entity or political subdivision, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference

to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

(b) If the public records requested are not in the custody or control of the person to whom application is made, ~~the person shall forthwith notify the applicant of this fact~~ the custodian or authorized person having personal custody and control of the public records shall notify the applicant within seven (7) business days from the date of acknowledged receipt of the request of the unavailability of the records sought, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed.

(c) If the public records requested are in the custody and control of the person to whom application is made but are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the custodian or authorized person having personal custody and control of the public records shall notify the applicant of this situation within seven (7) business days from the date of acknowledged receipt of the request, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed. If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the agency's ability to discharge its other duties.

16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xii) Information regarding the design, elements and components, and location of state information technology security systems and physical security systems; ~~and~~

(xiii) Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory as provided in W.S. 21-17-308(e);

(xiv) Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if

otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(A) The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;

(B) The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political subdivision of the state, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

(xv) Within any record held by an agency, any income tax return or any individual information derived by the agency from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(xvi) Except as required in a contested case hearing, any individual records involved in any workers' compensation claim, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually.

16-4-205. Civil penalty.

Any person who willfully and knowingly or intentionally violates the provisions of this act is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages shall be assessed by the court. Any action pursuant to this section shall be initiated by the attorney general or the appropriate county attorney.

Section 2. W.S. 16-4-201(a)(vii) is repealed.

Section 3. This act is effective July 1, 2012.

Approved March 13, 2012.

Chapter 75

PUBLIC MEETINGS

Original Senate File No. 27

AN ACT relating to public meetings; amending definitions; clarifying provisions relating to minutes and notice; amending provisions relating to meetings, special meetings, emergency meetings, executive sessions and penalties; and providing for an effective date.

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

Section 1. W.S. 16-4-402(a)(i), (iii), by creating a new paragraph (iv) and by renumbering (iv) as (v), 16-4-403(c)(ii) and by creating a new subsection (d), 16-4-404(a), (b), (d) and (e), 16-4-405(c) and 16-4-408(a) are amended to read:

16-4-402. Definitions.

(a) As used in this act:

(i) "Action" means the transaction of official business of an agency including a collective decision, ~~of a governing body~~, a collective commitment or promise ~~by a governing body~~ to make a positive or negative decision, or an actual vote ~~by a governing body~~ upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting;

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "Assembly" means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously;

~~(iv)~~(v) "This act" means W.S. 16-4-401 through 16-4-408.

16-4-403. Meetings to be open; participation by public; minutes.

(c) Minutes of a meeting:

(ii) Are not required to be recorded or published for day-to-day administrative activities of an agency or its officers or employees.

(d) No meeting shall be conducted by electronic means or any other form

of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

16-4-404. Types of meetings; notice; recess.

(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for ~~all~~ future meetings of an agency. The request shall be in writing and renewed annually to the agency.

(b) Special meetings may be called by the presiding officer of a governing body by giving verbal, electronic or written notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business shall be considered at a special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

(e) Day-to-day administrative activities of an agency, its officers and its employees shall not be subject to the notice requirements of this section.

16-4-405. Executive sessions.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

16-4-408. Penalty.

(a) Any member or members of an agency who knowingly and willfully takes an action in violation of or conspires to take an action in violation of this act shall be guilty of a misdemeanor or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member of the governing body of an agency who attends or remains at a meeting where an action is taken knowing that the action the meeting is in violation of this act shall be guilty of a misdemeanor liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes. Either misdemeanor violation under this subsection is punishable upon conviction by a fine of not more than seven hundred fifty dollars (\$750.00):

Section 2. This act is effective July 1, 2012.

Approved March 13, 2012.

Chapter 76

GUARDIAN AD LITEM PROGRAM

Original Senate File No. 99

AN ACT relating to children; providing for continuation of a guardian ad litem program administered by the state public defender's office; statutorily establishing and making modifications to the program; requiring appointment of the program for guardian ad litem cases as specified; providing for county participation and reimbursement; providing for liability of nonparticipating counties for guardian ad litem costs as specified; providing for coverage of attorneys providing guardian ad litem program services under the Wyoming Governmental Claims Act and state self-insurance program; authorizing payments for guardian ad litem services as specified; authorizing rulemaking; specifying standards for the program and participants; making conforming amendments; providing for funding; and providing for an effective date.

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

Section 1. The guardian ad litem program initially authorized by 2005 Wyoming Session Laws, Chapter 237 and transferred to the state public defender's office pursuant to 2008 Wyoming Session Laws, Chapter 48, Section 316 is authorized and continued by this act and shall be administered as provided in this act.

Section 2. W.S. 14-12-101 through 14-12-104 are created to read:

CHAPTER 12
GUARDIAN AD LITEM PROGRAM
ARTICLE 1
GUARDIAN AD LITEM PROGRAM

14-12-101. Guardian ad litem program; administration by the public defender's office; standards; rulemaking.

(a) The office of the state public defender shall administer a guardian ad litem program. The program shall employ or contract with, supervise and manage attorneys providing legal representation as guardians ad litem in the following cases and actions:

(i) Child protection cases under W.S. 14-3-101 through 14-3-440;

(ii) Children in need of supervision cases under W.S. 14-6-401 through 14-6-440, to the extent an attorney has been appointed to serve only as a guardian ad litem;

(iii) Delinquency cases under W.S. 14-6-201 through 14-6-252, to the extent an attorney has been appointed to serve only as a guardian ad litem;

(iv) Termination of parental rights actions under W.S. 14-2-308 through 14-2-319, brought as a result of a child protection, child in need of supervision or delinquency action;

(v) Appeals to the Wyoming supreme court in the cases or actions specified in this subsection.

(b) The program shall be administered by an administrator appointed by the state public defender. The administrator shall be an attorney in good standing with the Wyoming state bar with experience in guardian ad litem representation, child welfare and juvenile justice.

(c) The office shall adopt policies and rules and regulations governing standards for the legal representation by attorneys acting as guardians ad litem in cases under the program and for the training of those attorneys. The policies and rules shall ensure that the program will be separate and distinct from the office's performance of duties involving criminal defense and representation of a juvenile other than as a guardian ad litem in delinquency proceedings. To the maximum extent possible, the policies and rules shall ensure all fiscal and information technology duties for the program are kept separate from the fiscal and information technology duties for the office of the public defender. Any attorney providing services to the program as a guardian ad litem shall meet the standards established by the office for the program.

14-12-102. Appointment of program to provide guardian ad litem services.

(a) In cases specified in W.S. 14-12-101(a), if the county in which the court is located participates in the program:

(i) The court shall appoint the program to provide services when appointing a guardian ad litem;

(ii) The administrator or designee shall assign an attorney to act as guardian ad litem in accordance with the court's order.

(b) The program shall cooperate with juvenile courts in developing a case ap-

pointment system in each participating county for all applicable cases requiring the appointment of a guardian ad litem.

(c) An attorney accepting a guardian ad litem assignment under the program shall be employed by or contract with the program to provide services in accordance with program requirements. The contract shall specify the fees to be paid for the assignment, which may be a defined hourly or per case rate or a defined sum. Fees paid by the program may vary based upon the type and difficulty of the case, location, work required and experience.

14-12-103. County participation; reimbursement; offices and equipment.

(a) The office of the state public defender shall enter into agreements with each county participating in the program. Agreements shall require counties to comply with all program rules and policies. The agreement shall establish the compensation rate within the county for attorneys providing legal representation as guardians ad litem in program cases and the reimbursement requirements. A county may agree with an attorney providing services under the program to pay a rate in excess of the rate set for payment by the program. If a county agrees to do so, it shall enter into a separate contract with the attorney providing services and shall be responsible and obligated to reimburse the program for one hundred percent (100%) of the excess amount. The county shall enter into a separate agreement with the office setting out the agreement, the excess rate and the responsibilities and obligations of all parties.

(b) The program shall pay from the guardian ad litem account one hundred percent (100%) of the fees for the legal representation of children by attorneys as guardians ad litem in program cases. Participating counties shall reimburse the program an amount equal to not less than twenty-five percent (25%) of the agreed program fees, not less than twenty-five percent (25%) of the program's administrative cost prorated by program funds expended in each county and one hundred percent (100%) of excess rate fees. The program shall invoice the county for its proportionate share. In the event a county does not make payments within ninety (90) days, the state treasurer may deduct the amount from sales tax revenues due to the county from the state and shall credit the amount to the program account.

(c) There is created a guardian ad litem account. All reimbursements received under the program shall be deposited to the account. Funds within the account are continuously appropriated to the public defender's office for expenditure for the sole purpose of the guardian ad litem program.

(d) Agreements entered into under this section shall include provision for each county, in which guardians ad litem employed by or under contract with the program are located, to provide separate from any public defender field office, adequate space and utility services, other than telephone service, for the use of the program's guardians ad litem. If suitable office space for all guardians ad litem

cannot be provided, the county shall provide, based upon a proportional share, a monthly stipend to all program guardians ad litem housed in private facilities. The proportional share shall be determined by the program, based upon the counties served by each guardian ad litem not provided suitable office space. The stipend shall be paid directly by the county to the program guardian ad litem.

(e) A county which does not participate in the program, shall be responsible for the full cost of guardians ad litem legal fees as provided by W.S. 14-2-318(b)(i), 14-3-434(b)(vi), 14-6-235(b)(vi) and 14-6-434(b)(vi).

(f) The office shall enter into a memorandum of understanding with the department of family services under which a guardian ad litem will be provided for cases in which the department is required by law or court order to provide guardian ad litem services in any of the cases or actions specified in W.S. 14-12-101(a). The department shall reimburse the program an amount equal to not less than twenty-five percent (25%) of the agreed program fees paid to guardians ad litem in actions under this subsection.

14-12-104. Applicability of the Wyoming Governmental Claims Act and state self-insurance program.

Notwithstanding any other provision of law to the contrary, any attorney providing services for the office pursuant to the guardian ad litem program shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-121, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

Section 3. W.S. 1-39-103(a)(iv)(B) and by creating a new subparagraph (F), 1-41-102(a)(v)(B)(I) and by creating a new subparagraph (D), 7-6-103(c)(vi) and by creating a new paragraph (viii), 7-6-106(d)(i) and by creating a new paragraph (iii), 7-6-112(a)(iii) and by creating a new paragraph (v) and 7-6-113 by creating a new subsection (d), 14-2-318(b)(i) and (d)(iii), 14-3-434(b)(vi) and (c), 14-6-235(b)(vi) and (c) and 14-6-434(b)(vi) and (c) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

(iv) "Public employee":

(B) Does not include an independent contractor, except as provided in ~~subparagraph~~ subparagraphs (C) and (F) of this paragraph, or a judicial officer exercising the authority vested in him;

(F) Includes contract attorneys in the course of providing contract services for the state public defenders office as provided in W.S. 7-6-103(k) or 14-12-104.

1-41-102. Definitions.

(a) As used in this act:

(v) "Public employee" means any officer, employee or servant of the state, provided the term:

(B) Does not include:

(I) An independent contractor except as provided in subparagraphs (C) and (D) of this paragraph;

(D) Includes contract attorneys in the course of providing contract services for the state public defenders office as provided in W.S. 7-6-103(k) or 14-12-104.

7-6-103. Creation of office of state public defender; appointment of state public defender and assistants; duties; removal.

(c) The state public defender shall:

(vi) Promulgate rules and regulations establishing a standard fee schedule for services provided by attorneys appointed pursuant to W.S. 7-6-109; ~~and~~

(viii) Administer the guardian ad litem program as provided in W.S. 14-12-101 through 14-12-104.

7-6-106. Determination of need; reimbursement for services.

(d) The state public defender shall report in the agency's annual report concerning:

(i) The number of cases by court in which an attorney was appointed to represent a person at public expense under this act during the preceding calendar quarter; ~~and~~

(iii) For the guardian ad litem program, the number of cases, the amount of monies expended and the amounts of reimbursements from participating counties.

7-6-112. Applicability of provisions.

(a) This act does not apply to:

(iii) Representation of a person charged in municipal court with violation of a municipal ordinance; ~~or~~

(v) Administration of the guardian ad litem program under W.S. 14-12-101 through 14-12-104, except as provided in W.S. 7-6-103(c)(viii) and 7-6-106(d)(iii).

7-6-113. Funding.

(d) The provisions of this section shall not be applicable to the guardian ad litem program administered by the office of the public defender and the budget for that program shall be as provided in W.S. 14-12-101 through 14-12-104.

14-2-318. Costs of proceedings; appointment of counsel.

(b) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(B), it shall pay for the costs of the action. Costs shall include:

(i) Fee for the guardian ad litem. If the agency had entered into an agreement with the guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program was appointed to provide the guardian ad litem, the program shall pay the fee for the guardian ad litem in accordance with that agreement;

(d) Where petitioner is an authorized agency as defined by W.S. 14-2-308(a)(ii)(A):

(iii) The authorized agency shall pay the guardian ad litem reasonable fees and expenses approved by the court unless the agency had entered into an agreement with the guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program was appointed to provide the guardian ad litem. If so, the program shall pay the fee for the guardian ad litem in accordance with that agreement.

14-3-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program was appointed to provide the guardian ad litem; and

(c) In every case in which a guardian ad litem has been appointed to represent the child under this act or in which counsel has been appointed under this act to represent the child's parents, guardian or custodian, the court shall determine whether the child's parents, guardian, custodian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child's parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-3-435. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the guardian ad litem program in accordance with payments made for those services.

14-6-235. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program was appointed to provide the guardian ad litem; and

(c) Legal services rendered to a child for his benefit and protection are necessities which the child's parents or any person obligated by law for the child's support may be held responsible. In every case in which a guardian ad litem has been appointed to represent the child under W.S. 14-6-216 or in which counsel has been appointed under W.S. 14-6-222 to represent the child, the child's parents, guardian or other person responsible for the child's support, the court shall determine whether the child, the child's parents, guardian or other person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, his parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-236. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the guardian ad litem program in accordance with payments made for those services.

14-6-434. Fees, costs and expenses.

(b) The following costs and expenses, when approved and certified by the court to the county treasurer, shall be a charge upon the funds of the county where the proceedings are held and shall be paid by the board of county commissioners of that county:

(vi) Reasonable compensation for services and costs of a guardian ad litem appointed by the court, unless the county participates in the guardian ad litem program pursuant to W.S. 14-12-101 through 14-12-104 and the program was appointed to provide the guardian ad litem; and

(c) In every case in which a guardian ad litem has been appointed to represent the child under this act or in which counsel has been appointed under this act to represent a child or the child's parents, guardian or custodian, the court shall determine whether the child, the child's parents, guardian, custodian or other

person responsible for the child's support is able to pay part or all of the costs of representation and shall enter specific findings on the record. If the court determines that any of the parties is able to pay any amount as reimbursement for costs of representation, the court shall order reimbursement or shall state on the record the reasons why reimbursement was not ordered. The court may also in any case order that all or any part of the costs and expenses enumerated in paragraphs (b)(i), (iii), (iv) and (vii) of this section, be reimbursed to the county by the child, the child's parents or any person legally obligated for his support, or any of them jointly and severally, upon terms the court may direct. An order for reimbursement of costs made pursuant to this subsection may be enforced as provided in W.S. 14-6-435. Any reimbursement ordered for guardian ad litem services provided pursuant to W.S. 14-12-101 through 14-12-104 shall be apportioned between the county and the guardian ad litem program in accordance with payments made for those services.

Section 4. All funds previously appropriated to the state public defender's office for the guardian ad litem program or appropriated to that office for the program under 2012 Senate File 1 shall be deposited to the guardian ad litem account created by this act and may be expended as provided by this act.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2012.

Chapter 77

RESORT LIQUOR LICENSES

Original House Bill No. 76

AN ACT relating to liquor licenses; amending qualifications for applicants for resort liquor licenses; and providing for an effective date.

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

Section 1. W.S. 12-4-401(b)(iii) is amended to read:

12-4-401. Resort retail liquor licenses; authorized; qualifications; provision for licenses issued prior to January 1, 1980.

(b) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:

(iii) Include either:

(A) Motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms; or

(B) A ski resort facility open to the general public in which the applicant shall have committed or expended on the facility not less than ten million dollars (\$10,000,000.00).

Section 2. This act is effective July 1, 2012.

Approved March 13, 2012.

Chapter 78

BUSINESS ENTITIES-REVISIONS

Original House Bill No. 11

AN ACT relating to business entities; providing for appeals of denials of reinstatement; clarifying application of limited liability company statutes; and providing for an effective date.

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

Section 1. W.S. 17-29-707 is created to read:

17-29-707. Appeal from rejection of reinstatement.

Appeals of decisions of the secretary of state under this article may be made as provided in W.S. 17-16-1423.

Section 2. W.S. 17-28-110 by creating a new subsection (d) and 17-29-1103(a) are amended to read:

17-28-110. Reinstatement after administrative dissolution or revocation of authority.

(d) Appeals of decisions of the secretary of state under this section may be made as provided in W.S. 17-16-1423.

17-29-1103. Application to existing domestic limited liability companies.

(a) Except as provided in subsection (b) of this section, this chapter applies to domestic limited liability companies in existence on ~~its effective date July 1, 2010~~ that were organized under any general statute of this state providing for organization of limited liability companies. ~~if power to amend or repeal the statute under which the limited liability company was organized was reserved.~~

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 15, 2012.

Chapter 79

BUDGET HEARINGS

Original House Bill No. 17

AN ACT relating to local governments; specifying dates for budget hearings; and providing for an effective date.

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

Section 1. W.S. 16-4-109(b) is amended to read:

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 not later than the third Wednesday in July and for all other special purpose districts having the power to levy or require the levy of taxes ~~within not later than~~ five (5) days ~~of after~~ 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. 16-4-125(c) excluding incorporated towns not subject to this act.

Section 2. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 80

CONTRACTOR RESIDENCY PROVISIONS

Original House Bill No. 26

AN ACT relating to public works and contracts; modifying provisions relating to residency status for purposes of preference laws; modifying penalties; providing definitions; providing for administration by the department of workforce services; providing for a select legislative committee and a study and report; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 16-6-101(a)(i)(intro), (J)(III), by creating new paragraphs (iii) and (iv) and by renumbering (iii) as (v), 16-6-102(c) and 16-6-120(a), (b)(intro), (ii), by creating a new subsection (c), by amending and renumbering (c) as (d) and by renumbering (d) as (e) are amended to read:

16-6-101. Definitions.

(a) As used in this act:

(i) "Resident" means a natural person, association, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of employment following receipt of an affidavit executed and sworn to by the president a chief executive officer of the company or his designee of entity setting forth information required by the department to determine compliance with this act and prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria:

(J) A corporation organized under the laws of any state which has been in existence for two (2) years or more:

(III) Has paid worker's compensation and unemployment taxes in Wyoming for at least one (1) year and is in good standing with ~~Wyoming worker's compensation and the~~ department of employment at the time the bid or request for proposal is submitted.

(iii) "Chief executive officer" means:

(A) For a corporation, the president of the corporation;

(B) For a partnership other than a limited partnership, a partner;

(C) For a limited partnership, a general partner;

(D) For a limited liability company, a member of the limited liability company;

(E) For a business entity not specified in subdivisions (A) through (D) of this paragraph, the entity's president, chairman of the executive committee, senior officer responsible for the entity's business, chief financial officer or any other individual who performs similar functions as specified by rule of the department. The department may authorize by rule the execution of an affidavit required by paragraph (i) of this subsection by an individual holding a position other than as specified in this paragraph, if the individual holds a position with functions similar to a president of a corporation.

(iv) "Department" means the department of workforce services;

(iii)(v) "This act" means W.S. 16-6-101 through 16-6-121.

16-6-102. Resident contractors; preference limitation with reference to lowest bid or qualified response; decertification; denial of application for residency.

(c) If any person who applies for certification as a resident contractor is denied certification because of not meeting the residency requirements, that person may not reapply for certification for a period of one hundred eighty (180) days from the date certification is denied. No person shall be denied certification because of inadvertent omission of information, as determined by the

department, ~~of employment~~, on an application for resident certification.

16-6-120. Rulemaking; penalties; enforcement.

(a) The department ~~of employment~~ shall promulgate rules and regulations ~~required as the department determines necessary or convenient~~ to enforce this act.

(b) ~~A person~~ ~~Unless punishable under subsection (c) of this section, an individual,~~ partnership, association, limited partnership, registered limited partnership, registered limited liability company or corporation and any officer or member thereof that intentionally falsifies information under this act shall be:

(ii) Barred from bidding on any ~~state contract~~ subject to the provisions of this act or submitting any request for proposal on any ~~state project~~ subject to the provisions of this act for one (1) year from the date the violation is corrected.

(c) Any person who signs an affidavit submitted to the department pursuant to W.S. 16-1-101(a), knowing any information contained therein is false, shall be guilty of false swearing punishable as a felony in accordance with W.S. 6-5-303(a).

~~(c)~~(d) The department ~~of employment~~ is authorized and directed to enforce W.S. 16-6-101 through 16-6-206.

~~(d)~~(e) In the event a contractor fails to comply with an order from the department, the director shall refer the matter to the appropriate district or county attorney for enforcement of the department's order.

Section 2.

(a) The president of the senate and the speaker of the house of representatives shall each appoint three (3) members of their respective houses to a select committee on resident contractor preference laws. The president and speaker shall each designate a cochairman of the select committee. At least one (1) member of the select committee shall be from the minority party.

(b) The select committee shall:

(i) Review the provisions of W.S. 16-6-101 through 16-6-121, and other provisions of Wyoming law related to contractor preference laws and for public works construction projects for the state, state agencies, state institutions and political subdivisions of the state. The committee shall include in its review the provisions of 2011 Wyoming Session Laws, Chapters 81 and 82;

(ii) Determine whether statutory changes are necessary and desirable to make more uniform laws governing public works construction projects;

(iii) Determine whether statutory changes to contractor preference laws should be made to effectuate the goal of ensuring that all business entities certified as Wyoming residents are at least fifty percent (50%) owned by individuals or entities with an actual presence in Wyoming beyond that necessary to meet

minimum requirements to qualify as a resident under W.S. 16-6-101 through 16-6-121;

(iv) Be staffed by the legislative service office. State agencies shall provide information and assistance to the select committee as requested.

(c) The select committee shall submit its recommendations, including proposed legislation with respect to the issues specified in subsection (b) of this section, to the joint minerals, business and economic development interim committee no later than October 1, 2012. The joint minerals, business and economic development interim committee shall consider the recommendations and develop legislation it deems appropriate for consideration by the legislature.

(d) Members of the select committee shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the committee.

(e) There is appropriated from the general fund twenty thousand dollars (\$20,000.00) to the legislative service office for payment of salary, per diem and mileage for committee members.

(f) The select committee shall terminate December 31, 2012.

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 15, 2012.

Chapter 81

BANKS-AUTHORIZED INVESTMENTS

Original House Bill No. 65

AN ACT relating to banks and banking; modifying requirements for authorized investment of bank assets in mutual funds; and providing for an effective date

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

Section 1. W.S. 13-3-202(a)(vii) is amended to read:

13-3-202. Investment in stock of other corporations.

(a) No bank shall invest any of its assets in the capital stock of any other corporation except as follows:

(vii) In mutual fund shares whose underlying securities consist solely of obligations of the United States treasury or other federal agency obligations; ~~which are unconditionally guaranteed by the United States government;~~

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 15, 2012.

Chapter 82

EXTENSION OF ENERGY PRODUCING STATES COALITION

Original House Bill No. 27

AN ACT relating to the legislature; extending the energy producing states coalition as specified; 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) The participation of Wyoming legislators in the energy producing states coalition, authorized by 2011 Wyoming Session Laws, Chapter 92, Section 1, is hereby continued.

(b) Legislators appointed pursuant to this act shall be authorized by the management council of the legislature to attend meetings as the council determines necessary to accomplish the purposes of this act, and shall receive salary, per diem and mileage for the performance of their duties under this act as provided in W.S. 28-5-101. Appointed legislators shall provide a single report to the council not later than October 1 of each year, including any suggested legislation for referral to the appropriate legislative committee for consideration.

(c) In addition to the requirements of subsection (b) of this section, the appropriation contained in section 2 of this act may be expended to coordinate and provide meeting facilities and other requirements for the energy producing states coalition with the approval of management council.

Section 2. For purposes of this act, there is appropriated from the general fund fifty thousand five hundred dollars (\$50,500.00) to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014.

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 15, 2012.

Chapter 83

NOTARIAL CERTIFICATION

Original House Bill No. 35

AN ACT relating to notarial acts; providing a short form certificate shall be presumptive evidence as specified; and providing for an effective date.

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

Section 1. W.S. 34-26-107(c)(intro) is amended to read:

34-26-107. Certificate of notarial acts; presumptive evidence.

(c) In addition to the presumptive evidence established by W.S. 32-1-107 and as otherwise provided in this chapter, a certificate of a notarial act in a form as set out in W.S. 34-26-108 shall be ~~received as~~ presumptive evidence that:

Section 2. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 84

OBSOLETE LAWS

Original House Bill No. 31

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; and providing for an effective date.

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

[SECTION 1. PROVISIONS WHICH ARE OBSOLETE]

[a. FULLY EXECUTED]

Section 101. W.S. 35-7-1049(j) and 37-2-107(a) are amended to read:

35-7-1049. Forfeitures and seizures generally; property subject to forfeiture.

(j) Any law enforcement agency of this state may accept, receive, dispose of and expend the property or proceeds from any property forfeited to the federal government or any state and allocated to the agency by the United States attorney general pursuant to 21 U.S.C. 881(e) or any law of another state. The property or proceeds shall be in addition to funds appropriated to the law enforcement agency by the state legislature or any unit of local government. The property or proceeds may be credited to any lawfully created fund or account designated to receive proceeds of forfeitures. ~~For the period beginning July 1,~~

1996, and ending June 30, 1998, the division shall provide to the joint appropriations interim committee of the legislature a quarterly audit of the assets forfeiture account detailing the collection and distribution of all seized assets.

37-2-107. Uniform assessment regarding telecommunications, gas, electric, water and pipeline service; assessment generally.

(a) ~~Except as provided in subsection (b) of this section,~~ On or before the first day of July of each year the director of revenue shall, by requiring special reports or otherwise, determine the total aggregate amount of the gross Wyoming intrastate retail revenues of all public utilities, entities utilizing public utility facilities in the state to furnish retail utility commodities or services to the public, and providers of telecommunication services, except motor carriers, and those utilities exempted under W.S. 37-2-108, for the preceding calendar year. He shall then determine the ratio that one-half (1/2) of the total authorized budgeted amount for the biennium is to the total aggregate gross retail Wyoming intrastate operating revenues. The resulting percentage factor shall then be applied to the annual intrastate gross retail operating revenues of each of such persons for the preceding calendar year and the result shall be the assessment of each such person for the ensuing budget fiscal year. However, the assessment rate against the persons for any one (1) year shall not exceed .0030 of the gross Wyoming intrastate retail revenues of the persons. By the first day of August the director of the revenue department shall assess the persons, and one-half (1/2) the assessed fees shall be paid to him by the persons on or before the first day of October and one-half (1/2) of the fees shall be paid to him by the persons on or before the first day of April in the ensuing year. The director of the revenue department, in computing the percentage upon which fees for the first fiscal year of the ensuing biennium shall be based, shall deduct any unexpended balance in the commission's account, less an amount equal to the total of all properly authorized outstanding accounts payable, from one-half (1/2) the total authorized budgeted amount for the biennium, and the resultant figure shall be used instead of the one-half (1/2) of the total authorized budgeted amount for the biennium, as above provided. Any unexpended balance in the commission's account shall not lapse at the end of the fiscal period. "Intrastate gross retail operating revenues" as used in this section shall mean intrastate gross revenues derived from the provision of telecommunications, gas, electric, water and pipeline service offered for final consumption and not for resale.

Section 102. W.S. 37-2-107(b), 39-14-108(b)(ii), 39-14-208(b)(ii), 39-14-308(b)(ii), 39-14-408(b)(ii), 39-14-508(b)(ii), 39-14-608(b)(ii) and 39-14-708(b)(ii) are repealed.

[SECTION 1. PROVISIONS WHICH ARE OBSOLETE]
[b. OTHER ARCHAIC REFERENCES]

Section 103. W.S. 14-4-101(a)(vi)(H), 35-4-202, 37-2-114(a), 37-2-128, 37-2-203(c), (d) and (f), 37-3-109, 37-3-110, 37-5-103(a)(xi) and 37-9-1301(h)(i) are amended to read:

14-4-101. Definitions.

(a) As used in W.S. 14-4-101 through 14-4-115:

(vi) "Child caring facility" means any person who operates a business to keep or care for any minor at the request of the parents, legal guardians or an agency which is responsible for the child and includes any of the following privately operated facilities:

(H) Homes for ~~defective~~ children with developmental disabilities;

35-4-202. Contamination of streams by sawmills, mining operations, or other manufacturing or industrial works prohibited; penalty; exceptions; special permits.

Any owner or owners of any sawmill, reduction works, smelter, milling, refining or concentration works, or other manufacturing or industrial works, or any agent, servant or employee thereof, or any person or persons whomsoever, who shall throw or deposit in, or in any way permit to pass into any natural stream or lake within the state, wherein are living fish, any sawdust, chemicals, mill-tailing, or other refuse matter of deleterious substance or poisons of any kind or character whatsoever, that will or may tend to the destruction or driving away from such waters any fish, or kill or destroy any fish therein, or that will or may tend to pollute, contaminate, render impure or unfit for domestic, irrigation, stock or other purposes for which appropriated and used, the waters of any such natural streams or lake, or that will or may tend to obstruct, fill in or otherwise interfere with the flow, channel or condition of such streams, lake or waters, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) or shall be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment for each offense; and where any of the foregoing unlawful acts are committed continuously, each of the days upon which committed shall be treated and considered as a separate and distinct offense; provided, that nothing in this section or W.S. 23-3-204 shall apply to the slag from smelter furnaces; provided further, that nothing in this section nor in any of the other laws of this state shall prevent the owner or owners of any mill, concentration works, reduction works or tailings pond or basin used in connection therewith, in this state, now or hereafter to be located upon any natural stream, or lake, from operating said mill, concentration works, reduction works or tailings pond or basin used in connection therewith, where the said owner or owners thereof shall build or cause to be built a dam or dams for settling purposes; provided however that before any dam or dams shall be built for any such purposes, the director of the state department of health, the director of the state game and fish commissioner department and the state engineer, acting as a joint committee and each member casting a vote of his department, shall review such plans and according to their findings shall approve or disapprove such plans for preventing any deleterious substances from entering any waters beyond the project area;

provided, that whenever a majority of the landowners on any irrigation stream shall petition the director of the state game and fish commissioner department to allow sawdust to be put in any stream that does not reach a main body of water or living stream he shall have the power to grant such permits.

37-2-114. Authority to confer with other state and federal commissions; expenses.

(a) The commission may confer in person, by attending conventions or otherwise, with the members of railroad or other public utility commissions of other states and with the interstate commerce commission surface transportation board on any matters relating to public utilities, and shall be allowed actual traveling expenses when engaged in such work.

37-2-128. Civil penalty for violation of federal Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011; generally.

Where the commission has exercised authority under the provisions of the federal Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011, 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 may be subject to a civil penalty not to exceed one hundred thousand dollars (\$100,000.00) for violation for each day that the violation persists. However, the maximum civil penalty shall not exceed one million dollars (\$1,000,000.00) for any related series of violations.

37-2-203. Separate hearings; hearings to be open; representation by attorney; reports, investigations.

(c) The commission shall, within its jurisdiction, have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by all public utilities operating within the state. It may also in its discretion prescribe by order, forms of accounts, records and memoranda to be kept by such public utilities. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such public utility by the commission at least six (6) months before the same shall take effect. Any other and additional forms of accounts, records and memoranda kept by such public utility shall be subject to examination by the commission. The system of accounts, established by the commission and the forms of accounts, records and memoranda prescribed by it shall in the case of interstate public utilities conform as nearly as may be to those prescribed by the interstate commerce commission surface transportation board under the act of congress, entitled "An act to regulate commerce", and the acts amendatory thereof and supplementary thereto.

(d) Every public utility shall report to the commission, under rules and regulations prescribed by the commission and harmonizing insofar as practicable with

those of the ~~interstate commerce commission~~ surface transportation board, and of any other department of this state, every accident occurring upon the property of any public utility or directly or indirectly arising from or connected with the maintenance or operation of the plant, equipment, appliances, apparatus, property or facilities of such public utility resulting in loss of life or injury to person or property; provided, that whenever any accident occasions the loss of life or limb to any person, such public utility shall straightway advise the commission of the fact by the speediest available means of communication.

(f) Nothing in this act in relation to service regulation or in relation to reports or the methods of keeping accounts, records or books shall apply to any common carrier engaged in interstate commerce; provided, that, the department of transportation may, upon proper notice, require any common carrier to furnish to the department of transportation copies of any reports as it may designate which any common carrier may have filed with the ~~interstate commerce commission~~ surface transportation board.

37-3-109. Investigation of interstate rates; application for relief.

The commission may investigate all existing or proposed interstate rates, where any act under such rate shall or may take place within this state. When such rates are, in the opinion of the commission, unjust, unreasonable, unjustly discriminatory, unduly preferential or otherwise, or in any respect in violation of the provisions of the act to regulate commerce or of any other act of congress or in conflict with the rules and orders of the ~~interstate commerce commission~~ surface transportation board or any other department of the federal government, the commission may apply for relief by petition or otherwise to the ~~interstate commerce commission~~ surface transportation board or to any other department of the federal government or to any court of competent jurisdiction.

37-3-110. Schedules of rates to be filed and available to public; forms prescribed to conform to federal forms.

Within a time to be fixed by the commission, every public utility shall file with the commission, and keep open to public inspection as this commission may direct, schedules showing all rates for every service rendered or to be rendered by it. The commission may determine and prescribe the form of the schedules required by this act to be filed with the commission and kept open to public inspection and all changes therein, and change the form from time to time if it shall be found expedient; provided, however, that in respect to public utilities subject to act of congress to regulate commerce and any amendments thereof, the commission shall have such form or forms prescribed by it conform to any similar form prescribed by the ~~interstate commerce commission~~ surface transportation board.

37-5-103. Powers of the authority.

(a) In exercising the rights and powers granted to it, the authority shall be vested with authority to:

(xi) Work in consultation and coordination with, but not limited to, ~~the Wyoming energy commission and the Wyoming business council~~ to develop, promote and identify markets for natural gas and associated natural resource and facilitate the aggregation of supply for those markets;

37-9-1301. Environmental inventory and cleanup after cessation of rail service.

(h) For purposes of this section:

(i) A rail common carrier “ceases service” when the United States ~~Interstate Commerce Commission~~ surface transportation board, or any successor agency, finds or has found that the rail common carrier may abandon any part of its railroad lines or discontinue the operation of all rail transportation over any part of its railroad lines, or when the railroad line is actually abandoned or service actually discontinued, if the abandonment or discontinuance is exempt from such a finding under the rules of the ~~Interstate Commerce Commission~~ surface transportation board, or any successor agency;

Section 104. W.S. 35-4-401 through 35-4-403, 37-1-101(a)(vi)(A) and (F) and 37-3-105 are repealed.

[SECTION 2. INCORRECT CITATIONS OR FAILURE TO UPDATE
CROSS REFERENCED PROVISIONS]

[a. WYOMING OR INTERNAL CITATIONS]

Section 201. W.S. 9-2-1005(o), 33-33-304, 37-2-201, 37-2-203(b) and 37-9-204 are amended to read:

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

(o) The governor shall report monthly to the legislature on the use of the flex authority authorized under ~~subsections (k) and (m) of this section~~ or any legislative appropriation act during each biennium. The report shall specify appropriations and authorized positions transferred during the biennium, including transfers between expenditure series, programs and agencies with a detailed written description of the transfer.

33-33-304. Issuance of license.

The board shall issue a license to any person who meets the requirements of this act and who pays to the board the initial application and licensing fee prescribed in W.S. ~~33-402~~ 33-33-307.

37-2-201. Fixing time and place of public hearing; notice and conduct.

Whenever the commission shall determine to conduct an investigation of any matter provided for in ~~chapter 64, Wyoming Compiled Statutes, 1945-W.S. 37-1-101 through 37-3-114 and 37-12-201 through 37-12-213~~, either with or without complaint as in such chapter provided for, it shall fix a time and place for

a public hearing of the matters under investigation, and shall notify, by registered letter requiring receipt, the complainant, the persons complained of and such other persons, as it may deem proper, of such time and place of hearing, at least twenty (20) days in advance thereof. At the hearing held pursuant to such notice, the commission, commissioner or commission employee authorized by order of the commission to conduct such hearing, may take such testimony as may be offered, or as they may desire, and may make such other and further investigation as in its opinion, is desirable.

37-2-203. Separate hearings; hearings to be open; representation by attorney; reports, investigations.

(b) Within a time to be fixed by the commission, every public utility under the jurisdiction of this commission shall file an annual report with the commission, verified by the oath of the president, treasurer or general manager or receiver, if any, of such public utility, or by the person required to file the same. The verification shall be made by said official holding office, at the time of the filing of said report, and, if not made upon the knowledge of the person verifying the same, shall set forth the source of his information and the grounds of his beliefs as to any matters not stated to be verified upon his knowledge. The commission shall prescribe the form of such reports and the character of the information to be contained therein, and may from time to time make such changes and such additions in regard to form and contents thereof as it may deem proper and each year shall furnish a blank form for such annual reports to every such public utility. Such report shall also cover the period, and be filed at the time prescribed by the commission. The contents of such report and the form thereof shall conform in the case of interstate public utilities as nearly as may be to that required of interstate public utilities under the act of congress entitled "An act to regulate commerce", approved February fourth, eighteen hundred and eighty-seven [1887], and the acts amendatory thereof and supplemental thereto. The originals of said reports subscribed and sworn to as prescribed by law, shall be filed in the office of the commission. The commission may require, by order of any public utility or person, specific answers to questions upon which the commission may need information. If any public utility shall fail to make and file its annual report within the time ordered, or the time extended by the commission, it shall be subject to the penalty as provided for under ~~section 68 of this act~~ W.S. 37-12-204.

37-9-204. Rights-of-way for oil and gas companies.

~~The last two (2) preceding sections W.S. 37-9-202 and 37-9-203~~ shall also apply to all gas and petroleum oil corporations, companies and individuals, for the right-of-way ten (10) feet wide, through the school and other lands, over which the state has control, for the purpose of carrying gas or oil through pipes, also land for pump stations, tanks, and other buildings, necessary to conduct the oil or gas product of the wells of Wyoming.

Section 301. Other than 2012 SF0038, 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 401. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 85

BASELINE SCIENTIFIC ASSESSMENTS

Original House Bill No. 90

AN ACT relating to natural resources; providing for the baseline scientific assessment of agricultural, mineral, geological, historical and environmental resources on public lands; providing that the governor shall supervise the collection of baseline scientific data as specified; providing that the governor may assign collection of data to state agencies and political entities of the state as specified; providing that the governor may collaborate with other entities in the collection of data as specified; requiring cost sharing; providing that the governor shall distribute necessary costs of data collection as specified; creating a repository for the data collected within the governor's office; providing that the collected data may be shared as specified; providing rulemaking authority; requiring reports; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-1-224 is created to read:

9-1-224. Collection of data; creation of a repository; dissemination of data.

(a) The governor's office may supervise the collection of baseline scientific assessment data on public lands which may impact agricultural, mineral, geological, historical or environmental resources. The data collected shall be of sufficient quality and quantity to provide a scientifically defensible record of the ambient environment in a defined geographic area. The governor's office may supervise collection of all data on public lands which may impact agricultural, mineral, geological, historical or environmental resources, including, but not limited to, the following:

- (i) Air quality, including ozone and haze levels;
- (ii) Surface water and groundwater quality and quantity;
- (iii) Economic development infrastructure, roads, reservoirs, corrals, fences, pipelines, transmission lines and all other man-made structures on public land;
- (iv) Historic trails, stock driveways, historic sites or archeological sites;
- (v) Livestock grazing;
- (vi) Geological analysis;
- (vii) Populations of species listed as threatened or endangered under the

Endangered Species Act and all state and federal agency species lists including, but not limited to, management indicator species, sensitive species, native species status and the Wyoming natural diversity database;

(viii) Rights-of-way corridors for electric transmission, fiber optics and pipelines;

(ix) Enhanced oil recovery.

(b) The governor shall assign the collection of data under subsection (a) of this section to the appropriate state agency or political entity of the state, including, but not limited to, the following:

(i) The department of environmental quality;

(ii) The University of Wyoming;

(iii) The oil and gas commission;

(iv) The game and fish department;

(v) The department of agriculture;

(vi) The office of state lands and investments;

(vii) The department of state parks and cultural resources;

(viii) The department of administration and information;

(ix) The state archeologist;

(x) The state geologist;

(xi) The pipeline authority;

(xii) The infrastructure authority;

(xiii) Conservation districts;

(xiv) All other state agencies, boards, commissions and departments with knowledge and expertise on issues impacting lands in the state; and

(xv) All interested local governments.

(c) The governor's office may collaborate with any entity not under the complete control of the state of Wyoming to accomplish the purposes of this section. Before collaborating with an entity not under the complete control of the state of Wyoming, the governor's office and the other entity shall enter into a cost sharing agreement. The governor's office may accept funding from an entity for data collection under this section. Any funding received shall be reported to the joint minerals, business and economic development interim committee in accordance with subsection (h) of this section.

(d) The governor may direct state agencies and political entities to use all available technologies at their disposal to collect data under this section, including geographic information systems (GIS).

(e) The governor's office shall provide for a repository for all data collected

under this section. The governor may designate data collected from private sources containing proprietary information or trade secrets as confidential and not subject to inspection as provided by W.S. 16-4-203(d)(v). All other data collected and not designated shall be available to the public.

(f) State agencies and political entities of the state assigned with collecting data under subsection (b) of this section shall submit an estimate of the necessary costs of collecting their assigned data to the governor's office. To the extent necessary, the governor shall use his authority under W.S. 9-2-1005(b)(i) to transfer sufficient funds to the assigned agency to pay the necessary costs of data collection.

(g) The governor's office shall promulgate rules and regulations necessary to implement this section, including establishing standards for data collection consistent with other standard peer reviewed scientific research.

(h) The governor's office shall report to the joint minerals, business and economic development interim committee by October 1, 2012 and by October 1 annually thereafter concerning the progress of data collection under this section.

Section 2.

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the governor's office to develop and administer the program created pursuant to 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, 2014.

(b) The governor's office shall include within the first report due to the joint minerals, business and economic development interim committee on or before October 1, 2012 a recommendation as to whether the governor's office requires additional employees to carry out the provisions of this act.

(c) Funding for the program created by W.S. 9-1-224 shall be included in the standard budget request of the governor's office for the 2015-2016 fiscal biennium.

Section 3. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 86

CHARTER SCHOOLS-AVERAGE DAILY MEMBERSHIP

Original House Bill No. 77

AN ACT relating to charter schools; modifying computation of average daily membership as specified; and providing for an effective date.

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

Section 1. W.S. 21-3-314(a) by creating a new paragraph (v) is amended to read:

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:

(v) Notwithstanding W.S. 21-13-309(m)(iv)(A), for any charter school in its fourth or subsequent year of charter school operation and the charter school expands its enrollment to include one (1) or more consecutive grade levels above its current school configuration of grades, the average daily membership for the charter school shall be adjusted by the enrollment count taken on October 1 of the first year of operation under the expanded grade level or levels.

Section 2. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 87

CRITICAL ACCESS ENDOWMENT CHALLENGE PROGRAM

Original House Bill No. 113

AN ACT relating to public health; extending the critical access/rural hospital endowment challenge program; amending qualifications for receipt of funds; providing for segregation and specified use of a portion of existing funds; modifying reversion dates; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 35-1-1002(a)(iii)(A), (B) and by creating a new paragraph (vi), 35-1-1003 and 35-1-1004(a), (h) and by creating a new subsection (k) are amended to read:

35-1-1002. Definitions.

(a) As used in this article:

(iii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming critical access or rural hospital 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, provided:

(A) The gift was received or the transfer occurred during the period July 1, 2007, through June 30, ~~2012-2014~~; or

(B) A commitment to make the gift or transfer was made in writing to the respective critical access or rural hospital foundation, which commitment was received during the period July 1, 2007, through June 30, ~~2012-2014~~, and the gift was received or the transfer occurred not later than June 30, ~~2013-2015~~.

(vi) "Unobligated," for purposes of W.S. 35-1-1003(b) and (d), means no commitment meeting the requirements of subparagraph (iii)(B) of this subsection was received prior to June 30, 2012.

35-1-1003. Wyoming critical access or rural hospital endowment challenge account.

(a) The Wyoming critical access or rural hospital endowment challenge account is created and, until June 30, 2013, shall consist of separate accounts, one (1) account for each Wyoming critical access or rural hospital.

(b) On June 30, 2012, from amounts which are within the challenge account, or as necessary within separate accounts which are unobligated, one million five hundred thousand dollars (\$1,500,000.00) shall be segregated within the endowment challenge account for distribution as provided in W.S. 35-1-1004(k).

~~(b)~~(c) The state treasurer shall invest funds within the account created under subsection (a) of this section and shall deposit the earnings from account investments to the general fund.

(d) Any unexpended and unobligated funds in excess of one million five hundred thousand dollars (\$1,500,000.00) from the amount appropriated to the separate accounts within the challenge account shall revert to the budget reserve account on June 30, 2012. Any unexpended funds remaining in the separate accounts within the challenge account shall revert to the budget reserve account on June 30, 2013. Of the one million five hundred thousand dollars (\$1,500,000.00) segregated in the challenge account pursuant to subsection (b) of this section, any remaining funds in the account shall revert to the budget reserve account on June 30, 2015.

35-1-1004. Endowment challenge account matching program; matching payments; agreements with foundations; annual reports.

(a) Until June 30, 2012, funds within the challenge account shall be expended as provided in this subsection. Funds within a separate account which are obligated for commitments made prior to July 1, 2012 shall remain in the separate account to fulfill the obligation in accordance with this subsection until June 30, 2013. From and after July 1, 2012 funds in the challenge account shall be expended as provided in subsection (k) of this section. To the extent funds are available in the separate account of any critical access or rural hospital within the endowment challenge account, the state treasurer shall match endowment gifts actually received by that critical access or rural hospital's foundation. A match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a critical access or rural hospital foundation total ten thousand dollars (\$10,000.00) or more. The match shall be made by transferring from the separate challenge account to the appropriate critical access or rural hospital board of trustees an amount equal to the amount accumulated by the foundation or, if the critical access or rural hospital was eligible to receive revenues from any tax imposed under W.S. 35-2-414(b) and (c) and a tax was not levied or was levied pursuant to one (1) but not both of those subsections, an amount equal to fifty percent (50%) of the amount accumulated by the foundation. The board shall immediately transfer all matching funds received to its foundation. The critical access or rural hospital foundation shall match the funds received under this subsection with an equal amount of foundation funds to be managed in accordance with subsection (b) of this section.

(h) Each critical access or rural hospital shall on or before October 1 of each year submit a report to the state treasurer from its foundation on the endowment matching program under this section for the preceding fiscal year. The report shall include a 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, ~~2014~~ 2015.

(k) From and after July 1, 2012, to the extent a critical access or rural hospital has not received matching funds under this article totaling at least two hundred fifty thousand dollars (\$250,000.00), and to the extent funds segregated under W.S. 35-1-1003(b) are available in the challenge account, the state treasurer shall match endowment gifts actually received by that critical access or rural hospital's foundation. A match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a critical access or rural hospital foundation total ten thousand dollars (\$10,000.00) or more. The match shall be made by transferring from the challenge account to the appropriate critical access or rural hospital board of trustees an amount equal to the amount accumulated by the foundation or, if the critical access or

rural hospital was eligible to receive revenues from any tax imposed under W.S. 35-2-414(b) and a tax was not levied pursuant to that subsection, an amount equal to fifty percent (50%) of the amount accumulated by the foundation. The board shall immediately transfer all matching funds received to its foundation. The critical access or rural hospital foundation shall match the funds received under this subsection with an equal amount of foundation funds to be managed in accordance with subsection (b) of this section.

Section 2. 2007 Wyoming Session Laws, Chapter 217, Section 2(a) is amended to read:

Section 2.

(a) Four million dollars (\$4,000,000.00) is appropriated from the general fund to the critical access or rural hospital endowment challenge account as created under section 1 of this act. Of this appropriation, not more than two million dollars (\$2,000,000.00) shall be transferred to the challenge account as necessary during the fiscal period beginning July 1, 2007 and ending June 30, 2008. The remaining funds shall be transferred to the challenge account as necessary during the fiscal period beginning July 1, 2008 and ending June 30, 2009. Notwithstanding any other provision of law, any unexpended funds in excess of one million five hundred thousand dollars (\$1,500,000.00) from the amount appropriated under this subsection shall revert to the budget reserve account on July 1, 2013-June 30, 2012. Any remaining funds in the account shall revert to the budget reserve account on June 30, 2015.

Section 3. 2007 Wyoming Session Laws, Chapter 217, Section 2(b) is 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 March 15, 2012.

Chapter 88

PRIVATE TRANSFER FEE OBLIGATIONS

Original House Bill No. 25

AN ACT relating to real property; prohibiting the creation of private transfer fee obligations as specified; specifying requirements for effective private transfer fee obligations; providing definitions; and providing for an effective date.

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

Section 1. W.S. 34-28-101 through 34-28-103 are created to read:

CHAPTER 28
PRIVATE TRANSFER FEES

34-28-101. Definitions.

(a) As used in this chapter:

(i) "Transfer" means the sale, gift, conveyance, assignment, inheritance or other transfer of an ownership interest in real property located in this state;

(ii) "Private transfer fee" means a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept the transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price or other consideration given for the transfer. "Private transfer fee" shall not include the following:

(A) Any consideration payable by the grantee to the grantor for the interest in real property being transferred, including any subsequent additional consideration for the property payable by the grantee based upon any subsequent appreciation, development or sale of a separate mineral estate and its appurtenant surface access rights;

(B) Any consideration payable by the grantee to the grantor for the interest in real property, other than a mineral estate and its appurtenant surface access rights, being transferred, including any subsequent additional consideration for the property payable to the grantee based upon any subsequent appreciation, development or sale of the property, provided the additional consideration is payable on a one (1) time basis only and the obligation to make the payment does not bind successors in title to the property;

(C) Any commission payable to a licensed real estate broker for the transfer of real property pursuant to an agreement between the broker and the grantor or the grantee, including any subsequent additional commission for that transfer payable by the grantor or the grantee based upon any subsequent appreciation, development or sale of the property;

(D) Any interest, charges, fees or other amounts payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property, including, but not limited to, any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates and any other consideration allowed by law and payable to the lender in connection with the loan;

(E) Any rent, reimbursement, charge, fee or other amount payable by a lessee to a lessor under a lease, including, but not limited to, any fee payable to

the lessor for consenting to an assignment, subletting, encumbrance or transfer of the lease;

(F) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing or not exercising the option or right upon the transfer of the property to another person;

(G) Any tax, fee, charge, assessment, fine or other amount payable to or imposed by a governmental authority;

(H) Any fee, charge, assessment, fine or other amount payable to a homeowners', condominium, cooperative, mobile home or property owners' association or to a nonprofit land trust pursuant to a declaration or covenant or law applicable to the association or nonprofit land trust;

(J) Any fee, charge, assessment, dues, contribution or other amount pertaining to the purchase or transfer of a club membership relating to real property owned by the member, including, but not limited to, any amount determined by reference to the value, purchase price or other consideration given for the transfer of the real property;

(K) Any fee, charge, assessment, contribution or other amount imposed by the holder of a recorded conservation easement that is designated to compensate the holder for the cost of ensuring compliance with the terms of the easement. The fee, charge, assessment, contribution or other amount may be determined by reference to the value, purchase price or other consideration given for the transfer of the real property.

(iii) "Private transfer fee obligation" means an obligation arising under a declaration or covenant purporting to affect real property that requires or purports to require the payment of a private transfer fee to the declarant or other person specified in the declaration, covenant or agreement, or to their successors or assigns, upon a subsequent transfer of an interest in the real property.

34-28-102. Prohibition.

A private transfer fee obligation recorded or entered into in this state on or after April 1, 2012 and before July 1, 2014 does not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser or mortgagee of any interest in real property as an equitable servitude or otherwise.

34-28-103. Recording of existing private transfer fee obligations; jurisdictions; affidavit of payment.

(a) The payee of a private transfer fee obligation imposed prior to April 1, 2012 or an obligation under W.S. 34-28-101(a)(ii)(H) shall record a notice of private transfer fee obligation in the office of the clerk for each county in which the real property is located. The notice recorded shall meet the following requirements and contain:

(i) A clearly identified disclosure of the existence and amount of the private transfer fee obligation;

(ii) A description of the type and nature of the private transfer fee obligation;

(iii) A description of the type and nature of any penalty which may be incurred as a result of failure to pay the private transfer fee obligation;

(iv) A legal description of the real property; and

(v) The name and address of the payee. A notice filed under this subsection shall be amended upon change of the name or address of the payee.

(b) No court in the state of Wyoming shall have jurisdiction to enforce a private transfer fee obligation which is not recorded as required by subsection (a) of this section against a bona fide purchaser who receives title to the property after April 1, 2012.

(c) Filing of an affidavit by a grantor with the clerk for each county in which the real property is located stating that payment in full of any private transfer fee obligation was sent by certified mail to the payee at the address listed in the document recorded under subsection (a) of this section is prima facie evidence of satisfaction of the obligation.

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 15, 2012.

Chapter 89

JUDICIAL SALARIES

Original Senate File No. 40

AN ACT relating to the judicial branch; increasing salaries of supreme court, district court and circuit court judges as specified; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 5-1-110(a)(i) through (iii) is amended to read:

5-1-110. Salaries of judges.

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

(i) Supreme court justices shall receive an annual salary of ~~one hundred~~

~~twenty-six thousand five hundred dollars (\$126,500.00) commencing July 1, 2008 and one hundred thirty-one thousand five hundred dollars (\$131,500.00) commencing July 1, 2009 and one hundred sixty-five thousand dollars (\$165,000.00) commencing July 1, 2012;~~

(ii) District court judges shall receive an annual salary of ~~one hundred twenty thousand four hundred dollars (\$120,400.00) commencing July 1, 2008 and one hundred twenty-five thousand two hundred dollars (\$125,200.00) commencing July 1, 2009 and one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012;~~

(iii) Circuit court judges shall receive an annual salary of ~~ninety-eight thousand eight hundred dollars (\$98,800.00) commencing July 1, 2008 and one hundred two thousand eight hundred dollars (\$102,800.00) commencing July 1, 2009 and one hundred nineteen thousand dollars (\$119,000.00) commencing July 1, 2012.~~

Section 2. There is appropriated three million twenty-two thousand dollars (\$3,022,000.00) from the general fund to the supreme court. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2014. This appropriation shall only be expended for the purpose of implementing the judicial salary increases authorized by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2014.

Section 3. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 90

REIMBURSEMENT FOR LIVESTOCK

Original Senate File No. 18

AN ACT relating to livestock; amending provisions for reimbursement to livestock producers; creating a reimbursement account; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 11-19-106(a), (b)(i), (c) and by creating new subsections (f) and (g), 11-19-214 and 11-19-406 are amended to read:

11-19-106. Removal of diseased animals; owner's claims.

(a) All claims against the state arising from the ~~slaughter-ordered disposal~~ of animals by the state veterinarian for scrapie, brucellosis and tuberculosis, together with the order of the veterinarian, shall be submitted to the state auditor

who shall examine them without unnecessary delay. For purposes of this section, "disposal" means to sell, send to slaughter or destroy the animal. For each claim he finds to be equitable and entitled to indemnity under this chapter the auditor shall issue his warrant on the state treasurer for the sum named in the claim. All claims for indemnity arising under the provisions of this chapter, before they are presented for payment to the auditor, shall be submitted to the state veterinarian who shall fully inform himself of the facts connected with each claim. The state veterinarian shall endorse on each claim his approval or rejection and shall express in such endorsement the reasons for his approval or rejection.

(b) If the state veterinarian rejects a claim it and the reasons for rejection shall be submitted to a board of arbitration consisting of three (3) members selected as follows:

(i) The state veterinarian shall select one (1) stock grower who is a resident of the county where the ~~slaughtered~~ ordered disposed animal for which the claim is made ranged;

(c) ~~The indemnity granted shall be the fair market value of the~~ Prior to the state veterinarian endorsing any payment be made for the ordered disposal of any livestock as determined by the department of agriculture under this section, W.S. 11-19-214 or 11-19-406, the state veterinarian shall ascertain that sufficient funds are available. The state veterinarian shall utilize available federal funds prior to state funds to pay the owner of the livestock. The indemnity granted shall be the difference between the fair market value of the livestock and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law and regulation. Fair market value shall be determined by using comparable sales data from state markets at the time of removal or by the use of a qualified independent livestock appraiser as designated by the state veterinarian. If no sale is transacted, but an animal is removed for diagnostic purposes or disposal, the reimbursement provided shall be the fair market value minus any other reimbursement. Unless otherwise reimbursed, the cost of shipping or transportation and commission charges shall be added to the amount provided to the producer for livestock indemnification. It shall be paid to the owner upon his application and presentation of proofs prescribed herein within six (6) months of the date of ~~slaughter~~ ordered disposal for which payment is claimed. The claim shall be barred if not presented within the time limited.

(f) The Wyoming livestock board, in consultation with the state veterinarian, shall promulgate rules and regulations for the processing of claims under this section.

(g) There is created the animal reimbursement program account into which shall be deposited revenues as provided by law. Interest on earnings from funds in the account shall be credited to the account. Deposits into the account shall only be expended pursuant to this section and the rules and regulations as required by subsection (d) of this section. Notwithstanding W.S. 9-2-1008 or

9-4-207, unexpended funds shall not revert. The state veterinarian shall report the balance of the account and the claims endorsed and paid each fiscal year to the joint appropriations interim committee and the joint agriculture, state and public lands and water resources interim committee.

11-19-214. Sale of diseased livestock.

All livestock in Wyoming lawfully found to be affected with tuberculosis may be shipped or transported under the direction of the state veterinarian in accordance with federal regulations, to livestock markets and there sold for salvage and destroyed or transferred to an approved slaughter facility or veterinary diagnostic laboratory in accordance with federal regulations. ~~Prior to directing that any affected livestock be sold under this section, the state veterinarian shall ascertain that sufficient funds are available from either federal or state sources to ensure that the owner of condemned livestock will be paid the difference between the market value at the time of quarantine and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law or regulation, the cost of shipping or transportation and commission charges.~~ Producers may be eligible for indemnification as provided in W.S. 11-19-106 for any livestock ordered disposed pursuant to this section.

11-19-406. Sale of diseased cattle or domestic bison.

All cattle or domestic bison in Wyoming lawfully found to be affected with brucellosis, including all sexually intact cattle or domestic bison that are part of a herd found to be affected with brucellosis, may be shipped or transported under the direction of the state veterinarian to livestock markets and sold for immediate slaughter or transferred to an approved slaughter facility or veterinary diagnostic laboratory in accordance with federal regulations. ~~Prior to directing that any cattle or bison that are part of an infected herd be sold under this section, the state veterinarian shall ascertain that sufficient funds are available from either federal or state sources to ensure that the owner of the condemned cattle or domestic bison will be paid the difference between the market value at the time of quarantine and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law or regulation, the cost of shipping or transportation and commission charges.~~ Payments under this section shall not be made by the state for any sexually intact female cattle or bison which are over twelve (12) months old and which are not official calfhood vaccinates as provided in board rule and regulation. Producers may be eligible for indemnification in accordance with W.S. 11-19-106 for any livestock ordered disposed pursuant to this section.

Section 2. W.S. 11-19-105 is repealed.

Section 3. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 91

TERMS FOR YOUTH BOARD OF AGRICULTURE MEMBERS

Original Senate File No. 49

AN ACT relating to the term for youth board of agriculture members; reducing the length of service from six years to four years; specifying implementation; and providing for an effective date.

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

Section 1. W.S. 11-2-102(c), (f)(ii), (iii) and by creating a new paragraph (iv) is amended to read:

11-2-102. Composition; qualifications; appointment and removal of members; quorum.

(c) ~~Appointed Members appointed in accordance with subsection (b) of this section from appointment districts~~ shall be appointed for a term of six (6) years.

(f) The four (4) members appointed from the board of agriculture youth leadership quadrants:

(ii) Shall be engaged chiefly in agricultural work; ~~and~~

(iii) Shall be between eighteen (18) and thirty (30) years of age at the time of submitting the application for board membership; ~~and~~

(iv) Shall be appointed for a term of four (4) years.

Section 2. Nothing in this act shall affect the terms of members currently serving on the board of agriculture. This act and the modification of the term for members appointed from the board of agriculture youth leadership quadrants to the board of agriculture shall apply upon expiration of terms of the current members.

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 15, 2012.

Chapter 92

TIME LIMITS FOR VETERAN AND DEPENDENT TUITION AND FEES

Original Senate File No. 68

AN ACT relating to veterans' educational benefits; removing time limits for receiving certain educational benefits; and providing for an effective date.

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

Section 1. W.S. 19-14-106(g) and (h) is amended to read:

19-14-106. Free tuition and fees for education of war orphans and veterans; definitions.

(g) In order to qualify for the benefit under this section, a person claiming eligibility as: an overseas combat veteran, combat veteran surviving spouse or combat veteran dependent shall enroll at the University of Wyoming or a Wyoming community college. A combat veteran dependent shall be under twenty-two (22) years of age at the time of enrollment at the University of Wyoming or a Wyoming community college.

(h) The institution in which the student enrolls shall grant exceptions to the requirements of this ~~subsection~~ section for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(b)(iii)(B). There is no limitation as to when a Vietnam veteran not presently receiving education benefits under the Servicemen's Readjustment Act of 1944, as amended, may enroll and begin receiving benefits under this section. There also is no limit as to when an overseas combat veteran or combat veteran surviving spouse may enroll and begin receiving benefits under this section.

Section 2. W.S. 19-14-106(g)(i) through (iii) 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 15, 2012.

Chapter 93

BUSINESS READY COMMUNITY PROGRAM-PLANNING

Original Senate File No. 75

AN ACT relating to business ready community grants; providing for grants and loans for planning purposes; providing restrictions on grants and loans for planning purposes; and providing for an effective date.

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

Section 1. W.S. 9-12-601(b) and by creating a new subsection (m) is amended to read:

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

(b) The council shall establish and administer a Wyoming business ready community program as provided by this article. Any city, town or county may submit

an application to the council for a grant or loan under the program on forms prescribed by and subject to rules promulgated by the council. Grants or loans may be applied for by a joint powers board with the approval of all participating agencies to the joint powers agreement. Grants and loans may be made by the council for economic or educational development, planning or infrastructure projects, including the purchase of land, buildings, facilities, telecommunications infrastructure, rights of way, airports, sewer and water projects, roads, landscaping, recreational and convention facilities or other infrastructure determined by the council to be consistent with the purposes of this article. In adopting rules and making grants and loans under this article the council shall require all projects to be related to economic or educational development, planning or infrastructure, which shall not include rehabilitation or expansion of existing infrastructure unless the council determines the rehabilitation or expansion is necessary to meet the purposes of this article. Planning grants and loans shall be limited as provided in subsection (m) of this section. All grants, loans or cooperative agreements made under this article shall be referred by the council to the state loan and investment board for final approval or disapproval. The state loan and investment board may adopt rules as necessary to implement its duties under this article.

(m) Planning grants and loans shall:

(i) Not exceed two percent (2%) of the total amount appropriated to the business ready community program in any fiscal year;

(ii) Not exceed one hundred thousand dollars (\$100,000.00) per project;

(iii) Be subject to a twenty-five percent (25%) match requirement, which match shall not be met through funds received from a community development block grant.

Section 2. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 94

EXPENDITURE OF PUBLIC FUNDS AND GOVERNMENT COMPETITION

Original Senate File No. 77

AN ACT relating to the administration of government; modifying the public finance website to provide a process for lodging concerns regarding competition by government entities with the private sector; providing definitions; making conforming amendments; amending reporting requirement; and providing for an effective date.

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

Section 1. W.S. 9-2-1035(a)(iv), by creating a new paragraph (vi) and by renumbering (vi) as (vii) and 9-2-1036(a), (b)(intro), (vi), (vii), by creating a new paragraph (viii), (c)(intro), (f) and (g) are amended to read:

9-2-1035. Definitions.

(a) As used in this act:

(iv) “Participating state entity” or “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. For purposes of W.S. 9-2-1036(b)(viii), “state entity” shall also include the University of Wyoming;

(vi) “Local government entity” means any county, municipality, joint powers board or special district of Wyoming;

~~(vi)~~(vii) “This act” means W.S. 9-2-1035 through 9-2-1037.

9-2-1036. Wyoming public finance and expenditure of funds website.

(a) There is created the Wyoming public finance and expenditure of funds website to be administered by the department.

(b) The purpose of the Wyoming public finance and expenditure of funds website is to:

(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; and

(viii) Allow Wyoming citizens to lodge concerns relating to Wyoming state or local government entities expending funds in a manner which the citizen believes unfairly competes with the private sector in providing commercial activities. At a minimum, in implementing this paragraph, the website shall include:

(A) A link entitled “government competition concerns” which contains a means for a citizen to lodge a concern with governmental competition including:

(I) The entity involved;

(II) The activity involved;

(III) Whether the concern is a result of a specific instance or ongoing activity;

(IV) The effect of the competition on the citizen’s commercial activity, if applicable;

(V) A means to contact the citizen for further information, if necessary.

(B) Access to all information submitted pursuant to this paragraph, including access to summary data.

(c) The department shall ~~be~~:

(f) Not later than January 1, 2010, the website shall be operational and permit access to the public financial information of participating state entities. Not later than June 30, 2012 the website shall incorporate features implementing the provisions of paragraph (b)(viii) of this section.

(g) The state chief information officer shall provide an annual report to the committee on all initiatives, projects and expenditures under this act. Beginning July 1, 2013, the annual report shall include:

(i) The number of concerns with unfair competition received;

(ii) For each government entity subject to a lodged concern, the number of concerns lodged and number of citizens lodging concerns;

(iii) For each state entity which is the subject of a concern, a summary of the complaint and any action the entity reports to the department that was taken in response to the complaint.

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 15, 2012.

Chapter 95

WILDLIFE TRUST CHALLENGE ACCOUNT-EXTENSION

Original Senate File No. 79

AN ACT relating to wildlife; extending the wildlife trust challenge account; and providing for an effective date.

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

Section 1. 2008 Wyoming Session Laws, Chapter 48, Section 326(a) and (b), as amended by 2010 Wyoming Session Laws, Chapter 39, Section 337, is amended to read:

Section 326.

(a) The Wyoming wildlife trust challenge account created by 2006 Wyoming Session Laws, Chapter 35, Section 320 is continued. Any unexpended, unobligated monies appropriated from the general fund to the account by 2006 Wyoming Ses-

sion Laws, Chapter 35, Section 320 shall not revert on June 30, 2010 and shall remain in the account for the purpose of providing a state match pursuant to subsections (c) through (e) of this section. Unexpended, unobligated monies in the account on June 30, ~~2012-2015~~ shall revert as provided by law. The state treasurer shall invest monies within the account and shall deposit the earnings from investments to the general fund.

(b) To the extent funds are available in the wildlife trust challenge account, the state treasurer shall match gifts actually received during the donation period provided in this subsection by the Wyoming wildlife and natural resource trust account board. A match shall be paid under this section by the state treasurer following any accumulated gift amounts actually received by the Wyoming wildlife and natural resource trust account board in a total of five thousand dollars (\$5,000.00) or more. The match shall be made by transferring from the wildlife trust challenge account to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) an amount equal to the accumulated amount of the gift. The match applies to gifts received during the donation period commencing July 1, 2006 and ending June 30, ~~2012-2015~~.

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 15, 2012.

Chapter 96

STATE EMPLOYEE COMPENSATION COMMISSION-MEMBERSHIP

Original Senate File No. 87

AN ACT relating to state employees; providing for a representative of the judicial branch on the state employee compensation commission; and providing for an effective date.

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

Section 1. W.S. 9-2-1019(e) is amended to read:

9-2-1019. Personnel hearings; state employee compensation commission created; duties.

(e) The state employee compensation commission is created to review issues related to employee compensation. The commission shall consist of not more than

~~five (5)~~ six (6) members to serve two (2) year terms. Three (3) members shall be appointed by the management council of the legislature of whom one (1) shall be from the private sector, and one (1) each from the senate and house of representatives, ~~and~~ Two (2) members shall be appointed by the governor, of whom one (1) shall be from the private sector. One (1) member shall be appointed by the chief justice of the Wyoming supreme court but shall be a nonvoting member. The commission shall elect a chairman from among its two (2) legislative members.

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 15, 2012.

Chapter 97

PIONEER HUNTING LICENSES

Original Senate File No. 89

AN ACT relating to game and fish; amending requirements for certain complimentary hunting licenses; and providing for an effective date.

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

Section 1. W.S. 23-1-705(e)(i) and (ii) is amended to read:

23-1-705. Complimentary licenses; one-shot antelope hunt licenses; gun-powder and buckskin hunt licenses; gratuitous licenses; donated licenses.

(e) The department shall issue:

(i) For a fee of two dollars (\$2.00) a resident deer, antelope or wild turkey license and for a fee of five dollars (\$5.00) an elk license to any resident who ~~was born on or before January 1, 1930;~~ is at least seventy-five (75) years of age prior to the issuance of the license and who has continuously resided in Wyoming for at least the ~~forty (40)~~ fifty (50) years immediately preceding application for the license;

(ii) For a fee established by rule of the commission a resident deer, antelope, wild turkey or elk license to any resident who ~~was born after January 1, 1930;~~ is at least seventy (70) years of age prior to the issuance of the license and has continuously resided in Wyoming for at least fifty (50) years immediately preceding application for the license. The fee established for a license under this paragraph shall be not more than sixty-five percent (65%) nor less than sixty percent (60%) of the resident fee specified in W.S. 23-2-101 for the particular species;

Section 2. This act is effective January 1, 2013.

Approved March 15, 2012.

Chapter 98

REVISOR'S BILL

Original Senate File No. 38

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 an effective date.

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

Section 1. W.S. 1-2-102(a)(iv) and (xiv), 5-3-112(a)(iii), 6-4-403(e), 6-4-405(c), 7-13-421(b)(intro), 14-6-240(e) and (f), 14-6-419(b), (c) and (d), 15-5-201(a)(iii), 17-16-1003(a)(v), 18-10-213(a), 21-15-117(d), 21-15-119(a)(iii), 24-1-101(a), 27-14-102(a)(xxvii), 31-19-103(b)(v), 31-19-104(a), 33-28-305(f)(ii) and (iii), 33-40-106(b)(ii) and (iii), 35-1-105(a)(intro), (i), (iii) through (vii) and (b), 35-2-414(a), 35-3-108, 35-7-1014(d)(xxxv), 35-17-106(a)(vi) and (vii), 37-9-205, 39-11-109(c)(ii), 39-15-101(a)(xxxix)(R), 39-16-101(a)(xvii)(R), 40-14-211(a)(iii)(C), 41-10-151 and 42-4-103(a)(xxv) are amended to read:

1-2-102. Officers authorized to administer.

(a) The following officers are authorized to administer oaths:

(iv) Clerks of the Wyoming supreme court, Wyoming district courts and Wyoming ~~county circuit~~ courts;

(xiv) Judges of the Wyoming ~~county circuit~~ courts;

5-3-112. Assignment to circuit court judge.

(a) A judge of the district court may assign to a circuit court judge any case or proceeding within the jurisdiction of the district court subject only to the following restrictions:

(iii) Consent of each plaintiff and each defendant in a civil action wherein the amount in controversy is greater than fifty thousand dollars (\$50,000.00); ~~or greater;~~ and

6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim".

(e) ~~Subsection Paragraph~~ (b)(ii) of this section does not apply to crimes chargeable under W.S. 6-4-103(a)(i). ~~Subsection Paragraph~~ (b)(iv) of this section does not apply to crimes chargeable under W.S. 35-7-1036.

6-4-405. Endangering children; controlled substances; penalty.

(c) Any person who violates any of the provisions of ~~subsections~~ subsection (a) or (b) of this section is guilty of endangering a child punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

7-13-421. Restitution as condition of parole.

(b) The board shall provide for restitution in the amount determined by the court pursuant to W.S. 7-9-103 unless the board finds the parolee is not reasonably capable of making the payments, in which case the board may modify the amount of restitution to be paid, taking into account the factors enumerated in W.S. 7-9-106. ~~The board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in W.S. 7-9-106(a)(iii):~~

14-6-240. Fingerprinting or photographing of child; disclosure of child's records.

~~(e) To the extent disclosure is not otherwise authorized under subsection (g) of this section,~~ The court or the prosecuting attorney may release the name of the minor, the legal records or disposition in any delinquency proceeding filed in juvenile court to the minor's victim or victims and the members of the immediate family of any victim. The victim of a delinquent act constituting a felony shall be provided additional information regarding the delinquency proceeding in accordance with W.S. 14-6-501 through 14-6-509. Except as otherwise allowed under W.S. 14-6-203(g)(i) through (iv), legal records released by the court under this subsection shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records or transcripts of dispositional hearings.

~~(f) To the extent disclosure is not otherwise authorized under subsection (g) of this section, and~~ Upon a finding that a release of information will serve to protect the public health or safety or that due to the nature or severity of the offense in question the release of information will serve to deter the minor or others similarly situated from committing similar offenses, the court may release the name of the minor, the legal records or disposition in any delinquency proceeding filed in juvenile court to the media or other members of the public having a legitimate interest. Except as otherwise allowed under W.S. 14-6-203, legal records released by the court under this subsection shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records or transcripts of dispositional hearings.

14-6-419. Physical and mental examinations.

(b) If a child has been committed to a medical facility or institution for mental examination prior to adjudication of the petition and if it appears to the court from the mental examination that the child is competent to participate in further proceedings and is not mentally ill or intellectually disabled to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school~~ life resource center, the court shall order the child returned to the court without delay.

(c) If it appears to the court by mental examination conducted before adjudication of the petition that a child alleged to be in need of supervision is incompetent to participate in further proceedings by reason of mental illness or intellectual disability to a degree rendering the child subject to involuntary commitment to the Wyoming state hospital or the Wyoming ~~state training school~~ life resource center, the court shall hold further proceedings under this act in abeyance. The district attorney shall then commence proceedings in the district court for commitment of the child to the appropriate institution as provided by law.

(d) The juvenile court shall retain jurisdiction of the child on the petition pending final determination of the commitment proceedings in the district court. If proceedings in the district court commit the child to the Wyoming state hospital, the Wyoming ~~state training school~~ life resource center or any other facility or institution for treatment and care of people with mental illness or intellectual disability, the petition shall be dismissed and further proceedings under this act terminate. If proceedings in the district court determine the child does not have a mental illness or an intellectual disability to a degree rendering him subject to involuntary commitment, the court shall proceed to a final adjudication of the petition and disposition of the child under the provisions of this act.

15-5-201. Definitions.

(a) As used in this article:

(iii) "Compensation Act" means the Wyoming Worker's Compensation Act, W.S. 27-14-101 through ~~27-14-307~~ 27-14-806;

17-16-1003. Amendment by board of directors and shareholders.

(a) If a corporation has issued shares, an amendment to the articles of incorporation shall be adopted in the following manner:

(v) Unless the articles of incorporation, or the board of directors acting pursuant to ~~subsection (c)~~ paragraph (iii) of this ~~section~~ subsection 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.

18-10-213. Administration of finances; assessments and taxation.

(a) The board of trustees of special museum districts shall administer the finances of the district according to the provisions of the ~~Wyoming Uniform Municipal Budget Fiscal Procedures Act~~. Annually, each county assessor shall provide the board of county commissioners with the total assessed value of all taxable property within a special museum district in his county.

21-15-117. Annual evaluation of school buildings and facilities; remedia-

tion schedule; needs prioritization; combining facilities; implementation of remedy.

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

21-15-119. Commission budget and funding recommendations.

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, develop 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 department shall prepare and provide information as requested by the commission. 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:

(iii) In odd-numbered years, the commission's recommendation on ~~November~~ September 1 shall be for expenditures during the two (2) succeeding fiscal years. The recommendation for the second year shall be based on estimates of expenditures and payments. In even-numbered years, the commission's recommendation on ~~November~~ September 1 shall be for expenditures during the succeeding fiscal year. As it determines to be necessary in any year, the commission's recommendation on ~~November~~ September 1 may contain a recommendation for revised expenditures during the current fiscal year.

24-1-101. Public highways defined and established; creation by adverse possession.

(a) On and after January 1, 1924, all roads within this state shall be highways, which have been or may be declared by law to be state or county highways. It shall be the duty of the several boards of county commissioners, within their respective counties, prior to said date, to determine what, if any, such roads now or heretofore traveled but not heretofore officially established and recorded, are necessary or important for the public use as permanent roads, and to cause such roads to be recorded, or if need be laid out, established and recorded, and all roads recorded as aforesaid, shall be highways. No other roads, except roads located on federal public lands prior to October, 1976 which provide access for a private residence or agricultural operation shall be highways upon acceptance by the board of county commissioners of the county where the road is located, shall be highways unless and until lawfully established as such by official authority. Except, nothing contained herein shall be construed as preventing the creation or establishment of a public highway right-of-way with reference to state and county highways under the common-law doctrines of adverse possession or prescription either prior to or subsequent to the enactment hereof. If any such board shall resolve the creation or establishment of a public highway right-of-way based upon the common-law doctrines of adverse possession or prescription, it shall, following the filing of a plat and accurate survey required in accordance with the terms and provisions of W.S. 24-3-109, proceed with the publication of the proposed road for three (3) successive weeks in three (3) successive issues of some official newspaper published in the county, if any such there be, and if no newspaper be published therein, such notice shall be posted in at least three (3) public places along the line of the proposed road, which notice shall be exclusive of all other notices and may be in the following form:

To all whom it may concern: The board of county commissioners of county has resolved the creation and establishment of a public highway right-of-way under the common-law doctrine of prescription in that the road was constructed or substantially maintained by the (either the state or county) for general public use for a period of (ten years or longer) said road commencing at in county, Wyoming, running thence (here describe in general terms the points and courses thereof), and terminating at

All objections thereto must be filed in writing with the county clerk of said county before noon on the day of A.D.,, or such road will be established without reference to such objections.

County Clerk

Dated _____ A.D.

27-14-102. Definitions.

(a) As used in this act:

(xxvii) "This act" means W.S. 27-14-101 through ~~27-14-805~~ 27-14-806;

31-19-103. Established place of business.

(b) The established place of business shall be a permanent commercial building:

(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)~~ 31-19-105(e) 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)~~ 31-2-224(a)(x) and (xi).

33-28-305. Intermediary.

(f) An intermediary may do the following without breaching any obligation or responsibility:

(ii) List competing properties for sale or lease; and

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

33-40-106. Requirements for licensure; continuing education.

(b) The board may establish continuing education requirements for an active license provided that:

(ii) Continuing education taken any time in the three (3) years preceding the annual license renewal may be counted toward fulfilling the requirement but it shall not be counted more than once; and

(iii) The board may allow other means of continuing education in place of formal instruction, ~~and~~

35-1-105. Prohibited acts; penalty for violations.

(a) ~~Any~~ No person, corporation or other organization ~~and each~~ nor representative thereof, ~~who shall~~:

(i) ~~Shall~~ Willfully violate, disobey or disregard the provisions of the public health laws of Wyoming or the terms of any lawful notice, order, rule or regulation issued pursuant thereto; ~~or~~

(iii) Being a person charged by law or rule of the department of health with the duty of reporting the existence of disease or other facts and statistics relating to the public health, ~~shall~~ fail to make or file such reports as required by law or requirement of the department; ~~or who,~~

(iv) ~~Conducting~~ Conduct a business or activity ~~over~~ for which the department ~~shall possess the power of certification and regulations, and who shall be~~

~~required to have~~ requires a certificate or permit therefor, ~~shall conduct such business or activity without such a certificate or permit; or~~

(v) ~~Shall~~ Willfully and falsely make or alter any certificate or certified copy thereof issued pursuant to public health laws of Wyoming; ~~or~~

(vi) ~~Shall~~ Knowingly transport or accept for transportation, interment or other disposition a dead human body without an accompanying permit issued in accordance with the public health laws of Wyoming or the rules of the department; ~~or who;~~

(vii) Being the owner or occupant of private property upon which there shall exist a nuisance, source of filth or cause of sickness, ~~shall~~ willfully fail to remove the same at his own expense within forty-eight (48) hours after being ordered to do so by health authorities.

(b) Upon conviction ~~of any of the offenses prohibited in subsection (a) of this section, the violator~~ shall be fined not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed six (6) months, ~~or shall be both, so fined and imprisoned;~~ and ~~in addition to such fine and imprisonment~~ shall be liable for all expense incurred by health authorities in removing ~~any such~~ the nuisance, source of filth; or cause of sickness. No conviction under the penalty provisions of this act or of any other public health laws shall relieve any person from an action in damages for injury resulting from violation of public health laws.

35-2-414. Administration of finances; assessment and levy of tax.

(a) The board of trustees of special hospital districts shall administer the finances of such districts according to the provisions of the ~~Wyoming Uniform Municipal Budget Fiscal Procedures~~ Act. The assessor shall at the time of making the annual assessment of his district also assess the property of each special hospital district in his county and return to the county assessor at the time of returning the assessment schedules, separate schedules listing the property of each such district assessed by him. Said separate schedules shall be compiled by the county assessor, footed and returned to the board of county commissioners as provided for other assessment schedules.

35-3-108. Administration of finances.

The board of trustees of sanitary and improvement districts shall administer the finances of such districts according to provisions of the ~~Wyoming Uniform Municipal Budget Fiscal Procedures~~ Act.

35-7-1014. Substances included in Schedule I.

(d) Hallucinogenic substances. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for pur-

poses of this paragraph only, the term “isomer” includes the optical, position and geometric isomers):

(xxxv) ~~Salvinorum A-Salvinorin A;~~

35-17-106. Election to be covered by federal immunity.

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

(vi) The board of registration in podiatry, W.S. 33-9-101 through 33-9-113;~~and~~

(vii) The board of chiropractic examiners, W.S. 33-10-101 through 33-10-117; ~~and~~

37-9-205. Plats of survey to be filed.

The secretary of state is hereby authorized to transfer to the office of the director all plats of survey which may have been filed in the office of the secretary of state under the provisions of W.S. ~~37-9-201~~, 37-9-203 and 37-9-204, and from and after the passage of this section all plats of survey required to be filed under the provisions of the sections aforesaid shall be filed with the director instead of with the secretary of state.

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(ii) Wyoming residents meeting asset eligibility requirements under paragraph (vii) of this subsection who are sixty-five (65) years of age and older or who are eighteen (18) years of age and older and are totally disabled during the one (1) year period immediately preceding the date of application for a refund under this subsection and are not residents of any state funded institution, are qualified for an exemption and refund of state taxes as provided in this subsection. The application shall indicate whether the applicant has applied for or received any refund under this section, a property tax exemption under W.S. 39-13-105, a property tax refund under W.S. ~~39-13-109(c)(iii)~~ 39-13-109(c)(iv) or a property tax credit under W.S. 39-13-109(d) for the same calendar year. A qualified single person whose actual income is less than seventeen thousand five hundred dollars (\$17,500.00) shall receive eight hundred dollars (\$800.00) reduced by the percentage that his actual income exceeds ten thousand dollars (\$10,000.00) per year and qualified married persons, at least one (1) of whom is at least sixty-five (65) years of age or totally disabled, whose actual income is less than twenty-eight thousand five hundred dollars (\$28,500.00) shall receive nine hundred dollars

(\$900.00) reduced by the percentage that their actual income exceeds sixteen thousand dollars (\$16,000.00) per year. Until remarriage a person sixty (60) years or older once qualified through marriage remains eligible individually for single person benefits, subject to income limitations, after the death of his spouse;

39-15-101. Definitions.

(a) As used in this article:

(xxxix) Telecommunications definitions:

(R) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content and ancillary services, which require advance payment that is sold in predetermined units ~~of or~~ dollars of which the number declines with use in a known amount;

39-16-101. Definitions.

(a) As used in this article:

(xvii) Telecommunications definitions:

(R) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content and ancillary services, which require advance payment that is sold in predetermined units ~~of or~~ dollars of which the number declines with use in a known amount;

40-14-211. Definition of "amount financed".

(a) "Amount financed" means the total of the following items to the extent that payment is deferred:

(iii) If not included in the cash price:

(C) Additional charges permitted by ~~this article (section 2-202)~~ W.S. 40-14-213.

41-10-151. Finances administered according to the Uniform Municipal Fiscal Procedures Act.

The board of directors of the water and sewer districts shall administer the finances of such districts according to the provisions of the ~~Wyoming Uniform Municipal Budget Fiscal Procedures Act.~~ Wyoming Uniform Municipal Fiscal Procedures Act.

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxv) Hospice care as defined in W.S. 35-2-901(a)(xii) and authorized under ~~42 U.S.C. § 1396a(a)(10)(ii)(VH)~~ 42 U.S.C. § 1396a(a)(10)(A)(ii)(VII);

Section 2. W.S. 18-6-310(a), 31-2-218(e), 31-2-219(f) and 40-14-142(a)(xviii) and (xix) are repealed.

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

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

Approved March 15, 2012.

Chapter 99

SCHOOL FINANCE-AMENDMENTS

Original Senate File No. 90

AN ACT relating to school finance; modifying the school reconfiguration requirements under the education resource block grant funding model; clarifying and defining requirements, expanding application as specified and providing an exception; providing technical corrections; clarifying methodology for computing model external cost adjustments; adjusting cost of education study components as specified; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 21-9-101(d), 21-13-309(m) by creating a new paragraph (vi) and (o) and 21-15-123(e) are amended to read:

21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.

(d) In addition to subsections (b) and (c) of this section, each school district within this state shall endeavor to maintain when practicable, in kindergarten through grade three (3) within the district, an average class size of no more than ~~twenty (20)~~ sixteen (16) students per teacher, excluding children with disabilities who spend more than fifty percent (50%) of their time outside of regular classroom instruction.

21-13-309. Determination of amount to be included in foundation program for each district.

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314, any alteration of the configuration of grades within a district, school

or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the director of the school facilities department. Following review and evaluation, the state superintendent and the director shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

(A) Approval under this paragraph shall be based upon the appropriate delivery of the required educational program, the cost effectiveness of the proposed grade reconfiguration for delivery of adequate educational services to students with block grant resources, district wide capacity of school educational facilities as defined under W.S. 21-15-109(a)(ii) and any extraordinary circumstances related to the safe and efficient delivery of the education program to students;

(B) Approval under this paragraph shall be required prior to receiving state funds for adding any new school within a district;

(C) Effective for the school year commencing after July 1, 2012, and each school year thereafter, no reconfiguration of grades within any district, school or facility shall differ from the previous school year such that more than one (1) school is included within any one (1) school facility to be reported under paragraph (iv) of this subsection for purposes of determining the foundation program amount for that district;

(D) As used in this paragraph, "configuration" means the approved combination of grades served within a district, school or school facility as reported for purposes of determining the foundation program amount for that district under this section.

(o) To the extent specifically provided ~~within the school foundation program budget as enacted~~ by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section shall be adjusted to provide for the effects of inflation, excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section and the assessment component contained in paragraph (b)(xxviii) of "Attachment A" as referenced in W.S. 21-13-101(a)(xvii). The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. Following analysis of information reported under subsection (u) of this section, the joint appropriations interim committee shall submit a recommendation to the legislature and the governor

not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

21-15-123. School facilities department; creation; control; director; duties and authority.

(e) The director is the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department, under the direction and supervision of the commission. He shall devote his entire time to the performance and supervision of the duties conferred on him by the commission and by law. The director shall also review and evaluate school district requests for the alteration of grade configurations pursuant to W.S. 21-13-309(m)(vi), and shall evaluate the request in the best financial and educational interests of the state, taking into consideration the most efficient and cost effective approach in order to deliver quality educational services.

Section 2. W.S. 21-13-309(m)(iv)(C) is repealed.

Section 3. 2011 Wyoming Session Laws, Chapter 185, Attachment "A" (a)(ii) and by creating new paragraphs (iii) through (vi) and (b)(xxii) and (xl) is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:

(a) For purposes of this attachment:

(ii) "FTE" means the full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education;:

(iii) "Educational materials category of model components" includes the following:

(A) Books/instructional materials component resourced under paragraph (b)(xxi) of this attachment;

(B) Computers, equipment component resourced under paragraph (b)(xxii) of this attachment;

(C) Gifted component resourced under paragraph (b)(xxiv) of this attachment;

(D) Vocational education component resourced under paragraph (b)(xxv) of this attachment;

(E) Student activities component resourced under paragraph (b)(xxvi) of this attachment;

(F) Professional development component resourced under paragraph (b)(xxvii) of this attachment;

(G) Central office nonpersonnel expenses component resourced under paragraph (b)(xxx) of this attachment;

(H) M & O supplies component resourced under paragraph (b)(xxxiv) of this attachment.

(iv) “Energy category of model components” includes the utility component resourced under paragraph (b)(xxxv) of this attachment;

(v) “Nonprofessional labor category of model components” includes aides, central office secretaries, school secretaries, school clerical staff, maintenance workers/groundskeepers and custodians resourced under paragraph (b)(xxxvii) of this attachment;

(vi) “Professional labor category of model components” includes teachers, principals, assistant principals, superintendents, assistant superintendents, business managers and library media technicians resourced under paragraph (b)(xxxvii) of this attachment.

(b) Notwithstanding components specified in the 2010 cost of education study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

(xxii) Computers, equipment: \$333.43/ADM-\$291.90/ADM.

(xl) External cost adjustment: Applied to four (4) major resource categories of block grant model components based upon an analysis of: appropriate cost indices

(A) Market pressures for professional and nonprofessional labor; model components in accordance with W.S. 21-13-309(u);

(B) The BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Natural Gas weighted at 55.9% for energy model components; and

(C) The BLS Producer Price Index for Office Supplies and Accessories for educational materials model components.

Section 4. Notwithstanding W.S. 21-13-309(m)(vi) as amended under section 1 of this act, any request for a reconfiguration of grades within a school district anticipating the construction of new educational buildings that was approved by the state superintendent during the school year ending prior to the effective date of this act, and the request was also approved by the director of the school facilities department as not adversely impacting the cost effectiveness of the district’s facility plan, shall not be considered a reconfiguration for purposes of W.S. 21-13-309(m)(vi), as amended by section 1 of this act.

Section 5.

(a) For school year 2012-2013, the model components specified within the 2010 cost of education study, as accepted by the legislature but prior to modification by the legislature under 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(b), shall be adjusted for the effects of inflation in accordance with recommendations of the 2011 report on the external cost adjustment. The August 2011 report contains recommendations by consultants to the legislature and is on file with the legislative service office. Adjustments shall be as follows:

(i) For the educational materials category of model components as defined by 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(a)(iii), as amended by section 2 of this act, two and eighteen hundredths percent (2.18%) reflecting the annual change measured by the BLS Producer Price Index for Office Supplies and Accessories;

(ii) For the energy category of model components as defined by 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(a)(iv), as amended by section 2 of this act, twenty-seven hundredths percent (0.27%) reflecting the annual change measured by the BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Natural Gas weighted at 55.9%.

Section 6. For the period commencing upon the effective date of this section and ending June 30, 2014, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office. Additionally and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies appropriated from the school foundation program account to the attorney general under 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 015, for purposes of the school finance litigation law office, shall not revert on June 30, 2012 and shall be reappropriated for expenditure by the legislative service office for the period beginning July 1, 2012 and ending June 30, 2014. Expenditures of amounts appropriated and reappropriated under this section shall be for professional consulting expertise and other support necessary for analysis and evaluation of the data used within the education resource block grant funding model monitoring process established under W.S. 21-13-309(u) and other reports for use by the joint appropriations interim committee and the joint education interim committee pertaining to model adjustment and maintaining model integrity. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

Section 7.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2012.

(b) Notwithstanding subsection (a) of this act, W.S. 21-9-101(d), as amended under section 1 of this act, 2011 Wyoming Session Laws, Chapter 185, Attachment "A"(b)(xxii), as amended in section 3 of this act, and section 6 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 15, 2012.

Chapter 100**BOCES-COURT ORDERED PLACEMENT COSTS**

Original Senate File No. 94

AN ACT relating to court ordered placement of children; clarifying allowable education costs reimbursed by the state for placements in authorized facilities; and providing for an effective date.

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

Section 1. W.S. 21-13-315(a)(intro) is amended to read:

21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.

(a) The department of family services shall establish an account to pay residential and treatment costs excluding educational and medical costs of court ordered placements of children in private residential treatment facilities and group homes located in Wyoming. Programs providing education services including programs for children with disabilities provided by a board of cooperative educational services, shall bill the department of education directly for educational costs of court ordered placements. In addition, costs of all related services provided pursuant to a student's individualized education plan (IEP), including special education services, related services and supplementary aids and services for children with disabilities and costs of education assessment for other children incurred as a result of court order prior to any placement, shall be billed directly to the department of education. The department of family services shall promulgate reasonable rules and regulations to provide procedures for implementing subsection (m) of this section. If the court rejects an in-state placement recommendation of the predisposition report or multidisciplinary team under W.S. 14-6-227, the court shall enter on the record specific findings of fact relied upon to support its decision to deviate from the recommended disposition. No court shall order an out-of-state placement unless:

Section 2. This act is effective July 1, 2012.

Approved March 15, 2012.

Chapter 101

EDUCATION ACCOUNTABILITY

Original Senate File No. 57

AN ACT relating to the Wyoming Accountability in Education Act; generally modifying the act and modifying the statewide assessment system and assessments used for statewide accountability; modifying duties and tasks of implementation and administration; authorizing rulemaking and requiring reporting; continuing the select committee on statewide education accountability and advisory committee; providing additional duties and assigning additional areas of accountability system study and development; providing appropriations; and providing for effective dates.

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

Section 1. W.S. 21-2-202(a)(xiv), (xxx) and (xxxiv), 21-2-204(b)(intro), by creating new paragraphs (iii) through (ix), (c), (d)(intro), (e), (f)(intro), by creating new paragraphs (iii) through (viii), by amending and renumbering (iii) as (ix), (h) and by creating new subsections (j) and (k), 21-2-304(a)(iv)(intro), (v)(intro), (B), (D), (E), (H), (vi), (b)(xv), by creating a new paragraph (xvi) and by renumbering (xvi) as (xvii), 21-3-110(a)(xvii) through (xix), (xxiv)(intro), (xxix), (xxx) and (b), 21-7-102(a)(ii)(A) and (B), 21-7-110(a)(vii), 21-13-307(a)(iv) and 27-3-607(d) are amended to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. 21-2-204(h) and shall be provided within a reasonable time in accordance with rules and regulations of the state board; ~~In addition and pursuant to W.S. 21-2-304(a)(vii) and 21-3-110(a)(xxiv)(B), effective school year 2012-2013, the state superintendent shall, through the department, receive scores for each student assessed by each school district under the benchmark adaptive assessment administered under W.S. 21-3-110(a)(xxiv)(B), with appropriate linkages to teachers, schools and districts, reported in formats and schedules established by rule and regulation of the state board;~~

(xxx) Effective school year ~~2006-2007~~ 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination, computer-adaptive college placement assessment and a job skills assessment test selected by the state superintendent to all students in the eleventh ~~grade~~ and twelfth grades throughout the state as ~~provided in W.S. 21-3-110(a)(xxix)~~, except that any student with an individual education plan may be excused from taking either the college entrance examination or the job skills test if the parent or guardian of the student submits a request for the excusal to the appropriate local school district authority in accordance with this paragraph. The ~~examination and test examinations and tests~~ selected by the state superintendent, shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing, and mathematics and science for grade eleven (11). The jobs skills assessment test shall at a minimum test in the areas of applied math, reading for information and locating information. The state superintendent shall pay all costs associated with administering the college entrance examination, the computer-adaptive college placement assessment and the jobs skills assessment test and shall schedule a day during which ~~both examinations~~ shall be provided ~~to~~ and one (1) shall be administered to all eleventh and twelfth grade students throughout the state. The date for administration in grade eleven (11) shall be selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship. All students in grade twelve (12) shall take the computer-adaptive college placement assessment in the spring. The state superintendent may enter into agreements with an administrator of the college entrance examination and the computer-adaptive college placement assessment and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act. Alternative assessments and accommodations may be offered by the state superintendent in accordance with rule and regulation;

(xxxiv) ~~In consultation~~ With the office of the chief information officer, and through a single repository, establish criteria ~~and guidelines~~ for the collection, storage, management and reporting of department of education data related to teacher certification and the administration of the school finance system.

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(b) A statewide education accountability system shall be established by the state board in accordance with this section, which considers use of implements the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment "A" as defined under W.S. 21-13-101(a)(xvii). The first phase of this system shall be a school-based system that includes is based on student performance as measured-determined through multiple indicators in those subjects for which students are assessed as specified by this subsection, that are reported in terms of student achievement at prescribed performance levels, and that are aggregated to the school level. Core indicators of student performance under the first phase of the statewide school-based accountability system for each applicable school shall be measures of school performance. The goals of the Wyoming Accountability in Education Act are to:

- (iii) Become a national education leader among states;
- (iv) Ensure all students leave Wyoming schools career or college ready;
- (v) Recognize student growth and increase the rate of that growth for all students;
- (vi) Recognize student achievement and minimize achievement gaps;
- (vii) Improve teacher, school and district leader quality. School and district leaders shall include superintendents, principals and other district or school leaders serving in a similar capacity;
- (viii) Maximize efficiency of Wyoming education;
- (ix) Increase credibility and support for Wyoming public schools.

(c) School level performance in reading shall be measured by the statewide assessment system implemented by the state board of education under W.S. 21-2-304(a)(v). Additional secondary school outcomes shall be measured in accordance with subsection (d) of shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. The indicators of school level performance shall be:

- (i) Student longitudinal academic growth in reading and mathematics as measured by assessments administered under paragraph (ii) of this subsection, beginning in grade four (4);
- (ii) Student academic achievement in reading, mathematics, science and writing and language as measured by:
 - (A) The statewide assessment administered under W.S. 21-2-304(a)(v) in:
 - (I) Reading and mathematics in grades three (3) through eight (8);

(II) Science in grades four (4) and eight (8);

(III) Writing and language in grades three (3), five (5) and seven (7).

(B) A standardized college readiness test in grade eleven (11).

(iii) Readiness, as defined by a standardized college readiness test covering English, reading, mathematics and science, with school level results aggregated according to a procedure in which values and weights are determined by a deliberative method tied to specific definitions of post secondary readiness, administered in grades nine (9) and ten (10);

(iv) Readiness, as defined by a standardized achievement college entrance examination or the computer-adaptive college placement assessment administered pursuant to W.S. 21-2-202(a)(xxx) in grades eleven (11) and twelve (12), with school level results aggregated according to a procedure in which values and weights determined by a deliberate method are tied to specific definitions of post secondary readiness;

(v) Readiness, as defined by graduation or high school completion rates;

(vi) Readiness, as defined by ninth grade credit accumulation.

(d) Beginning in school year 2011-2012-2012-2013, and each school year thereafter, the department of education shall compute a combined and report an overall school score for performance rating measured by student performance in the core on those performance indicators specified under subsection (b)-(c) of this section, as follows: Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(i) Not later than thirty (30) days after a school receives its final rating or other performance determination from the department of education, the school district may seek informal review with the panel established under subsection (e) of this section. The panel shall review the determination and issue a decision based upon its review no later than sixty (60) days after receipt of the request for review;

(ii) Not later than thirty (30) days after a determination has been issued by the panel under paragraph (i) of this subsection, the school district may seek an informal review with the state board. The state board shall make a final determination as to the performance rating or other performance determination within sixty (60) days after receipt of the request for review;

(iii) The state board shall promulgate rules and regulations governing the informal review process before both the panel and the board as conducted under this subsection.

(e) The state board shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance. This determination by the board shall be developed through a prescribed de-

liberative process informed by a panel comprised of broad based representation from both public education and the community at-large. The target level levels for student school performance under the first phase of the statewide accountability system shall be positive progress on all core performance indicators measured under subsection (d) (c) of this section: shall conform to the January 2012 education accountability report as defined by subsection (k) of this section and shall be used by the state board to:

(i) Identify four (4) levels of school performance tied to the overall school performance rating that demonstrate a range of performance levels as follows:

(A) Exceeding expectations including those schools performing above standards in all measured areas;

(B) Meeting expectations;

(C) Partially meeting expectations; and

(D) Not meeting expectations.

(ii) Further measure performance specified under paragraph (i) of this subsection by identifying content level performance in all areas specified by subsection (c) of this section and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;

(iii) Coordinate the target levels, school and content level determinations with the availability of the system of support, interventions and consequences administered in accordance with subsection (f) of this section.

(f) A progressive multi-tiered system of support, intervention and consequences to assist schools shall be established by the state board and shall conform to the January 2012 education accountability report as defined by subsection (k) of this section. The system shall clearly identify and prescribe the actions for each level of support, intervention and consequence. Commencing with school year 2013-2014, and each school year thereafter, any school that fails to meet the computed school improvement targets established under subsection (e) of this section shall be subject to the state superintendent shall take action based upon system results according to the following:

(iii) Schools designated as exceeding expectations shall file a communication plan with the school district superintendent and the department to document effective practices and to communicate effective practices with other schools in the state;

(iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of rel-

evant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content areas where performance is below target levels. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content areas where performance is below target levels. The state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be approved by the local board of trustees and submitted to the school district superintendent prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal;

(vii) A representative shall be appointed by the state superintendent for all schools designated under paragraphs (iv) through (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the rep-

representative shall review and approve improvement plans submitted by schools in accordance with paragraphs (iv) through (vi) of this subsection. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, support and consequences to be administered under this subsection. The state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs (iii) through (vi) of this subsection shall serve to comply with similar requirements administered by the state superintendent and the department, and the state board shall ensure the plans minimize submission of duplicative information, material and the administrative burdens placed upon schools. All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. 9-2-1035(a)(iii);

(iii)(ix) In addition to paragraph (ii) paragraphs (iii) through (viii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

(h) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the state board shall describe the performance of each public school in Wyoming. The performance report shall:

(i) Include an overall school performance rating along with ratings for each of the indicators in the accountability system that:

(A) Supports the overall school performance rating; and

(B) Provides detailed information for analysis of school performance on the various components of the system.

(ii) In a manner to maintain student confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups and students with disabilities;

(iii) Provide longitudinal information to track student performance on a school, district and statewide basis;

(iv) Include, through the use of data visualization techniques, the development of longitudinal student-level reports of assessment and other relevant readiness indicators that provide information to parents, teachers and other school personnel regarding student progress toward college and career readiness and other relevant outcomes. These reports shall be maintained by the district in each student's permanent record within the district's student data system; and

(v) Provide valid and reliable data on the operation and impact of the accountability system established under this section for use by the legislature to analyze system effectiveness and to identify system improvements that may be necessary.

(j) Beginning school year 2013-2014 and each school year thereafter, the state board shall annually review the statewide education accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, the target levels and statewide, district and school attainment of those levels and the system of support, intervention and consequences. Not later than September 1, 2014, and each September 1 thereafter, the state board shall report to the joint education interim committee on the information required under this subsection and the results of the accountability system for each school in the state.

(k) As used in this section, the "January 2012 education accountability report" means the report prepared by legislative consultants submitted to and approved by the legislature that addresses phase one of the statewide accountability in education system and establishes the design framework for this system. The report is on file with and available for public inspection from the legislative service office.

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(iv) Effective school year 2013-2014, and each school year thereaf-

ter, require district administration of common benchmark adaptive assessments statewide in grades one (1) through eight (8) in accordance with W.S. 21-3-110(a)(xxiv). The board shall also establish, in consultation with local school districts, requirements for students to earn a high school diploma as measured by each district's body of evidence assessment system prescribed by rule and regulation of the state board and required under W.S. 21-3-110(a)(xxiv). Beginning school year 2014-2015, and each school year thereafter, the state board shall annually review and approve each district's assessment system designed to determine the various levels of student performance and the attainment of high school graduation requirements. A high school diploma shall provide for one (1) of the following endorsements which shall be stated on the transcript of each student:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for core performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(B) Effective school year 2012-2013, and each school year thereafter, be administered at appropriate levels at in specified grades and at appropriate intervals aligned to the student content and performance standards, specifically assessing student performance in reading and mathematics at grades four (4); eight (8) and eleven (11), and effective school year 2005-2006, and each school year thereafter, assessing student performance in reading and mathematics at grades three (3) through eight (8), and at grade eleven (11). In addition, and commencing school year 2007-2008 and each school year thereafter, the statewide assessment system shall assess student performance in science not less than once within each grade band for grades three (3) through five (5), grades six (6) through eight (8) and grades ten (10) through twelve (12) in grades four (4) and eight (8). As a component of the statewide assessment system but separately administered, the statewide writing and language assessment shall be a valid, reliable and robust measure of student writing and language according to the writing and language content and performance standards promulgated under paragraph (iii) of this subsection implementing the common core of knowledge and skills as required by W.S. 21-9-101, and shall allow for monitoring and evaluation of annual trends in student and school level writing and language performance. Effective school year 2013-2014 and each school year thereafter, the statewide writing and language assessment shall be administered

to grades three (3), five (5) and seven (7). The structure and design of the assessment system shall allow for the comprehensive measurement of student performance through assessments that are administered each school year simultaneously on a statewide basis, with the writing and language assessment administered separately statewide;

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, and not later than school year 2013-2014, link student performance and progress to teachers of record and compare and evaluate student achievement during the process of student advancement through grade levels and to school and district leaders, including superintendents, principals and other district or school leaders serving in a similar capacity. The assessment system shall ensure the integrity of student performance measurements used at each grade level to enable valid year-to-year comparisons and shall be sufficient to capture necessary data to enable application of measures of core performance indicators as required under W.S. 21-2-204;

(E) Include multiple measures and item types to ensure alignment to the statewide content and performance standards, including multiple choice items. For the writing and language assessment only, include multiple measures and item types to ensure alignment, which may include grade appropriate multiple choice to ensure alignment to the statewide student content and performance standards open response tasks, constructed and extended response items as appropriate;

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement, growth and readiness targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. Assessment results shall be used in conjunction with a each school district's annual assessment assessments to design educational strategies for improvement and enhancement of student performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive multi-tiered system of support, intervention and technical assistance consequences to districts in developing school turn-around-improvement plans in response to student performance to attain target indicators levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature as required under W.S. 21-2-204.

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth and readiness as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. 21-2-204(e), establish a progressive multi-tiered system of supports, interventions and consequences as required by W.S. 21-2-204(f) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(h). The system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences and supports resulting from accountability determinations;

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(xv) Not later than July 1, 2013, promulgate rules and regulations for the development, assessment and approval of implementation and administration of an annual school district teacher performance evaluation systems-system based in part upon defined student academic growth performance measures as prescribed by law and upon longitudinal data systems linking student achievement with teachers of record,; The evaluation system shall clearly prescribing prescribe standards for satisfactory highly effective, effective and unsatisfactory ineffective performance and define teacher of record for purposes of the teacher and school district leader evaluation and accountability system. Rules and regulations adopted under this paragraph shall to the extent student achievement measures are the statewide accountability system is not compromised, provide district ability to include a portion of an evaluation system designed to address allow districts the opportunity to refine the system to meet the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement;

(xvi) Not later than July 1, 2013, promulgate rules and regulations for implementation and administration of an annual performance evaluation system for school and district leadership, including superintendents, principals and other district or school leaders serving in a similar capacity. The performance evaluation system shall include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to district administrative personnel performing unsatisfactorily, designed to improve leadership, management and student achievement;

~~(xvi)~~(xvii) Through the state superintendent, implement, administer and supervise education programs and services for adult visually handicapped and adult hearing impaired persons within the state.

21-3-110. Duties of boards of trustees.

(a) The board of trustees in each school district shall:

(xvii) Not later than school year 2013-2014 and each school year thereafter, require the performance of each initial contract teacher to be evaluated in writing at least twice annually based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xviii) Not later than school year 2013-2014 and each school year thereafter, establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated in writing at least once each year based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xix) Not later than school year 2013-2014 and each school year thereafter, based in part upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), performance evaluations shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance for dismissal, suspension and termination proceedings under W.S. 21-7-110;

(xxiv) Establish a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). To the extent required by W.S. 21-2-204 and 21-2-304(a)(vii), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. Components of the district assessment system required by this paragraph shall include the following: be designed and used to determine the various levels of student performance and attainment of high school graduation as described in the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). Beginning school year 2014-2015 and each school year thereafter, the district shall on or before August 1, report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system established under this paragraph. Beginning school year 2013-2014 and each school year thereafter, a component of the district assess-

ment system shall include common benchmark adaptive assessments in grades two (2) through eight (8), common to all districts statewide, administered at least two (2) times during any one (1) school year and administered once in grade one (1). An additional component of the district assessment system shall continue the longitudinal study of summer school program effectiveness which uses a single common benchmark adaptive assessment administered for summer school and extended day intervention and remediation programs in accordance with W.S. 21-13-334(h)(iv);

(xxix) ~~Beginning in the spring semester 2007 school year 2012-2013, and each spring semester school year thereafter, administer a program where all students enrolled in the eleventh grade and twelfth grades in the district shall be required to take, on a date specified by the state superintendent, either a standardized, curriculum based, achievement college entrance examination, a computer-adaptive college placement assessment or a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh grade and twelfth grades and residing within the district to take either the examination examinations or the jobs skills assessment test one (1) time at no cost to the student on the same date the examination and test are administered to all eleventh and twelfth grade public school students in the state. The results of the examination examinations or jobs skills assessment test taken shall be included in each student's transcript;~~

(xxx) ~~Not later than school year 2013-2014 and each school year thereafter, in addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school principal-district leader, including superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated by the district superintendent in accordance with the statewide education accountability system established under W.S. 21-2-204. Not later than August 15, 2014 and each school year thereafter, in accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying principal-school district leader performance and providing performance scores necessary for continued employment;~~

(b) ~~On or before April 15, of each school year, 2014 and each school year thereafter, each school district superintendent shall provide a report to the board of trustees identifying all teachers and school and district leaders within the district whose performance, through evaluations conducted under paragraphs (a) (xvii) through (xix) and (xxx) of this section, has been determined inadequate or unsatisfactory for that school year. The report shall include a summary of mentoring and other professional development activities made available to the identified school and district leaders and teachers to improve instruction and student achievement. Not later than June 1, of each school year 2014 and each school year thereafter, the board shall file a report with the department of education certifying compliance with this subsection.~~

21-7-102. Definitions.

(a) As used in this article the following definitions shall apply:

(ii) "Continuing Contract Teacher":

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years, ~~has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time and~~ has had his contract renewed for a fourth consecutive school year and, beginning school year 2013-2014 and each school year thereafter, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, and, beginning school year 2013-2014 and each school year thereafter, has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time.

21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(vii) Beginning school year 2013-2014 and each school year thereafter, inadequate performance as determined through annual performance evaluation tied to student academic growth completed in accordance with W.S. 21-3-110(a)(xvii) through (xix);

21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(iv) The district shall provide evidence to the state superintendent that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education for any district that demonstrates insufficient school facility capacity, positive school performance, positive student achievement or for other reasons related to the delivery of the education program to students. This paragraph shall not apply to charter schools established under W.S. 21-3-301 through 21-3-314 or schools designated as exceeding expectations pursuant to W.S. 21-2-204(e)(i)(A). Schools designated as exceeding expectations pursuant to W.S. 21-2-204(e)(i)(A) shall

notify the department annually of the student teacher ratios for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding year. The department shall compute the student-teacher ratio and report it to each district not later than March 1 of each year. To obtain a waiver under this paragraph, a school district shall apply to the department not later than March 15 of each year. The application shall be based on the student-teacher ratio reported by the department of education, together with any other information required by the department. The department shall approve or deny an application for a waiver under this paragraph not later than April 10 of that year. A waiver approved under this paragraph shall be effective for the school year immediately following the application and approval.

27-3-607. Cooperation by department with federal, state and local agencies; disclosure and submission of specified information; limitations.

(d) The department may conduct and publish statistical analysis of payroll and employment of state agencies in the executive branch and of school districts, which may reveal the identity of state agency and school district employing units.

Section 2. W.S. 21-2-204(b)(i), (ii), (d)(i) through (iii), (f)(i) and (ii), 21-2-304(a)(vii), 21-3-110(a)(xxiv)(A) and (B) and 2011 Wyoming Session Laws, Chapter 184, Section 4(g) and (h) and Section 5(a) are repealed.

Section 3.

(a) The state superintendent shall immediately apply to the United States department of education for a waiver allowing the use of the standardized achievement college entrance examination administered in grade eleven (11) pursuant to W.S. 21-2-202(a)(xxx), as amended by section 1 of this act, to fulfill the requirements of the federal No Child Left Behind Act of 2001. The state superintendent shall report each month to the select committee on the status of this waiver. Not later than August 15, 2012, the state board shall report to the select committee on any action taken under this subsection.

(b) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 5(b)(v), the state board shall, in accordance with and as a part of the statewide assessment system administered in accordance with W.S. 21-2-304(a)(v), as amended under section 1 of this act, establish a separate writing and language assessment to be implemented and administered statewide in school year 2013-2014 and each school year thereafter. The assessment shall be a valid, reliable and robust measure of student writing and language according to the writing and language content and performance standards adopted by the state board under W.S. 21-2-304(a)(iii), shall allow for monitoring and evaluation of trends in writing and language performance on an individual student and school basis. More specifically, the writing and language assessment shall require objective measurement of written responses to informational and literary text and shall include writing tasks of varying length. The separate statewide writing

assessment shall be administered in grades three (3), five (5) and seven (7) each year, not to exceed a total of three (3) hours of assessment time for any grade specified in this subsection during any statewide administration. The state board shall report to the select committee on statewide education accountability not later than July 1, 2013 on the progress of the writing and language assessment required by this subsection and W.S. 21-2-304(a)(v), as amended by section 1 of this section.

(c) For school year 2012-2013 only, the department of education shall administer the writing assessment in accordance with 2011 Wyoming Session Laws, Chapter 184, Section 5(b)(v).

(d) Subject to subsection (a) of this section and in addition to subsections (b) and (c) of this section, the state board, through the department of education, shall commence development of a statewide assessment system complying with the requirements imposed under W.S. 21-2-304(a)(v), as amended by section 1 of this act. The state board shall periodically report to the select committee on progress on assessment development under this act, and shall at minimum report to the select committee prior to issuing any request for proposal or contract amendment to commence assessment system development and implementation.

Section 4.

(a) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4, the select committee on statewide education accountability shall continue through December 31, 2013. The chairman of the senate education committee and the chairman of the house education committee shall continue to serve as cochairmen of the select committee. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(b) shall continue to serve on the select committee through December 31, 2012. New members shall be appointed for terms commencing with the sixty-first legislature as provided in 2011 Wyoming Session Laws, Section 4(b). Select committee members shall receive compensation, per diem and travel expense reimbursement in the manner and amount prescribed under W.S. 28-5-101. The appointing authority for any member who vacates membership shall fill the vacancy.

(b) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4, the advisory committee shall continue to assist the select committee as the select committee deems necessary through December 31, 2013. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d) shall continue to serve on the advisory committee. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed to the advisory committee which is not an employee of a governmental subdivision or a member of a political subdivision board or commission shall receive per diem and travel expenses in the manner and amount provided state employees under W.S. 9-3-103.

(c) The legislative service office shall staff the select committee and the advisory committee. The department of education, the state superintendent and other state agencies shall provide information and other assistance as requested by the select committee or the advisory committee. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing responsibilities prescribed by this act. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

Section 5.

(a) The state board, in consultation with the department of education, shall report to the legislative service office not later than October 15, 2012 on the implementation of phase one of the pilot statewide education accountability system as amended by W.S. 21-2-204 and 21-2-304(a)(vi), as amended by section 1 of this act. Except as provided under W.S. 21-2-304(a)(v), as amended under section 1 of this act, for delayed implementation of several components of the statewide assessment system, the report shall include the design and proposed business rules for implementation and administration of a fully operational phase one pilot statewide education accountability system by school year 2012-2013. The department of education shall use available data from school year 2011-2012 and all applicable prior years to demonstrate the operation of the phase one pilot system and application of the business rules as proposed by the state board. As subsequent data may become available, the department shall review the operation of the phase one pilot system and based upon that review, report to the state board any revisions for system implementation.

(b) The system reported by the state board to the legislative service office as required by subsection (a) of this section shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). For system indicators and data not yet collected but specified in the January 2012 report or otherwise required by this act, the state board shall, through the department of education, provide a specific plan describing how the indicators will be incorporated into accountability system computations and analysis upon becoming available. In addition, the department shall on behalf of the state board, calculate overall school and indicator level results for the 2012-2013 pilot school year based upon data available during the 2011-2012 school year and all applicable prior school years. The report by the state board as required under subsection (a) of this section shall incorporate business rules and a plan for administration and implementation which at a minimum includes the following elements:

(i) A technically defensible approach to calculate achievement, growth and readiness as required by W.S. 21-2-204(d), as amended by section 1 of this act;

(ii) Use of a deliberative process informed by broad-based representation

from areas of public education and the community at-large in developing and establishing performance levels on the various performance indicators and the overall process as required under W.S. 21-2-204(e), as amended by section 1 of this act. Initial membership on this representative panel to be established under this paragraph and to be known as the Wyoming education accountability professional judgment panel, shall be comprised at minimum, of representatives of organizations and entities specified in this paragraph. The numbers of members appointed from each specified organization or entity shall be at least equal to and may exceed the number specified in this paragraph. The state board shall appoint members to the panel, shall fill any vacancy and may remove any member. The initial panel membership shall include:

- (A) Three (3) members of the state board;
 - (B) Three (3) public school teachers, one (1) from an elementary school, one (1) from a middle or junior high school and one (1) from a high school;
 - (C) Three (3) public school principals, one (1) from an elementary school, one (1) from a middle or junior high school and one (1) from a high school;
 - (D) Three (3) school district superintendents, one (1) representing a small district, one (1) a medium district and one (1) a large district;
 - (E) Three (3) members of the business community and the community at-large;
 - (F) Three (3) parents of children attending Wyoming public schools;
 - (G) Three (3) members of school district central office administration;
 - (H) Three (3) members of Wyoming school district boards of trustees;
 - (J) Three (3) representatives of Wyoming post secondary education institutions.
- (iii) Performance targets and levels of performance required by W.S. 21-2-204(e), as amended by section 1 of this act;
- (iv) Inclusion requirements, including but not limited to:
- (A) The identification and definition of students who shall be assessed to determine school performance and accountability with the expectation that all Wyoming students in eligible grades shall participate in the assessment and accountability system;
 - (B) Identification and definition of the minimum number of students and data elements acceptable for calculation of school, student and group performance and accountability; and
 - (C) Identification and definition of an academic year for purposes of determining school performance and accountability.
- (v) Attribution requirements, including but not limited to the identification and definition of school configurations and the identification and definition of the

linkage necessary between a student and a school that shall be used for determining school performance and accountability.

(c) A separate component of the report required under this section shall include a design document and implementation plan describing the provision of a progressive multi-tiered system of supports, interventions and consequences administered by the department pursuant to direction of the state board based upon the performance of each school at each level as required by W.S. 21-2-204(f), as amended by section 1 of this act. As part of this design document, and in administering the state system of supports, interventions and consequences established by the state board and in appointing representatives to assist schools, school districts and the department in developing school improvement plans and resourcing plan implementation, the state superintendent shall document procedure which, in accordance with W.S. 21-2-204(f)(vii), as amended by section 1 of this act:

(i) First considers the level of expertise appropriate for the development and implementation of a particular improvement plan and all associated education strategies;

(ii) Following paragraph (i) of this subsection, considers the level of critical review and evaluation required for evaluating school improvement plans and the required level of evaluation of the accuracy of any research synthesis incorporated into plan implementation;

(iii) Depending upon the level of expertise required, provides for appointment of a representative from the department or from a school district, or both, and may provide for appointment of a representative through contracted expertise;

(iv) In those schools requiring substantial intervention and support, establishes a support structure for that school comprised of distinguished educators possessing the necessary credentials, education and expertise to assist schools appropriately, who possess the necessary experience, education and expertise commensurate with the level of intervention, support and consequences to be administered;

(v) Provides for a report on the effectiveness of the use of appointed representatives in improving school performance within the annual report to the state board, as required under W.S. 21-2-204(f)(vii), as amended by section 1 of this act.

(d) The legislative service office shall review the report submitted by the state board and department of education in accordance with this section and report findings and recommendations to the advisory committee reestablished under section 4(b) of this act regarding the proposed implementation and administration of phase one of the statewide education accountability system for school year 2012-2013. Not later than November 15, 2012, the advisory committee and the legislative service office shall report to the select committee on

recommendations, conclusions and findings in response to the submission of the report.

Section 6.

(a) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4(g), the select committee on statewide education accountability shall continue the study of phase one of the statewide education accountability system and initiate phase two of the statewide education accountability study in accordance with subsection (c) of this section. The select committee shall report to the legislature on its findings and include recommendations for implementing legislation and a timeline for implementation when applicable.

(b) The select committee shall continue to study and develop recommendations as related to phase one of the education accountability act in the following areas:

(i) Additional measures of assessment and data elements at the secondary level that may account for students taking more than four (4) years to graduate or complete the general educational development (GED) tests or other appropriate measures of high school completion;

(ii) Additional post secondary and career information that may assist in the determination of growth and achievement as related to career or college readiness. The measures or data may include:

(A) Consideration of information related to college course completion;

(B) Remediation needs and rates at both Wyoming post secondary education institutions and to the extent possible, institutions from other states;

(C) Enrollment and academic performance in advanced placement courses;

(D) Participation in joint enrollment or other post secondary courses while enrolled at the secondary level;

(E) Attainment of career or industry certification; and

(F) Achievement of post secondary outcomes.

(iii) Notwithstanding 2011 Wyoming Session Laws, Chapter 184, Section 4(f)(ii), the select committee shall continue the study of an end of course assessment system that measures various levels of student performance as described in the uniform student content and performance standards as required by W.S. 21-2-304(a)(iv) and 21-3-110(a)(xxiv). Not later than November 15, 2012, the state board shall report and make recommendations to the select committee on the use of an end of course assessment system as a component of the statewide summative assessment and for district assessment systems that are designed and used to determine the various levels of student performance for purposes of fulfilling high school graduation requirements. Additionally, end of course assessment results shall be used in the statewide accountability system, the school district leader and

teacher accountability system and the student accountability system. The recommendations shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k);

(iv) A system of state supports and capacity building necessary to improve educational systems at a statewide level, to integrate with and execute the systems of support, intervention and consequences established under W.S. 21-2-204(f), as amended by section 1 of this act. The system of supports and capacity building shall at minimum follow a comprehensive, systematic, intentional approach for teachers and administrators, that increases the collective instructional capacity or expertise around a particular content area and specific problems of practice, develops the organizational processes and systems to help support the ongoing development, coordination and deployment of instructional capacity and incorporates a research-based approach to increasing instructional capacity. The select committee shall implement this paragraph through the advisory committee, who may use a technical advisory committee appointed by the advisory committee chairman, to review the needs, capacity and design approaches to build the necessary capacity across the state. Recommendations developed under this paragraph by the advisory committee shall be reported to the select committee by November 15, 2012;

(v) Data requirements and systems necessary to support the statewide education accountability system and the goal of improved student and school performance.

(c) The select committee shall study and develop recommendations on phase two of the statewide education accountability system, including the performance of school and district leaders and teachers. For purposes of this study, school and district leaders include superintendents, principals and other district or school leaders serving in a similar capacity. School district leader and teacher evaluation and accountability shall at a minimum include the following:

(i) A comprehensive definition of an effective school district leader and teacher;

(ii) A measurement system to evaluate school and district leaders' and teachers' performance relative to the definition of an effective school district leader or teacher, as appropriate;

(iii) Definition of school district leader or teacher of record;

(iv) The use of student performance results in a valid and reliable manner;

(v) At least three (3) levels of performance for school and district leaders and teachers, including highly effective, effective and ineffective;

(vi) A differentiated system to account for differences between novice school and district leaders or teachers and more experienced school and district leaders or teachers;

(vii) More frequent evaluation of novice school and district leaders or teachers as compared to more experienced school and district leaders or teachers that receive effective or highly effective performance evaluations for consecutive periods.

(d) Related to the school district leader and teacher evaluation and accountability system, the select committee shall include a review of performance pay, which shall consider merit-based salary schedules, bonuses, incentive pay and differential staffing practices.

(e) In addition to subsections (c) and (d) of this section, the select committee shall study and provide recommendations on student, parental and community accountability, providing incentives and sanctions to promote increased student achievement, a review of existing statutes related to incentives fostering improved student performance, develop recommendations on training needs of school district boards of trustees and shall explore different approaches and methods of providing school district leader development.

Section 7.

(a) For the period commencing on the effective date of this section and ending June 30, 2014, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office. Additionally and notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies appropriated from the school foundation program account to the attorney general under 2010 Wyoming Session Laws, Chapter 39, Section 2, Section 015, for purposes of the school finance litigation law office, shall not revert on June 30, 2012 and shall be reappropriated for expenditure by the legislative service office for the period commencing July 1, 2012 and ending June 30, 2014. Expenditures of amounts appropriated and reappropriated under this section shall be for professional consulting expertise and other support necessary to carry out and execute the work of the select committee on statewide education accountability as required under this act. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

(b) For the period beginning upon the effective date of this section and ending June 30, 2014, seventy-five thousand dollars (\$75,000.00) is appropriated from the unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii) for necessary expenses of the select committee on statewide education accountability established under this act, as necessary to carry out this act.

(c) For the period commencing on the effective date of this section and ending June 30, 2014, up to eight hundred twelve thousand one hundred twenty-

eight dollars (\$812,128.00) is appropriated from the school foundation program account to the department of education to provide for the statewide administration of the standardized college readiness test in school years 2012-2013 and 2013-2014, covering English, reading, mathematics and science in grades nine (9) and ten (10), as required by W.S. 21-2-204(c), as amended by section 1 of this act, and for the statewide administration of the standardized college entrance examination and the computer-adaptive college placement assessment in grade twelve (12) and the expansion of this administration to include writing in grade eleven (11), all as required by W.S. 21-2-202(a)(xxx) and 21-2-204(c), as amended by section 1 of this act. Of this appropriation, thirty thousand dollars (\$30,000.00) shall be expended by the department for necessary professional development and data costs.

(d) For the period commencing on the effective date of this section and ending June 30, 2014, up to two hundred fifty thousand dollars (\$250,000.00) is appropriated from the school foundation program account to the department of education to provide the necessary support to the state board of education in carrying out duties imposed upon the board by this act. This appropriation may be expended for acquisition of necessary professional consulting expertise. The department shall report expenditures of amounts appropriated under this subsection to members of the select committee on statewide education accountability, initially on or before December 1, 2012, and periodically thereafter until the amount appropriated is expended or the expenditure authority expires, whichever first occurs.

(e) In addition to amounts appropriated under subsection (d) of this section, two hundred fifty thousand dollars (\$250,000.00) is appropriated from the school foundation program account to the department of education for expenditure by the state board in contracting with necessary staff support in carrying out duties imposed under this act. The board may obtain the services of staff expertise for direct assistance to the board in implementing responsibilities imposed by this act. The department of education shall expend amounts appropriated under this subsection only as directed by the state board. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. The appropriation under this subsection shall be for the period commencing on the effective date of this section and ending June 30, 2014. The department shall be subject to the reporting requirements imposed under subsection (d) of this section for expenditures made from funds appropriated under this subsection.

(f) Any requests for proposals issued by the department of education to execute contracts for the acquisition of professional expertise and staff support for the state board under subsections (d) and (e) of this section shall include the advice of consultants to the legislature that prepared the January 2012 accountability report as defined under W.S. 21-2-204(k), as amended by section 1 of the act.

Section 8.

(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, W.S. 21-2-304(a)(v)(B), (E) and (b)(xv), 21-3-110(a)(xvii), (xviii), (xix) and (b), 21-7-102(a)(ii)(A) and (B) and 21-7-110(a)(vii) are effective July 1, 2012.

Approved March 21, 2012.

Chapter 102**APPROPRIATION FOR THE LEGISLATURE**

Original Senate File No. 2

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

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

Section 1. There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2014:

SALARIES

LSO Staff Permanent/Temporary.....	\$6,502,793
Legislators – Session	1,162,740
Legislators – Interim [3.].....	1,459,371
Session Staff.....	734,015
Employer Paid Benefits	2,955,509

IN-STATE TRAVEL

Mileage and Per Diem – Session	1,060,432
Mileage and Per Diem – Interim.....	911,072

OUT-OF-STATE TRAVEL

Travel Expenses	117,600
Per Diem.....	191,800

ANNUAL DUES

National Conference of State Legislatures	234,001
The Energy Council	72,000
Council of State Governments.....	177,151

REGISTRATION FEES

TELECOMMUNICATIONS

ITD SERVICES (Network connections & backup).....

GENERAL ADMINISTRATIVE SUPPORT [1.],[2.],[4.]

(Information technology, copying,
supplies and equipment, furniture,

contract services, special projects, etc.)	
STATUTES, SESSION LAWS AND DIGESTS.....	430,000
TOTAL.....	\$17,448,004

Footnotes to Section 1:

1. Legislative laptop computers being replaced shall be sold in accordance with Management Council directives. Any proceeds received from the sale of any laptop computer shall be deposited into the general fund and are hereby reappropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems. In preparing for replacement of laptop computers for legislators in the 2015-2016 fiscal biennium, the Select Committee on Legislative Technology and Process shall consider making available computers using alternative operating systems for legislators requesting such systems so long as the alternative operating system is no more expensive than the replacement laptop computer. This footnote is effective immediately.

2. Of this amount, ten thousand dollars (\$10,000.00) shall be used to purchase tablet computers for a pilot project for the Joint Appropriations Committee to connect to the legislative management system to access budget hearing materials electronically. The committee co-chairs and the legislative service office staff shall develop the implementation plan during the 2012 interim.

3. Of this amount, up to twenty-five thousand dollars (\$25,000.00) shall be used to fund the costs of attendance of members of the joint education interim committee at meetings held during the 2012 interim by the select committee on statewide education accountability, as created under 2011 Wyoming Session Laws, Chapter 184, Section 4(b). Expenses of meeting attendance shall not include payment of salary for preparation or travel days as provided under W.S. 28-5-101(e)(iii) and (iv). This footnote is effective immediately.

4. Of this amount, up to fifteen thousand dollars (\$15,000.00) shall be used to purchase a portable sound system for interim committee meetings. This footnote is effective immediately.

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

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

Section 4. [Carry Forward of Prior Appropriations].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the unob-

ligated portions of the following appropriations shall not revert on June 30, 2012, and are hereby reappropriated to the legislative service office for the following purposes:

(i) Any remaining balance of funds originally appropriated to the legislative service office by 2008 Wyoming Session Laws, Ch. 47, Section 7(a) and carried forward and reappropriated to the legislative service office by 2010 Wyoming Session Laws, Ch. 53, Section 4(a)(i) and 2011 Wyoming Session Laws, Ch. 88, Section 347(b)(i), to be used for miscellaneous furnishings and projects;

(ii) Appropriation for development and implementation of the legislative management system, 2011 Wyoming Session Laws, Ch. 88, Section 347(a)(i);

(iii) Any balance remaining on June 30, 2012, resulting from the sale of legislative laptop computers prior to that date is appropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems for the period July 1, 2012 through June 30, 2014;

(iv) Any balance in the constituent service allowance account created by W.S. 28-5-106(a) remaining on June 30, 2012, is appropriated to the legislative service office to fund the constituent service allowance for the period July 1, 2012 through June 30, 2014.

(b) This section is effective immediately.

Section 5. [Constituent Service Allowance]. There is appropriated from the general fund to the constituent service allowance account created by W.S. 28-5-106(a) five hundred thousand dollars (\$500,000.00) to fund constituent service allowance reimbursements for the period July 1, 2012 through June 30, 2014.

Section 6. [Technology Project]. There is appropriated six hundred forty thousand dollars (\$640,000.00) from the general fund to the legislative service office for continued development of the legislative management system.

Section 7. [Artwork/Facilities Appropriations].

(a) There is appropriated from the general fund to the legislative service office:

(i) Fifteen thousand dollars (\$15,000.00) for upgrade of the wireless alarm system;

(ii) Seven thousand five hundred dollars (\$7,500.00) for development of the Capitol public outreach plan;

(iii) Five thousand dollars (\$5,000.00) for administration of the legislative artwork donation program;

(iv) Five thousand dollars (\$5,000.00) for reproduction artwork in leadership offices.

(b) The appropriations in this section are effective immediately.

Section 8. [New Legislator Compensation].

(a) For the period beginning July 1, 2012 and ending June 30, 2014, from and after the date the state canvassing board certifies the results of a general election in accordance with W.S. 22-16-118, legislators elect and newly appointed legislators may, to the extent authorized by the Management Council, receive mileage and per diem at the same rate as members of the legislature plus an amount equal to the daily salary paid to legislators for each day spent at a legislative training function or at a meeting of an interim committee to which they will be assigned. There is appropriated from the general fund to the legislative service office sixty-two thousand dollars (\$62,000.00) or as much thereof as may be necessary for purposes of this section.

(b) As used in this section:

(i) "Legislator elect" means a person elected to the legislature during the 2012 general election who is not a current member of legislature and before the person is duly sworn in;

(ii) "Newly appointed legislator" means a person appointed after the 2012 general election to fill a vacancy in the House or Senate and before the person is duly sworn in.

Section 9. [Effective Dates].

(a) As used in this act, "effective immediately" means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act that is effective immediately shall not lapse until June 30, 2014, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2012.

Approved March 21, 2012.

Chapter 103**MEDICAID OPTIONS STUDY**

Original Senate File No. 34

AN ACT relating to the administration of government, Medicaid and the 2010 federal health care reform; providing for a study related to options for reconfiguring of the Medicaid program; requiring a report; providing report requirements; providing for legislative advice as specified; reappropriating funds to be used for the study; providing an appropriation; repealing previous legislative authority for the Medicaid options study; and providing for an effective date.

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

Section 1.

(a) The department of health shall conduct a study to analyze the cost drivers and identify other areas within the Medicaid program that may benefit from redesign, to evaluate potential redesign of current Medicaid programs and to evaluate the design of Medicaid programs mandated by the Patient Protection and Affordable Care Act, P.L. 111-148, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, hereinafter referred to collectively as “the health care reform acts.” The department of health shall conduct the study.

(b) The department of health shall have the authority to contract with experts and consultants as may be useful in conducting the study and shall utilize expertise from public interest research groups, from within the department of health, from private interest groups and from private stakeholders. In contracting for services in amounts not to exceed fifty thousand dollars (\$50,000.00) with experts and consultants for purposes of conducting this study, the department of health shall be exempt from the procurement requirements set out in W.S. 9-2-1016 and any other state laws, rules or policies governing the procurement of services by a state agency. This exemption shall expire on June 30, 2013 or upon the completion of this study, whichever occurs first.

(c) The study shall be subject to the following:

(i) The study shall examine the Medicaid state plan that provides health care paid by the state and federal government and determine the total annual cost of health care benefits per enrolled persons who are part of each program. The cost shall be broken down by state share, federal share, client share and any other costs, administrative or otherwise hidden, that are part of each program;

(ii) The study shall examine the broad categories, including physical, mental and dental health, of the benefits associated with each program and account for the cost of each benefit. The study shall identify and analyze cost drivers, as defined by the department, within each of the broad categories;

(iii) The study shall report the total appropriations necessary to support each program by fiscal year through the 2019-2020 biennium;

(iv) The study shall examine the current disability waiver programs for increased efficiencies. The examination shall include the following items:

(A) Alternative service delivery methods;

(B) Means testing for household units of applicant children with developmental disabilities;

(C) Identification of essential versus optional services;

(D) Participation of clients in the cost of services through a sliding scale income qualification program;

(E) Identification of efficiency improvements that can be implemented currently versus those that can be implemented only upon renewal of waiver approval by the Centers for Medicare and Medicaid Services;

(F) The possibility of operating dual waiver programs simultaneously with differential eligibility and services features for current and new enrollees.

(v) After the study has identified cost drivers and other areas within the Medicaid program which may benefit from redesign, and also identified Medicaid programs that are mandated by the Affordable Care Act, the study shall identify and evaluate possible redesigns or designs for those programs. Possible options that may be evaluated include:

- (A) Establishment of innovative service delivery systems and models;
- (B) Implementation of alternative financing mechanisms;
- (C) Establishment of insurance models such as the child health insurance program for specific segments of the Medicaid population;
- (D) Establishment of managed Medicaid models;
- (E) Establishment of innovative programs, including implementation of programs similar to those developed by Medicaid programs in other states;
- (F) Block grants;
- (G) Voucher systems.

(vi) The study shall separately identify additional anticipated costs to each program affected by proposed coverage limit changes included in the federal health care reform acts, and those shall be noted and considered as additions to predicted future costs of current Medicaid programs. This information may be taken from other recent studies performed on this issue;

(vii) The study shall include:

- (A) Recommended methods to obtain eligibility and participation information;
- (B) Recommended methods to track and analyze utilization rates;
- (C) Any other identified recommended methods to realize cost savings.

(viii) The study shall include a discussion of the home and community based Medicaid waivers that shall include the following:

- (A) Identification of cost drivers;
- (B) Identification of whether the state could impose co-payments on recipients of the children's developmental disability waiver;
- (C) Identification of waiver wrap around service costs;
- (D) Discussion of any identified cost savings within the waiver programs, including any successful methods for cost savings implemented in other states.

(d) In conducting the study and reporting its results, the department of health and any contractors shall consider that the study is expected to be used:

(i) To assist the executive branch and legislative budget staff in making accurate budget estimates for the cost of Medicaid reconfiguration, if accepted;

(ii) To help form the basis for an application for a Medicaid waiver covering all or part of the current and newly eligible population, the purpose of the waiver being to reduce the cost of the eligibility expansion by using additional cost control techniques.

(e) The department of health shall present preliminary reports to the joint labor, health and social services interim committee with the first report due by June 1, 2012 and the second report due by October 1, 2012. The study shall be completed by December 1, 2012, unless the governor requires an earlier completion date, and submitted to the joint labor, health and social services interim committee and the joint appropriations interim committee. The department of health shall present the results of the study in person to these committees.

(f) The joint labor, health and social services interim committee, augmented by two (2) members of the senate appropriations committee appointed by the president of the senate and two (2) members of the house appropriations committee appointed by the speaker of the house of representatives, shall advise the governor and the department of health on the design and breadth of the study and on a mid-study revision thereof.

(g) The study shall be available to the people and the legislature on at least one (1) relevant website and in hard copy.

(h) Members of the augmented labor, health and social services committee shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties required by subsection (g) of this section.

Section 2. 2011 Wyoming Session Laws, Chapter 193 is repealed.

Section 3.

(a) Any funds remaining under the appropriation provided in 2011 Wyoming Session Laws, Chapter 161, Section 3(a) are hereby reappropriated to the department of health to conduct the Medicaid options study pursuant to this act. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

(b) From funds which would otherwise revert to the general fund as a result of section 2 of this act:

(i) There is appropriated one hundred thousand dollars (\$100,000.00) to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2013. This appropriation shall only be expended for the purpose of conducting the study and preparing the report required 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, 2013. This appropriation shall not be included in the department's 2015-2016 standard biennial budget request;

(ii) There is appropriated twenty thousand dollars (\$20,000.00) to the legislative service office for payment of salary, per diem and mileage for legislators performing services required by subsections (g) and (j) of section 1 of this act. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

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 21, 2012.

Chapter 104

COUNTY COMMISSIONERS-REMOVAL OF APPOINTED BOARD MEMBERS

Original Senate File No. 5

AN ACT relating to district boards; providing for removal of board members from predator management boards, planning commissions, airport boards, fair boards, public recreation boards, museum boards, solid waste disposal district boards and county health boards; providing a term for vacancies filled; and providing for an effective date.

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

Section 1. W.S. 11-6-202 by creating a new subsection (c), 18-5-103 by creating a new subsection (d), 18-9-102 by creating a new subsection (h), 18-9-201 by creating a new subsection (c), 18-10-103, 18-11-102 and 35-1-302 by creating a new subsection (e) are amended to read:

11-6-202. Administration of districts by district boards; number and qualifications of members; term; filling of vacancies; removal.

(c) For directors appointed by a board of county commissioners, the county commissioners may remove the director for cause without a public hearing unless the director requests that the action be taken during a public hearing.

18-5-103. Appointment of county planning commission; composition; powers and duties generally; removal.

(d) The county commissioners may remove any member of the county planning commission for cause without a public hearing unless the member requests that the action be taken during a public hearing. Vacancies on the county planning commission shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy.

18-9-102. Board of trustees.

(h) The county commissioners may remove any member of the board of trustees for cause without a public hearing unless the trustee requests that the action be taken during a public hearing. Vacancies on the board of trustees shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy.

18-9-201. Recreational facilities and systems of public recreation; authority to establish and maintain; joint action by political subdivision; tax levies; removal.

(c) The governing body which appointed the member of the board of trustees may remove that member of the board of trustees for cause without a public hearing unless the trustee requests that the action be taken during a public hearing. Vacancies on the board of trustees shall be filled by the governing body for the balance of the unexpired term created by the vacancy.

18-10-103. Board of trustees; appointment; composition; qualifications of members; terms of office; vacancies; removal.

(a) Each board of county commissioners of any county owning, constructing or acquiring any museum or collection of exhibits shall appoint a board of trustees for the museum or collection composed of five (5) electors of the county. The initial board of trustees shall be appointed as follows: one (1) member for a one (1) year term, two (2) for a two (2) year term and two (2) for a three (3) year term, with each term commencing on July 1 of the year of appointment. Thereafter the terms shall be three (3) years. Vacancies shall be filled for unexpired terms.

(b) The county commissioners may remove any member of the board of trustees for cause without a public hearing unless the trustee requests that the action be taken during a public hearing. Vacancies on the board of trustees shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy.

18-11-102. Powers; management; rates; penalty for violation of rules; removal.

(a) Following the creation of a solid waste disposal district the board of county commissioners shall appoint not less than three (3) nor more than nine (9) residents of the district to constitute the governing board of the district. Appointees shall serve a term of three (3) years and may be reappointed for three (3) additional terms. Terms of office shall be staggered. The governing board may exercise all powers granted to cities and towns by W.S. 15-1-103(a)(xxi) and (xl) and shall adopt rules and regulations in managing the disposal of solid wastes within the district. Violation of a rule or regulation of the governing board requiring disposal of solid wastes in designated sites constitutes a misdemeanor punishable upon conviction by a fine not to exceed seven hundred fifty dollars (\$750.00) or imprisonment not exceeding six (6) months or both.

A governing board may also enforce its rules and regulations by appropriate legal proceedings and expend and generate revenue relative to the purpose of a solid waste disposal district. The governing board may permit persons or entities not included within the district to utilize the facilities of the district. The governing board may impose fees upon persons or entities included within or outside of the district for the privilege of utilizing the facilities of the district at rates established by the governing board and any revenue generated in this manner shall only be used to operate the district.

(b) The county commissioners may remove any member of the governing board for cause without a public hearing unless the member requests that the action be taken during a public hearing. Vacancies on the governing board shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy.

35-1-302. Organization of units; membership of boards; removal.

(e) The governing body which appointed the member of the board may remove that member of the board for cause without a public hearing unless the member requests that the action be taken during a public hearing. Vacancies on the board shall be filled by the governing body for the balance of the unexpired term created by the vacancy.

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 21, 2012.

Chapter 105

ETHANOL TAX CREDIT

Original Senate File No. 8

AN ACT relating to taxation; repealing the gasoline tax credit provided to producers of ethanol; and providing for an effective date.

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

Section 1. W.S. 39-17-109(d)(i) through (vi) is repealed.

Section 2. Notwithstanding the repeal under section 1 of this act, credits granted pursuant to W.S. 39-17-109(d) prior to the effective date of this act shall be valid for a period of one (1) year from the date of issue by the department of transportation.

Section 3. This act is effective July 1, 2015.

Approved March 21, 2012.

Chapter 106

PUBLIC WORKS CONTRACTS

Original Senate File No. 107

AN ACT relating to administration of government; generally modifying provisions relating to contracts for public works; modifying contract amounts for which a bond is required; extending temporary provisions relating to procurement requirements for expenditures for capital construction projects; modifying penalties and enforcement provisions; modifying and specifying preference requirements; and providing for an effective date.

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

Section 1. W.S. 15-1-113(d) and (f), 16-6-104, 16-6-112(a)(intro) and (iii), 16-6-203, 16-6-205, 16-6-206, 16-6-701(a)(vii) and 16-6-1001(a)(intro), (i)(A), (B), (C)(intro), (III), (IV), (D)(III), (E), (ii)(A)(intro), (D), (iii), (iv), (b), (c) and (e) are amended to read:

15-1-113. Contracts for public improvements.

(d) Every contract shall be executed by the mayor or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk or designee of the governing body. The successful bidder or respondent shall furnish to the city, town or joint powers board a bond as specified in the advertisement, or if the contract price is ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00) or less, any other form of financial guarantee satisfactory to the city, town or joint powers board. The bond or other form of financial guarantee shall meet the requirements of W.S. 16-6-112.

(f) In advertising for any bid, the forms of guarantee required under this section and approved by the city, town or joint powers board shall be specified. In addition, bidders shall be required to accompany each bid with a bid bond or if the bid is ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00) or less, any other form of bid guarantee approved by the city, town or joint powers board, equal to at least five percent (5%) of the total bid amount, with sufficient surety and payable to the city, town or joint powers board. The bid guarantee shall be forfeited as liquidated damages if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The bid guarantee shall be retained by the city, town or joint powers board until proper bond or other form of security satisfactory to the city, town or joint powers board to secure performance of the contract has been filed and approved. The right to reject any bid is reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after the advertised time of opening bids and any bid is publicly opened. The city, town or joint powers board shall give all persons who desire an opportunity to inspect all

bids when they are opened. No bid may be considered unless accompanied by a bid guarantee in the required amount.

16-6-104. Preference for Wyoming materials required in contracts.

Wyoming made materials and products, and Wyoming suppliers of products and materials of equal quality and desirability shall have preference over materials or products produced or supplied outside the state and any contract let shall so provide. The preference created by this section shall be applied in a manner identical to the preference for residence contractors in W.S. 16-6-102.

16-6-112. Contractor's bond or other guarantee; when required; conditions; amount; approval; filing; enforcement upon default.

(a) Except as provided under W.S. 9-2-1016(b)(xviii), any contract entered into with the state, any county, city, town, school district or other political subdivision of the state for the erection, construction, alteration, repair or addition to any public building or other public structure or for any public work or improvement and the contract price exceeds seven thousand five hundred dollars (\$7,500.00), shall require any contractor before beginning work under the contract to furnish the state or any political subdivision, as appropriate, a bond or if the contract price is ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00) or less, any other form of guarantee approved by the state or the political subdivision. The bond or other form of guarantee shall be:

(iii) In an amount not less than fifty percent (50%) of the contract price unless the price exceeds ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00), in which case the appropriate officer, agent or the governing body may fix a sufficient amount;

16-6-203. Required resident labor on public works projects; exception.

(a) Every person who is charged with the duty of construction, reconstructing, improving, enlarging, altering or repairing any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit, shall employ only Wyoming laborers on the project or improvement. Every contract let by any person shall contain a provision requiring that Wyoming labor be used except other laborers may be used when Wyoming laborers are not available for the employment from within the state or are not qualified to perform the work involved. The contract shall contain a provision requiring specific acknowledgement of the requirements of this section. A person required to employ Wyoming laborers may employ other than Wyoming laborers if:

(i) That person informs the nearest state employment office-workforce center of his employment needs at least eleven (11) days before work is commenced; and

(ii) The state employment office workforce center certifies that the person's need for laborers cannot be filled from those listed as of the date the information Wyoming laborers listed with the Wyoming department of workforce services. The department shall respond to a person's request for certification within ten (10) days of the date the information is filed.

(b) Upon request by the workforce center, the general contractor shall provide the most recent construction schedule for the project.

16-6-205. Enforcement.

(a) The department of workforce services shall promulgate rules and regulations required to enforce this act and is authorized and directed to enforce this act. For purposes of all investigations, the department shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any books, papers, documents or records which the department deems relevant or material to the inquiry.

(b) Along with each application for payment for a contract subject to this act, the general contractor shall provide to the contracting entity a payroll report for all contractors and subcontractors involved in the project in a form that is consistent with federally certified reporting requirements and includes residency status for each laborer.

(c) This act shall not be enforced in a manner which conflicts with any federal statutes or rules and regulations.

16-6-206. Failure to employ state laborers; penalty.

(a) A person who willfully or intentionally fails to use Wyoming laborers as required in this act is guilty of a misdemeanor punishable by a fine shall be subject to a civil penalty of not more than seven hundred fifty dollars (\$750.00) one thousand dollars (\$1,000.00) per nonresident laborer employed per day, not to exceed a total penalty of ten percent (10%) of the amount of the person's contract. Each separate case of failure to employ Wyoming laborers on public works projects constitutes a separate offense.

(b) In the event a second offense occurs, the person shall be barred from bidding on any state contract subject to the provisions of this act or submitting any request for proposal on any state project subject to the provisions of this act for one (1) year from the date the violation is corrected.

(c) Before a civil penalty is imposed under this section, the department of workforce services shall notify the person accused of a violation. The notice shall be served in accordance with the Wyoming Rules of Civil Procedure and contain:

(i) A statement of the grounds for imposing the civil penalty, including a citation to the statute involved;

(ii) A statement of the facts in support of the allegations;

(iii) A statement informing the person of the right to a hearing and that failure to timely request a hearing will result in imposition of the civil penalty stated.

(d) A request for hearing on a proposed civil penalty shall be in writing and shall be submitted to the department no later than seven (7) days after receipt of the notice from the department. The hearing shall be conducted as a contested case before a hearing examiner of the office of administrative hearings. The hearing shall be no later than fifteen (15) days after receipt of the request for hearing, unless the person subject to the proposed civil penalty requests an extension of time for good cause shown. The hearing officer shall recommend a decision to the director of the department. After hearing or upon failure of the accused to request a hearing, the director of the department shall determine the amount of the civil penalty to be imposed in accordance with the limitations in this section. Judicial review, if any, shall be from the decision of the director and in accordance with the provisions of the Wyoming Administrative Procedure Act.

(e) A civil penalty may be recovered in an action brought by the attorney general in the name of the state of Wyoming in any court of appropriate jurisdiction.

16-6-701. Definitions.

(a) As used in this act:

(vii) "Construction manager at-risk" means a type of construction management delivery in which the construction manager at-risk is an advocate for the public entity as determined by the contracts throughout the preconstruction phase of a project. In the construction phase of a project, the construction manager at-risk is responsible for all project subcontracts and purchase orders and may conduct all or a portion of the construction project work. Under this delivery method, the construction manager at-risk is responsible for providing a guaranteed maximum price for the project to the public entity prior to commencing the construction project and the construction manager at-risk shall be required to bond any project with a guaranteed maximum price in excess of ~~one hundred thousand dollars (\$100,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) in accordance with W.S. 16-6-112;

16-6-1001. Capital construction projects restrictions; preference requirements; waivers; sunset of section.

(a) Unless otherwise prohibited by federal law, any legislatively appropriated funds appropriated or authorized for expenditure during the fiscal biennium ending June 30, 2012 or ending June 30, 2014, which have not been encumbered, obligated by contract or designed as of January 17, 2011, for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

(i) This paragraph shall apply to any alternate design and construction delivery method as defined in W.S. 16-6-701(a)(v):

(A) All contracts shall require the construction manager at risk or design builder to conduct an open bid process in compliance with Wyoming contractor preference laws before awarding any subcontracts for work ~~to be performed for the project covered under the contract;~~

(B) Unless exempted pursuant to subparagraph (C) of this paragraph the construction manager at risk or design builder shall award to responsible Wyoming resident contractors not less than seventy percent (70%) of the ~~value of the total subcontract work to be performed for the project work covered by the manager's or builder's contract. As used in this subparagraph "work covered"~~ shall be calculated using the total contract price and the total of payments made to all subcontractors under the contract, including materials but excluding from both amounts the price for any part of the contract for which a waiver is provided under subparagraph (C) of this paragraph;

(C) The requirement of subparagraph (B) of this paragraph may be ~~waived in part upon for any part of the subcontract work to be performed under the contract. If waived in part, the remaining value of the total subcontract work to be performed under the contract is subject to and shall be used to calculate compliance with the requirement of subparagraph (B) of this paragraph. A waiver shall require a written determination that:~~

(III) The enforcement of the requirement would unreasonably delay completion of construction; or

(IV) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement; ~~or~~

(D) Any waiver shall be approved in writing by the following persons:

(III) For projects subject to review by the school facilities ~~commission department~~, by the director of the school facilities commission and the chairman of the board of the school facilities commission;

(E) Any approved waiver shall be documented in writing and provided to the governor, ~~and the joint appropriations interim committee.~~

(ii) Unless exempted pursuant to subparagraph (D) of this paragraph, this paragraph shall apply to all construction delivery methods:

(A) The procurement of furniture, ~~fixtures~~ and movable equipment shall be done by competitive bid based upon either:

(D) The requirements of subparagraph (A) or (B) of this paragraph may be waived for furniture, ~~fixtures~~ or movable equipment upon a written determination that the furniture, ~~fixtures~~ or movable equipment requirements of the project are so specialized or that an item or type of furniture, ~~fixture~~ or movable equipment is so unique or uncommon that failure to waive the require-

ments would materially impair the functionality of the project. Waivers under this subparagraph shall be approved by the persons listed in subparagraph (a)(i)(D) of this section and are subject to subparagraph (a)(i)(E) of this section.

(iii) All bids shall be opened in public in an office of the agency soliciting the bid. This paragraph shall apply to all construction delivery methods;

(iv) ~~Contractor progress payments shall be made only after the agency has been supplied with applicable lien waivers signed by the materialman, subcontractor or laborer, as applicable, or upon the contractor's affidavit that all materialmen, subcontractors and laborers have been paid for that portion of payment requested, less any contracted amounts held for retainage or for which there is a reasonable basis for dispute in accordance with this paragraph. If a contracting entity determines that a general contractor in good standing on a project requires a progress payment due for work completed in a workmanlike manner in order to pay a materialman, subcontractor or laborer for their work performed to date, the entity may issue the progress payment upon verification that all materialmen, subcontractors and laborers have been paid for completed work through the date of the most recent previous progress payment. If a progress payment has been withheld by a general contractor due to a reasonable dispute between a general contractor and a materialman, subcontractor or laborer, further progress payments shall not be paid to the general contractor but shall be retained in accordance with the guidelines addressing disputed final payments under the provisions of W.S. 16-6-117. A person submitting false information regarding a progress payment subject to this paragraph shall be subject to the provisions of W.S. 16-6-120.~~

(b) No funds subject to this section shall be expended unless the contracting agency has submitted a plan to the governor and the joint appropriations interim committee which promotes the employment of responsible Wyoming resident design firms, including professional architectural and engineering services as defined by W.S. 9-2-1028(a)(v), in the planning and design phases of facilities funded with monies subject to this section. The plans shall allow for partnerships between responsible Wyoming design firms, including professional architectural and engineering services, and nonresident firms when necessary to secure specialized services required for a project. The contracting agency shall evaluate and consider overall qualifications, residency, fee proposal, past performance and level of services in the final decisions.

(c) Any ~~agency entity~~ which has received an appropriation of state funds on or after July 1, 2008, for any capital construction project shall conduct a review of each project funded with state funds to assess whether contractors that were awarded contracts using a resident preference complied in all respects to applicable resident preference laws. If the ~~agency entity~~ determines that there is reasonable suspicion that a contractor failed to comply with the resident preference laws, the ~~agency entity~~ shall report the matter to the department

of ~~employment-workforce services~~ and the attorney general. The department of ~~employment-workforce services~~ and the attorney general shall take such enforcement action on behalf of the state of Wyoming and the ~~agency-entity~~ against the contractor as they deem appropriate. An entity shall be required to conduct only one (1) review under this subsection after March 1, 2011.

(e) This section is repealed effective June 30, ~~2012~~ 2014.

Section 2. W.S. 16-6-1001(a)(i)(C)(V) 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 21, 2012.

Chapter 107

PUBLIC EMPLOYEE RETIREMENT PLANS BENEFIT INCREASES

Original Senate File No. 59

AN ACT relating to public employee retirement plans; repealing provisions relating to cost-of-living increases for specified plans; providing findings; providing parameters for future benefit increases; requiring information to be provided to employees; providing for a study; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-453 and 9-3-454 are created to read:

9-3-453. Public employee retirement plans; funding; legislative findings; required determinations for benefit increases.

(a) The legislature finds:

(i) Wyoming public employee retirement plans' actuarial funding levels are higher than many public employee retirement plans in other states, but as constructed by statute, the Wyoming plans were not intended to and cannot support cost of living or other benefit increases. Numerous indicators support this conclusion;

(ii) The ratio of the actuarial value of assets to the actuarial accrued liability, or the "funded ratio" is a standard measure of a plan's funded status at a given point in time. Funded ratios of the various retirement plans were as follows:

(A) The public employee retirement plan administered by the Wyoming retirement board under W.S. 9-3-401 through 9-3-430 had a funded ratio of eighty-four and six-tenths percent (84.6%) as of January 1, 2011, down from eighty-seven and five-tenths percent (87.5%) on January 1, 2010. On a market value of assets basis, the plan's funded ratio was eighty and one-tenth percent

(80.1%) as of January 1, 2011, an improvement from seventy-five and seven-tenths percent (75.7%) as of January 1, 2010;

(B) The Wyoming state highway patrol, game and fish warden and criminal investigator retirement plan administered by the Wyoming retirement board under W.S. 9-3-601 through 9-3-620, had a funded ratio of eighty-four and one-tenth percent (84.1%) as of January 1, 2011, down from eighty-seven and four-tenths percent (87.4%) on January 1, 2010. On a market value of assets basis, the funded ratio was seventy-nine and four-tenths percent (79.4%) as of January 1, 2011, an improvement from seventy-five and three-tenths percent (75.3%) as of January 1, 2010;

(C) The law enforcement plan administered by the Wyoming retirement board under W.S. 9-3-401 through 9-3-432, had a funded ratio of ninety-nine and nine-tenths percent (99.9%) as of January 1, 2011, down from one hundred two and two-tenths percent (102.2%) as of January 1, 2010. On a market value of assets basis, the plan's funded ratio was ninety-five and three-tenths percent (95.3%) as of January 1, 2011, an improvement from eighty-nine percent (89.0%) as of January 1, 2010;

(D) The judicial retirement plan administered by the Wyoming retirement board under W.S. 9-3-701 through 9-3-713, had a funded ratio of one hundred eight and five-tenths percent (108.5%) as of January 1, 2011, slightly up from one hundred eight and two-tenths percent (108.2%) on January 1, 2010. On a market value of assets basis, the plan's funded ratio was one hundred four and four-tenths percent (104.4%) as of January 1, 2011 an improvement from ninety-five and one-tenth percent (95.1%) as of January 1, 2010;

(E) The paid firemen plan B, administered by the Wyoming retirement board under W.S. 15-5-401 through 15-5-422, had a funded ratio of one hundred fifteen and seven-tenths percent (115.7%) as of January 1, 2011, down from one hundred sixteen and two-tenths percent (116.2%) as of January 1, 2010. On a market value of assets basis, the plan's funded ratio was one hundred eleven and three-tenths percent (111.3%) as of January 1, 2011, an improvement from one hundred two percent (102.0%) as of January 1, 2010;

(F) The air national guard firefighters plan administered by the Wyoming retirement board under W.S. 9-3-401 through 9-3-431 had a funded ratio of seventy-seven and four-tenths percent (77.4%) as of January 1, 2011. On a market value of assets basis, the plan's funded ratio was eighty and one-tenth percent (80.1%) as of January 1, 2011. 2011 was the first year this plan was isolated for review from the public employees plan under W.S. 9-3-401 through 9-3-430;

(G) The paid firemen plan A administered by the Wyoming retirement board under W.S. 15-5-201 through 15-5-209, had a funded ratio of eighty-five and six-tenths percent (85.6%) as of January 1, 2011 down from ninety-one and two-tenths percent (91.2%) as of January 1, 2010. On a market value of assets ba-

sis, the plan's funded ratio was seventy-eight and nine-tenths percent (78.9%) as of January 1, 2011, an improvement from seventy-six and seven-tenths percent (76.7%) as of January 1, 2010;

(H) The volunteer firefighters plan administered by the volunteer fireman's pension board under W.S. 35-9-601 through 35-9-615, had a funded ratio of one hundred four and six-tenths percent (104.6%) as of January 1, 2011, down from one hundred eight and nine-tenths percent (108.9%) as of January 1, 2010. On a market value of assets basis, the plan's funded ratio was ninety-eight and six-tenths percent (98.6%) as of January 1, 2011, an improvement from ninety-three and five-tenths percent (93.5%) as of January 1, 2010;

(J) The volunteer emergency medical technician's plan, administered by the volunteer emergency medical technician's pension board under W.S. 35-29-101 through 35-29-112, had a funded ratio of one hundred seventeen and eight-tenths percent (117.8%) as of January 1, 2011, up from eighty-three and six-tenths percent (83.6%) as of January 1, 2010. On a market value of assets basis, the plan's funded ratio was one hundred twenty-nine and five-tenths percent (129.5%) as of January 1, 2011, an improvement from ninety and seven-tenths percent (90.7%) as of January 1, 2010. While the funded ratio has increased, reliance on the improvement as an indication of this plan's financial health would be misplaced as the legislation establishing the plan provided a general fund appropriation of nine hundred seventy-eight thousand two hundred dollars (\$978,200.00) to fund the difference between the actuarially determined premium for participation in the plan and the contributions required by law. The contributions required by law are insufficient to support the stated benefits under the plan and no long term external funding source was provided when the plan was established, nor thereafter.

(iii) All of the funded ratios specified in paragraph (ii) of this subsection, except for the paid firemen's plan A, were calculated with the assumptions of no benefit increases or additional cost-of-living adjustment increases;

(iv) Actuarial funded ratios at any single point in time disclose only a portion of the soundness of the retirement plans. Underlying the ratios is an assumed eight percent (8%) investment return (composed of a three and one-half percent (3.5%) inflation rate and a four and one-half percent (4.5%) net real rate of return) on each of the various funds. The average market value returns for the largest plan under the board's administration has been three and sixty-three hundredths percent (3.63%) for the last five (5) years and four and twenty-three hundredths percent (4.23%) for the last ten (10) years, both well below the assumed eight percent (8%). The retirement system's actuary has stated: "Even seemingly minor changes in the assumptions can materially change the liabilities, calculated contribution rates and funding periods." Investment returns of less than one-half (1/2) of the assumed rate is a major deviation from assumptions;

(v) Where the current actuarial value of assets is higher than the market value of assets, continued recovery in the investment markets will be needed over the next few years, annual returns in excess of the assumed investment return of eight percent (8.0%), to keep the plans' funded ratios and unfunded actuarial accrued liability relatively stable in the short term;

(vi) While investments in markets have been authorized by constitutional amendment for retirement funds and supported by legislative authorization, if annual realized returns are lower than assumed or higher than assumed, the funded ratios are respectively overstated or understated;

(vii) The public employee plan administered under W.S. 9-3-401 through 9-3-430 has by far the largest membership as it contains eighty-eight and six-tenths percent (88.6%) of the membership of all public employee retirement plans administered by the Wyoming retirement board. The actuarial funded ratio for this plan has dropped from one hundred thirteen and seventy-seven hundredths percent (113.77%) in 2001 to eighty-four and fifty-nine hundredths percent (84.59%) in 2011, even though the actuarial accrued liability in 2001 was calculated using the maximum cost-of-living adjustment authorized by statute and the 2011 liability was calculated using no cost-of-living liability. In light of the lower funded ratio, the Wyoming retirement board recommended and the Legislature enacted in 2010 a combined employer and employee contribution increase from eleven and twenty-five hundredths percent (11.25%) to fourteen and twelve hundredths percent (14.12%) effective September 1, 2010;

(viii) Actuarial funded ratios have fallen over the past decade for all other plans identified in this section, other than the judicial retirement plan. The funded ratio of the volunteer firefighter's plan and the firefighter's plan B have dropped by over fifty (50) percentage points. These decreases were incurred in spite of a change in assumptions from a maximum cost-of-living increase allowed by statute to no cost-of-living increase, except for the paid firemen plan A;

(ix) From 1991 through 2008, cost-of-living increases ranging from one percent (1%) to three percent (3%) were provided for eighteen (18) consecutive years in the largest public employee retirement plan, resulting in cumulative increases in an employee's benefit amount ranging from one and three-hundredths (1.03%) for employees first eligible for a cost-of-living adjustment in 2008 to thirty-four percent (34%) for those eligible for a cost-of-living adjustment in 1991;

(x) Other benefit increases have been provided by legislation, including a 2001 enactment of an increased benefit multiplier for each year of service in the largest plan, which resulted in an increased cost of over five hundred twenty-one million dollars (\$521,000,000.00) through July 1, 2011. An ad hoc increase of three dollars (\$3.00) per month per year of service made in the same legislation resulted in over two hundred seventeen million dollars (\$217,000,000.00) in increased costs to the plan over the same period;

(xi) As of January 1, 2011, it is estimated that over forty (40) years will be required until the largest public employee plan currently administered by the Wyoming retirement board meets a one hundred percent (100%) actuarial funded ratio. Other plans administered by the Wyoming retirement board, volunteer firefighters pension board and volunteer emergency medical technician's pension board have higher or lower funded ratios;

(xii) Stability in providing stated benefits is a critical feature of a retirement plan. With large portions of public employee retirement plans invested in markets and with market fluctuations having a significant effect on funded ratios, actuarial funded ratios in excess of one hundred percent (100%) are necessary to maximize stability in providing stated benefits;

(xiii) It is the intent of the legislature that all public employee retirement plans be managed to maintain an actuarial funded ratio of not less than one hundred percent (100%) and that the retirement board determine from time to time an appropriate level of funding sufficient to withstand market fluctuations without experiencing reductions below the desired one hundred percent (100%) funding ratio;

(xiv) It is the intent of the legislature that cost-of-living increases and changes to multipliers be allowed only in the event that the actuarial funded level for the affected plan remains above one hundred percent (100%), plus the additional percentage the retirement board determines is reasonably necessary to withstand market fluctuations. This determination is to be made for the entire amortization period affected by the change using then current actuarial assumptions.

9-3-454. Required determinations for recommended benefit increases.

(a) In accordance with the findings specified in W.S. 9-3-453:

(i) All plans shall be managed to maintain their actuarial funded ratio at or above one hundred percent (100%) throughout the life of the plan. The actual funded ratio recommended by the board shall provide for an appropriate margin above this funding ratio to allow for market fluctuations above the one hundred percent (100%) base;

(ii) No benefit changes, including cost-of-living increases and changes to multipliers, shall be recommended for implementation by the legislature unless the system's actuaries provide an opinion that the funded ratio of the plan will remain above the funding level set out in paragraph (i) of this subsection throughout the life of the benefit change;

(iii) Any analysis upon which a proposed benefit change is proposed shall include a decision matrix which shall include the following minimum elements:

(A) Consideration of the current actuarial value in relation to current market value of assets;

(B) A fully amortized cost over the full applicable term of the benefit increase;

(C) Current and expected actuarial funded ratios with and without the increase;

(D) A review of assumptions made in determining funded ratios and a review of anticipated funded ratios with differing investment return assumptions;

(E) Recognition of potential effects of the increase on plan participants' working and retirement periods;

(F) The potential isolation, by establishment of separate accounts, of the liability incurred as a result of the cost of living or other benefit increase;

(G) The appropriate level of actuarial funding ratio above one hundred percent (100%) needed to buffer the plan from market fluctuations.

(b) Nothing in this section shall affect the authority of the board to grant a cost-of-living adjustment as authorized by W.S. 15-5-204.

Section 2. W.S. 9-3-405(a) by creating a new paragraph (vii), 9-3-425 and 9-3-708(b) are amended to read:

9-3-405. Retirement board duties and powers.

(a) In addition to any other duties prescribed by law, the board shall:

(vii) In collaboration with participating employers, provide information, through a variety of methods including a mandatory education program, to all employees who are members as of July 1, 2012, and to all members initially enrolling after July 1, 2012. The information and program shall review retirement benefits, costs expected to be incurred in retirement and income amounts anticipated to be necessary to maintain the member's preretirement standard of living. The information and program shall:

(A) Emphasize that benefits provided under the plans administered by the Wyoming retirement board should not be expected to provide one hundred percent (100%) of the member's required income in retirement;

(B) Advise that no future cost-of-living increases or other benefit increases are incorporated into the plans as constructed;

(C) Contain citation to and the language of W.S. 9-3-428 providing that nothing in Wyoming statutes title 9, chapter 3, article 4, shall be construed to acknowledge any past, present or future liability of or obligate the state of Wyoming for contribution except the employer's contributions provided for in that article, to either the Wyoming retirement system provided by that article or any other retirement system previously existing in the state of Wyoming.

9-3-425. Right of members retired under terminated systems to retirement benefits from account; no prohibition to increase provided in W.S. 9-3-419.

Any member retired under one (1) of the terminated systems or continued in retirement under the system is entitled to receive service or disability retirement benefits from the retirement account in accordance with the terminated systems. This section does not prohibit an increase in benefits as provided for in W.S. ~~9-3-419~~ 9-3-419(a).

9-3-708. Death benefits; survivor's benefits.

(b) Upon the death of a former employee who is receiving a retirement allowance under this act, the employee's survivor shall receive a monthly retirement allowance during the survivor's life equal to fifty percent (50%) of the allowance received by the former employee under this act at the time of the employee's death. ~~Survivor's benefits are subject to the adjustment under W.S. 9-3-707(b).~~

Section 3. W.S. 9-3-419(b), 9-3-432(g), 9-3-610(d), 9-3-707(b), 15-5-416, 35-9-608(k) and 35-29-106(g) are repealed.

Section 4.

(a) The joint appropriations interim committee shall study cost efficiencies of the following:

(i) Implementation of an annual cost-of-living adjustment, offered through the current defined benefit plan and paid for with employer and employee contributions;

(ii) The implementation of a supplemental defined contribution plan with employee and matching employer contributions as an alternative to addressing cost-of-living increases in the plans subject to this act; and

(iii) Other types of pension plans. The committee may develop legislation for introduction in the 2013 general session.

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 23, 2012.

Chapter 108

WYOMING RETIREMENT ACT

Original Senate File No. 97

AN ACT relating to the Wyoming Retirement Act; modifying benefits and requirements for benefits for general members hired after a specified date; and providing for an effective date.

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

Section 1. W.S. 9-3-402(a)(xix) and by creating a new paragraph (xxix),

9-3-415(a)(i), by creating a new paragraph (ii), by renumbering (ii) as (iii), (b), (d) and by creating a new subsection (k), 9-3-416, 9-3-418(a) and by creating a new subsection (g) and 9-3-431(e) are amended to read:

9-3-402. Definitions.

(a) As used in this article:

(xix) “Highest average salary” means:

(A) For members not subject to subparagraph (B) of this paragraph, the average annual salary of a member for the highest paid three (3) continuous years of service;

(B) For a general member initially employed after August 31, 2012 the average annual salary of the member for the highest paid five (5) continuous years of service.

(xxix) “General member initially employed after August 31, 2012” means a general member, other than a member meeting the provisions of subparagraph (B) of this paragraph, who:

(A) Becomes an employee for whom contributions are made for service performed on or after September 1, 2012 and:

(I) Was not previously a contributing member; or

(II) Was previously a contributing member who withdrew his accumulated contributions and did not redeposit those contributions before September 1, 2012; or

(III) Was previously a contributing member who left service with less than four (4) years service credit, without withdrawing his accumulated contributions, and returned to service on or after September 1, 2012.

(B) A member who was deployed to active military or other emergency service of the United States and who was previously employed by a participating employer prior to September 1, 2012 and withdrew his accumulated contributions, shall not be deemed to be a member initially employed after August 31, 2012 due to the provisions of subdivision (A)(II) of this paragraph, if the withdrawal was in accordance with provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., and board rules adopted to meet the requirements of that act.

9-3-415. When retirement permitted; service credit.

(a) Except as provided under W.S. 9-3-431 and 9-3-432, normal retirement benefits under the system are payable to a member who:

(i) Has at least four (4) years of service credit and is at least sixty (60) years of age and is not subject to paragraph (ii) of this subsection; or

(ii) If a general member initially employed after August 31, 2012, has at least four (4) years of service credit and is at least sixty-five (65) years of age; or

(ii)(iii) Has a combined total of years of service credit and years of age which equals at least eighty-five (85).

(b) Except as provided under W.S. 9-3-432 or subsection (k) of this section, early retirement benefits are payable to a member who has at least four (4) years of service and is at least fifty (50) but not yet sixty (60) years of age or has at least twenty-five (25) years of service and is not yet fifty (50) years of age. The early retirement benefit amount is equal to the normal retirement benefit amount otherwise payable reduced on an actuarial equivalent basis under rules established by the board.

(d) Any vested member may elect to make a one-time purchase of up to five (5) years of service credit as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump-sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board and the individual's attained age and the benefit structure of the appropriate plan. A member may purchase service credit with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the system in the form of a direct rollover, the rollover contribution shall be paid to the system on or before sixty (60) days after the date it was received by the member. Service credit purchased under this subsection shall qualify as service credit defined in W.S. 9-3-402(a)(xxi), 9-3-602(a)(iii), 9-3-702(a)(iii) and 15-5-402(a)(iv) but shall not be used to determine whether a member is a general member initially employed after August 31, 2012.

(k) For a general member initially employed after August 31, 2012, early retirement benefits are payable to a general member who has at least four (4) years of service and is at least fifty-five (55) but not yet sixty-five (65) years of age or has at least twenty-five (25) years of service and is not yet fifty-five (55) years of age. The early retirement benefit amount is equal to the normal retirement benefit amount otherwise payable reduced on an actuarial equivalent basis under rules established by the board.

9-3-416. Members leaving service without withdrawing accumulated contributions eligible for retirement.

Except for law enforcement officers, any member who has left service without withdrawing his accumulated contributions and who has a minimum of four (4) years of service is eligible to receive a retirement benefit computed according to the terms of this article, at the age specified in W.S. 9-3-415(a), or (b) or (k). Law enforcement officers leaving service without withdrawing accumulated contributions and who have a minimum of four (4) years of service may receive a retirement benefit amount in accordance with W.S. 9-3-432. Firefighter members leaving service without withdrawing accumulated contributions and who have a minimum of four (4) years of service may receive a retirement benefit amount in accordance with W.S. 9-3-431.

9-3-418. Amount of service retirement benefit; firefighter members excluded.

(a) The normal retirement benefit for a member who first becomes covered under this article after June 30, 1981 and before September 1, 2012 is equal to two and one-eighth percent (2 1/8%) of the highest average salary multiplied by his years of service credit for the first fifteen (15) years of service credit, and two and one-fourth percent (2 1/4%) of the highest average salary multiplied by his years of service credit for any years of service credit exceeding fifteen (15) years.

(g) The normal retirement benefit for a member initially employed after August 31, 2012 is equal to two percent (2%) of the highest average salary multiplied by his years of service credit.

9-3-431. Firefighter members; contributions; benefit eligibility; service and disability retirement benefits; termination of benefits upon failure to make timely contribution payments.

(e) The normal benefit for a firefighter member under this section is equal to two and one-half percent (2 ½%) of the highest average salary, as defined by W.S. 9-3-402(a)(xix)(A), multiplied by the member's years of service credit as a firefighter member.

Section 2. This act is effective July 1, 2012.

Approved March 23, 2012.

Chapter 109

GENERAL PERMITS

Original Senate File No. 85

AN ACT relating to administrative procedure; specifying that a general permit is not a rule under the Wyoming Administrative Procedure Act; specifying procedural requirements for general permits issued by the department of environmental quality; providing a definition; and providing for an effective date.

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

Section 1. W.S. 16-3-101(b)(ix)(G), by creating a new subparagraph (H), by creating a new paragraph (xi) and by renumbering (xi) as (xii) and 35-11-801 by creating a new subsection (d) are amended to read:

16-3-101. Short title; definitions.

(b) As used in this act:

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

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

(H) A general permit.

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

~~(xi)~~(xii) “This act” means W.S. 16-3-101 through 16-3-115.

35-11-801. Issuance of permits and licenses.

(d) General permits shall be issued solely in accordance with procedures set forth by regulation adopted by the council. Procedures for the issuances of general permits shall include public notice and an opportunity for comment. All department authorizations to use general permits under this section shall be available for public comment for thirty (30) days. Any aggrieved party may appeal the authorization as provided in 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 23, 2012.

Original House Joint Resolution No. 8

A JOINT RESOLUTION requesting Congress and the Wyoming governor to designate the fourth Saturday in July as “National Day of the Cowboy”.

WHEREAS, pioneering men and women, known as cowboys, helped establish America’s frontiers; and

WHEREAS, the cowboy archetype transcends gender, generations, ethnicity, geographic boundaries and political affiliations; and

WHEREAS, the cowboy embodies honesty, integrity, courage, compassion and determination; and

WHEREAS, the cowboy spirit exemplifies patriotism and strength of character; and

WHEREAS, the cowboy is an excellent steward of the land and its creatures; and

WHEREAS, the core values of the cowboy inspire the pursuit of the highest caliber of personal integrity; and

WHEREAS, cowboy traditions have been part of the American landscape and culture since 1523 and today’s cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America’s heritage; and

WHEREAS, the cowboy continues to be an important part of the economy through the work of approximately six hundred fifty-six thousand (656,000) ranches in all fifty (50) states; and

WHEREAS, annual attendance at rodeos exceeds thirty million (30,000,000) fans worldwide; and

WHEREAS, membership and participation in the National Day of the Cowboy Organization, Single Action Shooting Society, Working Ranch Rodeo Association, Cowboy Mounted Shooting Association, American Quarter Horse Association, Pro Rodeo Cowboys Association, Championship Bull Riding, Women’s Pro Rodeo, the Western Music Association, American Cattlemen’s Association, United States Team Roping Champions and other organizations that encompass the livelihood of the cowboy continues to expand both nationally and internationally; and

WHEREAS, the cowboy and his horse are a central figure in literature, art, film, poetry, photography and music; and

WHEREAS, the cowboy is a true American icon occupying a central place in the public’s imagination; and

WHEREAS, the late United States Senator Craig Thomas sponsored legislation in the United States Congress in 2005, 2006 and 2007 making the last Saturday in July the National Day of the Cowboy in each of those years; and

WHEREAS, a National Day of the Cowboy has been designated by the United States Congress every year since Senator Thomas first sponsored the legislation; and

WHEREAS, the late Senator Craig Thomas personified the core values and character celebrated on the National Day of the Cowboy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the members of the legislature of the state of Wyoming express support for designation by the United States Congress of the fourth Saturday in July a National Day of the Cowboy, and encourage the people of the United States to observe the day with appropriate ceremonies and activities.

Section 2. That the members of the legislature of the state of Wyoming express support for designation by the governor of the fourth Saturday in July the “Wyoming Day of the Cowboy” and encourage the people of Wyoming to observe the day with appropriate ceremonies and activities.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the Governor of Wyoming, 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 13, 2012.

Original House Joint Resolution No. 3

A JOINT RESOLUTION requesting Congress submit to the states a proposed amendment to the United States Constitution prohibiting the infringement of parents’ rights.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States and the State of Wyoming; and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, the interests of children are best served when parents are free to make child rearing decisions about education, religion and other areas of a child’s life without government interference; and

WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder* (1972), has held that “This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition”; and

WHEREAS, subsequently, the United States Supreme Court in *Troxel v. Granville* (2000), produced six (6) different opinions on the nature and enforceability of parental rights under the United States Constitution; and

WHEREAS, this decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states; and

WHEREAS, the United Nations Convention on the Rights of the Child has been proposed and may soon be considered for ratification by the United States Senate, which would drastically alter this fundamental right of parents to direct the upbringing of their children; and

WHEREAS, this convention has already been acceded to by one hundred ninety-four (194) nations worldwide; and

WHEREAS, Senator James DeMint of the state of South Carolina and Representative Peter Hoekstra of the state of Michigan introduced in the first session of the 111th United States Congress, later reintroduced in the second session of the 111th United States Congress, an amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

SECTION ONE. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

SECTION TWO. Neither the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

SECTION THREE. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.

WHEREAS, this amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; and

WHEREAS, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by treaty or international law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Legislature of the State of Wyoming urges the members of the United States Congress to propose the Parental Rights Amendment to the states for ratification.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the Senate and the Speaker of the House of Representatives of Congress and members of the Wyoming Congressional Delegation.

Approved March 13, 2012.

Original House Joint Resolution No. 1

A JOINT RESOLUTION urging the United States Congress to pass legislation to open specified areas of the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development and production.

WHEREAS, the Legislature of the State of Wyoming supports the efforts of the State of Alaska to open a portion of the Arctic National Wildlife Refuge to energy exploration and development; and

WHEREAS, in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development and production within the coastal plain of the Arctic National Wildlife Refuge; and

WHEREAS, the oil industry, the state of Alaska, and the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as ten billion four hundred million (10,400,000,000) barrels of recoverable oil; and

WHEREAS, oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit and significantly increase the nation's security; and

WHEREAS, the nation's future energy independence would be enhanced with additional natural gas production from the North Slope of Alaska, including what is expected to be significant gas reserves in the Arctic National Wildlife Refuge, and the development of those reserves would enhance the economic viability of the proposed Alaska Natural Gas Pipeline; and

WHEREAS, demand for domestic oil continues to rise while domestic crude production continues to fall, with the result that the United States imports additional oil from foreign sources; and

WHEREAS, development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, Ooguruk, Alpine and Milne Point has resulted in thousands of jobs throughout the United States, and projected job creation as a result of coastal plain oil development will have a positive effect in all fifty (50) states; and

WHEREAS, Prudhoe Bay production is declining, and the Trans-Alaska Pipeline System is operating at only one-third (1/3) of its 1988 peak throughput; and

WHEREAS, the Trans-Alaska Pipeline System, a transportation facility that is a national asset and that would cost billions of dollars to replace, would have its useful physical life extended for a substantial period if the additional reserves of recoverable oil from the coastal plain were produced; and

WHEREAS, while new oil field developments on the North Slope of Alaska, such as Alpine, Northstar, Lisburne, Ooguruk and West Sak, may temporarily slow the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil to a significant degree; and

WHEREAS, opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development and national security review; and

WHEREAS, the one million five hundred thousand (1,500,000) acre coastal plain of the refuge makes up only eight percent (8%) of the nineteen million (19,000,000) acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of two thousand (2,000) acres or less, which is less than one-half of one percent (0.5%) of the area of the coastal plain; and

WHEREAS, eight million nine hundred thousand (8,900,000) of the nineteen million (19,000,000) acres of the refuge have already been set aside as wilderness; and

WHEREAS, the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it is capable of conducting oil and gas activity without adversely affecting the environment or wildlife populations; and

WHEREAS, the Central Arctic Caribou herd has increased from five thousand (5,000) animals in 1975 to over sixty-six thousand (66,000) animals in recent years, despite oil exploration, development and production at Prudhoe Bay and Kuparuk; and

WHEREAS, the state of Alaska is committed to ensuring the continued health and productivity of the Porcupine Caribou herd and the Central Arctic Caribou herd, and the protection of land, water and other wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

WHEREAS, the oil and gas industry is developing directional drilling technology that will allow horizontal drilling in a responsible manner thereby minimizing the development footprint within the Arctic National Wildlife Refuge,

and this directional drilling technology may be capable of drilling from outside of the boundaries of the 1002 study area; and

WHEREAS, the oil industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Legislature of the State of Wyoming supports the State of Alaska in urging the United States Congress to pass legislation to open the section 1002 study area of the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development and production, and that the Wyoming State Legislature is adamantly opposed to further wilderness or other restrictive designation in the area of the coastal plain of the Arctic National Wildlife Refuge.

Section 2. That the Legislature of the State of Wyoming supports the State of Alaska in urging that energy exploration and production activities be conducted in a manner that protects the environment and the naturally occurring population levels of the Porcupine Caribou herd and the Central Arctic Caribou herd on which the Gwich'in and other local residents depend, that uses directional drilling and other advances in technology to minimize the development footprint in the 1002 study area.

Section 3. That the Legislature of the State of Wyoming supports the State of Alaska in opposing any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic National Wildlife Refuge and any attempt to coerce the State of Alaska into accepting less than the ninety percent (90%) of the oil, gas and mineral royalties from the federal land in Alaska that was promised to the State of Alaska at statehood.

Section 4. 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, to the Wyoming Congressional Delegation and to the Senate President and to the Speaker of the House of the Alaska State Legislature.

Approved March 15, 2012.

Original House Joint Resolution No. 12

A JOINT RESOLUTION requesting Congress to pass a comprehensive deficit and debt reduction plan and urging support from the President of the United States.

WHEREAS, throughout our nation's history, Americans have sacrificed for the sake of future generations; and

WHEREAS, we have a patriotic duty to keep the promise of America to give our children and grandchildren a better life; and

WHEREAS, the United States government gross debt is more than fifteen trillion dollars (\$15,000,000,000,000.00), which equates to more than forty-nine thousand dollars (\$49,000.00) per capita and more than one hundred percent (100%) of the gross domestic product; and

WHEREAS, the United States government borrows thirty-six cents (\$.36) for each dollar spent; and

WHEREAS, United States government spending outpaced revenue by one trillion three hundred billion dollars (\$1,300,000,000,000.00) in fiscal year 2011; and

WHEREAS, foreign creditors own more than half of the public portion of United States Government debt; and

WHEREAS, the unsustainable trajectory of current United States fiscal policy could lead to an inability to respond to emergencies, such as wars, natural disasters or financial recessions; and

WHEREAS, the unsustainable trajectory of current United States fiscal policy could lead to a credit crisis for the government, all American citizens and businesses; and

WHEREAS, the unsustainable trajectory of current United States fiscal policy will inevitably put extreme financial strain on state and local governments; and

WHEREAS, the unsustainable trajectory of current United States fiscal policy will inevitably put extreme financial strain on citizens and businesses; and

WHEREAS, the bipartisan National Commission on Fiscal Responsibility, chaired by Alan Simpson and Erskine Bowles, wrote a plan titled *The Moment of Truth*, which offers a framework for comprehensive deficit reduction; and

WHEREAS, there have been other bipartisan commissions appointed that have been unable to compromise or develop a plan on which they could agree; and

WHEREAS, *The Moment of Truth* is not a perfect plan, but is a place to start; and

WHEREAS, we all must sacrifice and we all must tolerate provisions we oppose in order to reach principled compromise; and

WHEREAS, we all must put national interest above special interests in order to make meaningful progress toward reducing our deficit spending and national debt.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Legislature of the State of Wyoming urges the United States Congress to pass a comprehensive and aggressive budget resolution, based on the National Commission for Fiscal Responsibility's *The Moment of Truth* plan, to address our nation's deficit spending and national debt.

Section 2. That the Legislature of the State of Wyoming urges the President of the United States to support adoption of the National Commission for Fiscal Responsibility's *The Moment of Truth* plan.

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 15, 2012.

Original House Joint Resolution No. 7

A JOINT RESOLUTION requesting Congress and the President of the United States to reverse the policy of the U.S. Department of Health and Human Services regarding health plan coverage of sterilization, abortifacients and contraception.

WHEREAS, on January 20, 2012 the U.S. Department of Health and Human Services reaffirmed a rule that virtually all private health care plans must cover sterilization, abortifacients and contraception; and

WHEREAS, there are religious faiths in the United States that view sterilization, abortifacients and contraception as immoral and view paying for them as against their religion; and

WHEREAS, the administration is attempting to force those religious faiths and their institutions, including schools and hospitals to violate the commandments of their faith by paying for this mandate; and

WHEREAS, this mandate violates the First Amendment to the Constitution of the United States by denying these faiths the free exercise of their religion; and
WHEREAS, this mandate sets a precedent that would allow for an opposite law forbidding the coverage of these items thus denying faiths with opposing views the free exercise of their religion; and

WHEREAS, the mandate threatens the religious freedoms of all Americans; and

WHEREAS, it is an injustice to force Americans to choose between violating their consciences and forgoing their healthcare; and

WHEREAS, longstanding federal laws expressing the decided opinion of Congress and the American people have protected Constitutional conscience rights. *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

Section 1. That the Wyoming Legislature call on all Americans to defend our freedom of religion by opposing this mandate.

Section 2. That the Wyoming Legislature calls upon The President to reverse the mandate of the U.S. Department of Health and Human Services.

Section 3. That the Wyoming Legislature calls upon Congress to act in defense of First Amendment rights, states' rights, rights of conscience and freedom of religion.

Section 4. 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 23, 2012.

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