

**SESSION  
LAWS  
OF  
WYOMING**

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**2018  
Budget Session**



**SESSION LAWS  
OF THE  
STATE OF WYOMING  
PASSED BY THE  
SIXTY-FOURTH LEGISLATURE  
2018 BUDGET SESSION**

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**CONVENED AT CHEYENNE, February 12, 2018  
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## USERS NOTES

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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

Legislative Service Office





# TABLE OF CONTENTS

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## TABLE OF CHAPTERS

CHAPTER	HB/SF		PAGE
1	HB0072	AD VALOREM TAX COLLECTIONS.....	1
2	HB0088	STATE CONSTRUCTION DEPARTMENT- AMENDMENTS.....	2
3	HB0019	WYOMING MONEY TRANSMITTER ACT-VIRTUAL CURRENCY EXEMPTION.....	3
4	HB0023	AUDIT REQUIREMENTS FOR CONSERVATION DISTRICTS.....	4
5	HB0076	SUPPLEMENTAL SECURITY INCOME PROGRAM.....	4
6	SF0006	REAL ESTATE EXEMPTION RESTORATION.....	5
7	SF0020	CUSTODY IN THE BEST INTEREST OF THE CHILDREN..	6
8	SF0037	PURPLE HEART DAY AND STATE.....	7
9	HB0058	GAME ANIMAL LICENSES-LIMITATIONS.....	7
10	SF0003	ANTELOPE HUNT LICENSES.....	8
11	SF0016	FINANCIAL ASSURANCE-CLASS I AND V UIC WELLS.....	9
12	SF0018	ORPHAN SITE REMEDIATION FUNDING.....	10
13	SF0007	INSURANCE-CORPORATE GOVERNANCE ANNUAL DISCLOSURE.....	12
14	SF0008	INSURANCE-AUDITED ANNUAL FINANCIAL REPORTS..	18
15	SF0005	MEDICINE LODGE STATE ARCHAEOLOGICAL SITE.....	23
16	SF0053	SMALL WATER PROJECTS.....	24
17	SF0054	WATER DEVELOPMENT PROJECT REQUIREMENTS.....	25
18	SF0024	COURT INFORMATION TECHNOLOGY EQUIPMENT..	26
19	SF0026	NATIONWIDE MULTISTATE LICENSING SYSTEM- COLLECTION AGENCIES.....	27
20	SF0033	MILITARY MEMBER SPOUSE AND CHILDREN- RESIDENT TUITION.....	30
21	SF0009	INSURANCE CODE REVISIONS.....	31
22	SF0021	REQUIRED REPORTS IN ADOPTIONS.....	33
23	SF0044	FIRE PROTECTION REVOLVING ACCOUNT.....	34
24	SF0002	LEGISLATIVE BUDGET.....	35
25	SF0050	COLLECTION OF STATE FINANCIAL OBLIGATIONS.....	39
26	SF0025	CORRECTIONS EXCEPTION TO DEFENSE OF HABITATION LAW.....	41
27	HB0003	COUNTY CLERK MAP RECORDING FEES- CONFORMING AMENDMENT.....	41
28	HB0004	INVESTMENT OF STATE FUNDS-AMENDMENTS.....	42
29	HB0009	OBSELETE REPORTING-DEPARTMENT OF WORKFORCE SERVICES.....	43

30	HB0021	STATE PARKS DESIGNATIONS-UPDATES.....	44
31	HB0110	WYOMING RETIREMENT PLANS-MEMBER ACCOUNTS.....	44
32	HB0164	OVERWEIGHT VEHICLES-AGRICULTURE EXEMPTION.....	48
33	HB0035	MOTOR CLUB SERVICES UPDATES.....	49
34	HB0077	INSTREAM FLOW CONSULTANT.....	50
35	HB0032	SCHOOL FINANCE-MAJOR MAINTENANCE FORMULA.....	51
36	HB0033	SCHOOL FINANCE-CAPITAL CONSTRUCTION AMENDMENTS.....	54
37	HB0034	DUPLICATE TITLES-MOTOR VEHICLES.....	57
38	HB0010	WORKER'S COMPENSATION-EXTRATERRITORIAL RECIPROCITY.....	58
39	HB0018	NONRESIDENT EMPLOYER BONDING.....	59
40	HB0002	ELECTION LAW VIOLATIONS-PENALTIES AND ENFORCEMENT.....	60
41	HB0100	STATE EMERGENCY RESPONSE COMMISSION MEMBERSHIP.....	65
42	HB0017	CHILD SUPPORT AMENDMENTS.....	65
43	HB0022	QUEBEC 1 MISSILE ALERT FACILITY-FEES.....	68
44	HB0070	OPEN BLOCKCHAIN TOKENS-EXEMPTIONS.....	69
45	SF0111	PROPERTY TAXATION-DIGITAL CURRENCIES.....	73
46	HB0126	LIMITED LIABILITY COMPANIES-SERIES.....	74
47	HB0101	ELECTRONIC CORPORATE RECORDS.....	78
48	SF0031	VETERANS' SKILLED NURSING CENTER.....	82
49	SF0041	ORGAN DONATION PROMOTION-TASK FORCE.....	83
50	HB0125	WYOMING LOTTERY REVENUES.....	85
51	HB0108	ESTELLE REEL.....	87
52	SF0082	MINER'S HOSPITAL BOARD ACCOUNT.....	88
53	SF0027	EXCISE TAX AUDITS.....	88
54	SF0081	GAME AND FISH DEPARTMENT-BUDGET REQUESTS..	90
55	SF0011	PUBLIC UTILITY REGULATION-JOINT POWERS ENTITIES.....	91
56	SF0090	FIRST JUDICIAL DISTRICT-NUMBER OF DISTRICT JUDGES.....	92
57	SF0010	UTILITIES-RATE MAKING.....	93
58	SF0035	MILITARY SERVICE RELIEF ACT ADDITIONAL PROTECTIONS.....	94
59	SF0060	WYOMING WOMEN'S SUFFRAGE PATHWAY- HIGHWAY DESIGNATION.....	96
60	SF0069	2018 LARGE PROJECT FUNDING.....	97
61	SF0084	MOTOR VEHICLE REGISTRATION-DEPLOYED MILITARY MEMBERS.....	102
62	SF0063	INTERFUND LOAN ACCOUNTS AND INTEREST RATES.....	103
63	HB0008	STALKING REVISIONS.....	105



TABLE OF CONTENTS

vii

64	HB0028	EDUCATION REPORTING-CHILDREN OF MILITARY PERSONNEL.....	107
65	HB0031	HATHAWAY SCHOLARSHIP APPLICATION DEADLINE-EXTENSION.....	108
66	HB0061	ROADSIDE WAIVER OF PROPERTY RIGHTS PROHIBITED. ....	109
67	HB0106	MUNICIPAL COURT AUTHORITY-CONDITIONAL SUSPENSION OF FINES. ....	110
68	HB0117	DOMESTIC ABUSE-PHONE NUMBERS.....	110
69	HB0029	ALTERNATIVE SCHOOL ACCOUNTABILITY.....	112
70	SF0089	LOCAL GOVERNMENT DISTRIBUTIONS. ....	116
71	HB0144	WYOMING INVESTS NOW EXEMPTION-AMENDMENTS. ....	120
72	HB0039	WILDLIFE CONSERVATION LICENSE PLATES. ....	124
73	HB0084	APPROVAL OF BRIDGE DESIGNS, PLANS AND SPECIFICATIONS. ....	126
74	HB0170	WYOMING CHILDREN’S TRUST FUND-AMENDMENTS. ....	128
75	HB0042	JUSTICE REFORM-GRADUATED SANCTIONS. ....	129
76	HB0172	PRODUCED WATER TREATMENT. ....	131
77	HB0026	POST-CONVICTION RELIEF.....	131
78	HB0175	COMMON COLLEGE TRANSCRIPTS.....	137
79	HB0036	MOVE OVER REQUIREMENT. ....	138
80	HB0157	HEALTH CARE PROVIDERS-SEXUAL ASSAULT PROTECTIONS-2. ....	140
81	HB0192	LEGISLATOR COMMUNICATIONS ON RECORDINGS AND BROADCASTS.....	142
82	HB0156	STATE SONGS. ....	143
83	HB0014	MUNICIPAL JURISDICTION.....	143
84	HB0099	PRESCRIPTION AND POSSESSION OF FDA APPROVED DRUGS.....	146
85	HB0141	CONCEALED WEAPONS IN PLACES OF WORSHIP. ....	146
86	HB0041	HEMP EXTRACT REVISIONS. ....	147
87	HB0103	WYOMING LEGAL TENDER ACT. ....	147
88	SF0019	UNIFORMITY IN DOMESTIC VIOLENCE LAW.....	149
89	SF0058	GAME AND FISH LICENSES. ....	151
90	SF0017	CEASE AND TRANSFER PRIORITY LIST.....	154
91	SF0030	NOTICE OF HEARING TO REOPEN AN ESTATE-AMENDMENTS.....	156
92	SF0057	BOARD OF LAW EXAMINERS APPOINTMENT-SUPREME COURT RULES.....	157
93	SF0075	BIOLOGICAL PRODUCTS-PHARMACIES. ....	157
94	SF0062	OMNIBUS WATER BILL-PLANNING. ....	161
95	SF0066	VOLUNTEER HEALTH CARE. ....	166
96	SF0083	CONTROLLED SUBSTANCE PRESCRIPTION TRACKING. ....	170
97	SF0022	ORDERS OF PROTECTION-REVISIONS.....	171
98	SF0015	LARGE PROJECT ACCOUNT MODIFICATIONS.....	174

99	SF0068	AMENDMENTS TO AGENCY PLANS AND NEW PROGRAM REVIEW-2.....	176
100	SF0013	SCHOOL FACILITY PROPERTY INSURANCE.....	177
101	SF0046	ELECTIONS-NOTICES AND RESOLUTIONS.....	178
102	SF0056	REAL PROPERTY AS A COLLATERAL BOND.....	181
103	SF0072	SCHOOL FINANCE RECALIBRATION- TRANSPORTATION.....	182
104	SF0079	VERTICAL TAKEOFF AND LANDING AIRCRAFT- REGULATION.....	184
105	SF0061	HUNTING COLORS-FLUORESCENT PINK.....	185
106	SF0078	OPIOID ADDICTION TASK FORCE.....	186
107	SF0042	PROFESSIONAL LICENSING-APPLICANT CRIMINAL RECORDS.....	189
108	SF0070	REVISOR'S BILL.....	203
109	SF0036	VETERANS TUITION PROGRAM LIMITS.....	210
110	SF0034	MILITARY SPOUSE UNEMPLOYMENT SUNSET REPEAL.....	211
111	SF0045	STATE FAIR BOARD-2.....	212
112	SF0120	GOVERNMENT EFFICIENCY PROJECT.....	218
113	HB0006	RESEARCH AND WILDLIFE INFORMATION- CONFIDENTIALITY.....	223
114	HB0162	PENITENTIARY SAVINGS FUND-AMENDMENTS.....	224
115	HB0066	PURCHASE OF WATER RIGHTS AND FACILITIES.....	226
116	HB0069	IMPERSONATION THROUGH ELECTRONIC MEANS-SPOOFING.....	228
117	HB0093	SPEEDING FINES AMENDMENTS-2.....	229
118	HB0040	ELECTION CODE REVISIONS.....	232
119	HB0109	PUBLIC EMPLOYEE RETIREMENT PLAN- CONTRIBUTIONS.....	238
120	HB0119	GENETIC INFORMATION PRIVACY.....	241
121	HB0078	OMNIBUS WATER BILL-CONSTRUCTION.....	244
122	HB0130	STATE FAIR ENDOWMENT.....	260
123	SF0029	EDUCATION-COMPUTER SCIENCE AND COMPUTATIONAL THINKING.....	262
124	SF0040	COMMERCIAL AIR SERVICE IMPROVEMENT.....	265
125	SF0108	ECONOMIC DIVERSIFICATION AND DEVELOPMENT.....	269
126	SF0100	ECONOMIC DIVERSIFICATION-BROADBAND SERVICES.....	272
127	SF0118	KICKSTART WYOMING-ECONOMIC DIVERSIFICATION.....	281
128	SF0119	WORKFORCE DEVELOPMENT-PRIORITY ECONOMIC SECTOR PROGRAM.....	289
129	HB0129	GLIDER KIT VEHICLES-TITLE AND REGISTRATION... ..	296
130	SF0105	DRUG DONATION PROGRAM ACT-EXPANSION.....	298
131	HB0086	MEDICAID BIRTH COST RECOVERY.....	300
132	SF0116	RETIREMENT INCOME SECURITY TASK FORCE-2.....	304
133	SF0093	CHILD SEXUAL ABUSE EDUCATION AND PREVENTION.....	306

TABLE OF CONTENTS

134	HB0001	GENERAL GOVERNMENT APPROPRIATIONS.....	308
135	HB0168	STAND YOUR GROUND-2. ....	393
136	HB0194	STATE FUNDED CAPITAL CONSTRUCTION. ....	395
137	HB0140	SCHOOL FINANCE AMENDMENTS-4.....	421

**TABLE OF RESOLUTIONS**

---

**OTHER SUBJECTS**

**Original House Joint Resolution No. 2 -**  
A JOINT RESOLUTION requesting Congress to enact legislation permitting western states to enter into a voluntary compact to establish a graduated commercial driver licensing program that would allow commercial drivers between eighteen (18) and twenty-one (21) years of age to operate a commercial motor vehicle in a consenting, contiguous state.... 427

**Original Senate Joint Resolution No. 2 -**  
A JOINT RESOLUTION to commemorate the sesquicentennial of the signing of the 1868 Treaty of Fort Laramie ..... 428

**Original House Joint Resolution No. 8 -**  
A JOINT RESOLUTION to commemorate the sesquicentennial of the signing of the 1868 Treaty of Fort Bridger ..... 431

**Original House Joint Resolution No. 5 -**  
A JOINT RESOLUTION to the United States Secretary of the Interior and the Director of the National Park Service relating to the collection of wildlife conservation fees at Yellowstone National Park and Grand Teton National Park ..... 433



**LAWS**  
**PASSED BY THE**  
**SIXTY-FOURTH**  
**WYOMING LEGISLATURE**  
**2018 BUDGET SESSION**

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**Chapter 1**

**AD VALOREM TAX COLLECTIONS**

Original House Bill No. 72

AN ACT relating to ad valorem taxation; specifying that a county may deduct extraordinary costs to collect taxes prior to distribution of the tax; providing that a county shall not be liable for amounts not collected due to nonpayment by a taxpayer; and providing for an effective date.

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

**Section 1.** W.S. 39-13-111(a)(i)(intro) and by creating a new subsection (c) is amended to read:

**39-13-111. Distribution.**

(a) The following shall apply to the distribution of tax collections:

(i) The county treasurer shall keep accurate records of taxes collected for each governmental entity for which a tax levy is made pursuant to W.S. 39-13-104(k) and shall pay the taxes collected to the treasurer of each governmental unit or settle accounts with the county commissioners as hereafter provided. Prior to any payment, the county may deduct and credit to the county treasury any extraordinary costs including out of county court costs and associated attorney fees, as certified by the board of county commissioners, that the county incurred in order to collect any portion of the tax:

(c) If a county is unable to collect some or all of the tax due because of nonpayment by a taxpayer, through bankruptcy or otherwise, the county shall not be liable to any other governmental entity for any amount of the tax that is not collected from the taxpayer.

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

Approved March 7, 2018.

**Chapter 2****STATE CONSTRUCTION DEPARTMENT-AMENDMENTS**

Original House Bill No. 88

AN ACT relating to the state construction department; providing for an operations division as specified; providing for standard, base and exception budget request processes for state appropriations to the state construction department; repealing conflicting provisions; and providing for an effective date.

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

**Section 1.** W.S. 9-2-3002(a) by creating a new paragraph (iii), 9-2-3003(b) and 9-2-3005(a) are amended to read:

**9-2-3002. Department divisions.**

(a) The department shall consist of the following divisions:

(iii) Operations division.

**9-2-3003. Director and division administrators; appointment; removal.**

(b) With the approval of the governor, the director may appoint administrators for ~~each of the divisions established by W.S. 9-2-3002(a)(i) and (ii).~~ The governor may remove the director and division administrators as provided in W.S. 9-1-202.

**9-2-3005. Department budget.**

(a) The department shall ~~not develop or~~ and use a standard budget, base budget and exception budget as provided in W.S. ~~9-2-1002-9-2-1010~~ 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 state construction department 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.~~

**Section 2.** W.S. 9-2-3005(b) through (f) is repealed.

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

Approved March 7, 2018.

### Chapter 3

## WYOMING MONEY TRANSMITTER ACT-VIRTUAL CURRENCY EXEMPTION

Original House Bill No. 19

AN ACT relating to trade and commerce; amending the Wyoming Money Transmitter Act to provide an exemption for virtual currency; and providing for an effective date.

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

**Section 1.** W.S. 40-22-102(a) by creating a new paragraph (xxii) and 40-22-104(a)(iv), (v) and by creating a new paragraph (vi) are amended to read:

#### **40-22-102. Definitions.**

(a) As used in this act:

(xxii) "Virtual currency" means any type of digital representation of value that:

(A) Is used as a medium of exchange, unit of account or store of value;  
and

(B) Is not recognized as legal tender by the United States government.

#### **40-22-104. Exemptions.**

(a) This act shall not apply to:

(iv) Banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks organized under the laws of any state or the United States provided that they do not issue or sell payment instruments through authorized delegates or subdelegates who are not banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks;~~and~~

(v) Electronic transfer of government benefits for any federal, state or county governmental agency as defined in Federal Reserve Board Regulation E by a contractor for and on behalf of the United States or any department, agency or instrumentality thereof, or any state or any political subdivisions thereof; ~~and~~

(vi) Buying, selling, issuing, or taking custody of payment instruments or stored value in the form of virtual currency or receiving virtual currency for transmission to a location within or outside the United States by any means.

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

Approved March 7, 2018.

## Chapter 4

### AUDIT REQUIREMENTS FOR CONSERVATION DISTRICTS

Original House Bill No. 23

AN ACT relating to conservation districts; exempting conservation districts from the audit requirements of the Uniform Municipal Fiscal Procedures Act; and providing for an effective date.

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

**Section 1.** W.S. 11-16-122(a) is amended to read:

**11-16-122. Powers and duties of districts and supervisors thereof generally.**

(a) Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners. District supervisors shall administer the finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each district shall comply with the provisions of W.S. 9-1-507(a)(iii).

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

Approved March 7, 2018.

## Chapter 5

### SUPPLEMENTAL SECURITY INCOME PROGRAM

Original House Bill No. 76

AN ACT relating to the state supplemental security income program; transferring the program from the department of family services to the department of health; requiring rulemaking; providing for the transfer of funds as specified; and providing for effective dates.

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

**Section 1.** W.S. 42-2-103(d) is amended to read:

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

(d) The department of health shall, by rule, administer a state supplemental security income program entitling any individual receiving payments under the federal supplemental security income program with no other income



during any one (1) calendar month, to a payment for each month the condition exists. The monthly payment under this subsection shall be established by the legislature within the department of ~~family services~~ health's biennial budget appropriation, which shall not be less than the required payment under applicable federal law. Rules promulgated in accordance with this subsection shall include procedures for applying, approving, reviewing and terminating assistance under this subsection. Decisions of the department of health under this subsection regarding entitlement to payments shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act.

**Section 2.** The department of health shall promulgate rules pursuant to W.S. 42-2-103(d), as amended by section 1 of this act, by July 1, 2018.

**Section 3.** All unexpended, unobligated funds previously appropriated for the state supplemental security income program to the department of family services are hereby reappropriated to the department of health on July 1, 2018.

**Section 4.**

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

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2018.

Approved March 7, 2018.

## Chapter 6

### REAL ESTATE EXEMPTION RESTORATION

Original Senate File No. 6

AN ACT relating to worker's compensation and unemployment insurance; exempting real estate professionals from coverage as specified; and providing for an effective date.

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

**Section 1.** W.S. 27-3-108(a)(v) and 27-14-102(a)(vii) by creating a new subparagraph (S) are amended to read:

**27-3-108. Services excluded from scope of employment.**

(a) Employment under this act does not include service performed:

(v) As real estate activity under W.S. 33-28-102(b)(xlv) by a licensed real estate ~~responsible~~ broker, associate broker or salesman receiving as sole compensation a commission based on the sale or rental of real estate salesperson licensed under the Real Estate License Act, W.S. 33-28-101 through 33-28-401;

**27-14-102. Definitions.**

(a) As used in this act:

(vii) “Employee” means any person engaged in any extrahazardous employment under any appointment, contract of hire or apprenticeship, express or implied, oral or written, and includes legally employed minors, aliens authorized to work by the United States department of justice, office of citizenship and immigration services, and aliens whom the employer reasonably believes, at the date of hire and the date of injury based upon documentation in the employer’s possession, to be authorized to work by the United States department of justice, office of citizenship and immigration services. “Employee” does not include:

(S) A responsible broker, associate broker or salesperson licensed under the Real Estate License Act, W.S. 33-28-101 through 33-28-401, who receives compensation for the services identified in W.S. 33-28-102(b)(xlv). The receipt of additional compensation for the performance of other real estate related services shall not negate this exemption.

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 7

### CUSTODY IN THE BEST INTEREST OF THE CHILDREN

Original Senate File No. 20

AN ACT relating to child custody; providing that no form of custody may be favored or disfavored, including joint custody; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 20-2-201(d) is amended to read:

**20-2-201. Disposition and maintenance of children in decree or order; access to records.**

(d) The court shall order custody in well defined terms to promote understanding and compliance by the parties. In determining custody a court shall not favor or disfavor any form of custody. Custody shall be crafted to promote the best interests of the children, and may include any combination of joint, shared or sole custody.

**Section 2.** This act shall apply to all actions to establish custody in a proceeding filed on or after July 1, 2018.

**Section 3.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 8

### PURPLE HEART DAY AND STATE

Original Senate File No. 37

AN ACT relating to legal time and holidays; designating Purple Heart Day as a state recognized commemorative day; providing recommendations for observation of the day; designating Wyoming as a purple heart state; and providing for an effective date.

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

**Section 1.** W.S. 8-4-111 is created to read:

**8-4-111. Purple Heart Day.**

(a) In recognition of the purple heart as the oldest United States military decoration in present use, created as the badge of military merit in 1782 by General George Washington, and in recognition that the purple heart is specifically awarded to members of the United States armed forces including Wyoming citizens who have been wounded or paid the ultimate sacrifice in combat, August 7 of each year is designated as "Purple Heart Day." The day shall be appropriately observed by state and local governments and by organizations within the state.

(b) The Wyoming veterans' commission shall work with military and veterans' organizations and Wyoming communities to observe the day with appropriate activities and programs.

(c) This section shall not affect commercial paper, the making or execution of written agreements or judicial proceedings, or authorize public schools, business or state and local government offices to close.

**Section 2.** In recognition of military service members including Wyoming citizens who have been wounded or killed in combat, the state of Wyoming is hereby designated as a Purple Heart state.

**Section 3.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 9

### GAME ANIMAL LICENSES-LIMITATIONS

Original House Bill No. 58

AN ACT relating to game and fish; authorizing the game and fish commission to modify restrictions imposed on applications for specified game animal licenses; and providing for an effective date.

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

**Section 1.** W.S. 23-1-703(c) is amended to read:

**23-1-703. Limitation of number of big or trophy game animal licenses; reservation of certain licenses; reservation of certain unused licenses.**

(c) For the 1995 hunting season and each hunting season thereafter, except as ~~specifically provided under~~ in subsection (f) of this section or by rule of the commission, no person who is issued a hunting license for a grizzly bear or for a mountain goat shall be eligible to apply for or receive a hunting license for that particular species in any future 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 9, 2018.

## Chapter 10

### ANTELOPE HUNT LICENSES

Original Senate File No. 3

AN ACT relating to game and fish; authorizing the game and fish commission to issue licenses for the use of one additional antelope hunt per year; modifying restrictions on the issuance of the 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(b) is amended to read:

**23-1-705. Complimentary licenses; antelope hunt licenses; gunpowder and buckskin hunt licenses; gratuitous licenses; donated licenses.**

(b) In addition the commission may, upon payment of proper fees, issue up to ~~eighty (80)~~ one hundred sixty (160) antelope licenses each year for the exclusive use of not more than ~~two (2)~~ antelope hunts, provided that:

(i) Not more than eighty (80) of these licenses are issued for a single one-shot antelope hunt: event;

(ii) Resource management requirements shall be considered in determining the total amount of licenses that are issued under this subsection each 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 9, 2018.

## Chapter 11

### FINANCIAL ASSURANCE-CLASS I AND V UIC WELLS

Original Senate File No. 16

AN ACT relating to environmental quality; authorizing financial assurance requirements for class I underground injection facilities and class V underground injection facilities as specified; requiring recommendation of rules; and providing for effective dates.

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

**Section 1.** W.S. 35-11-302(a)(viii) is amended to read:

**35-11-302. Administrator's authority to recommend standards, rules, regulations or permits.**

(a) The administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of this act. Such rules, regulations, standards and permit systems shall prescribe:

(viii) Financial assurance requirements for plugging, abandonment, post-closure monitoring, ~~and corrective actions, if required, and site reclamation~~ for any class I hazardous waste or nonhazardous waste underground injection facility or class V coalbed methane underground injection facility for hazardous wastes as defined described in Title 40 of the Code of Federal Regulations, 40 C.F.R. Part 146, Subpart G Rules, regulations, standards and permit systems recommended and prescribed under this paragraph shall apply only to any permit issued, renewed or transferred after July 1, 2018, under department of environmental quality regulations for a class I hazardous waste or nonhazardous waste underground injection facility or class V coalbed methane underground injection facility;

**Section 2.** Before July 1, 2018, the department of environmental quality shall initiate the rulemaking process to implement this act.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

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

Approved March 9, 2018.

**Chapter 12****ORPHAN SITE REMEDIATION FUNDING**

Original Senate File No. 18

AN ACT relating to environmental quality; providing funding mechanisms for orphan site remediation; amending a report requirement; creating an orphan site remediation account; repealing a provision; and providing for an effective date.

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

**Section 1.** W.S. 16-1-206(b) and (c), 35-11-1424(a), (p)(intro) and (q) and 35-11-1701(a) and by creating a new subsection (h) are amended to read:

**16-1-206. Financial assistance priorities.**

(b) If there are no publicly owned wastewater treatment works identified as not being in compliance with the Water Pollution Control Act, 33 U.S.C. § 1251 et seq., then the monies in the account shall initially be used for noninterest bearing loans to the department for taking corrective actions at leaking underground and aboveground storage tank sites, orphan site remediation and solid waste landfill remediation as provided by W.S. 35-11-1424.

(c) Principal payments to the account from loans made for corrective actions at leaking underground and aboveground storage tank sites, orphan site remediation and remediation at solid waste landfills may be used for any purposes authorized in this article.

**35-11-1424. Corrective action account created; use of monies; cost recovery.**

(a) There is created the corrective action account. This account is intended to provide for financial assurance coverage required by federal law and shall be used by the department to take corrective action in response to a release and to remediate orphan sites and solid waste landfills. The department shall use monies from the corrective action account as appropriated by the legislature for the administration of this article, ~~and~~ W.S. 35-11-533 through 35-11-537 and 35-11-1701. Interest earned by this account shall be deposited in the general fund. Monies in the corrective action account shall also be used for the state water pollution control revolving loan account pursuant to W.S. 16-1-201 through 16-1-207. Except as provided in subsection (p) of this section, and contingent on availability of money in the corrective action account, the director shall distribute monies in the corrective action account to the solid waste landfill remediation account created by W.S. 35-11-535 and the orphan site remediation account created pursuant to W.S. 35-11-1701 on July 1 of each specified year in an amount ~~not less than~~ up to:

(i) 2019 - ~~two million dollars (\$2,000,000.00)~~ one million dollars (\$1,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(ii) ~~2020 - five million dollars (\$5,000,000.00)~~ four million dollars (\$4,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(iii) ~~2021 - six million dollars (\$6,000,000.00)~~ five million dollars (\$5,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(iv) ~~2022 - six million dollars (\$6,000,000.00)~~ five million dollars (\$5,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(v) ~~2023 - seven million dollars (\$7,000,000.00)~~ six million dollars (\$6,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(vi) ~~2024 and each year thereafter through 2028~~ - provided that in no event shall monies in the corrective action account on July 1 of any year of this period be less than two million dollars (\$2,000,000.00), the director shall:

(A) Determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to that amount in the corrective action account; ~~with~~

(B) Deposit up to one million dollars (\$1,000,000.00) from the remainder of the monies in the corrective action account into the orphan site remediation account; and

(C) Deposit the remainder of the monies deposited to from the corrective action account into the solid waste landfill remediation account; ~~but in no event shall monies in the corrective action account on July 1 of any year be less than five million dollars (\$5,000,000.00):~~

(vii) 2029 and each year thereafter - the director shall determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to that amount in the corrective action account, with the remainder of the monies being divided and deposited at the director's discretion into the solid waste landfill remediation account and the orphan site remediation account, but in no event shall monies in the corrective action account on July 1 of any year be less than two million dollars (\$2,000,000.00).

(p) The director is authorized to withhold distributions from the corrective action account to the ~~municipal~~ solid waste remediation account and the orphan site remediation account as provided in subsection (a) of this section in the event of:

(q) The director shall submit a report to the joint minerals, business and economic development interim committee by June 15, 2019 and by June 15 of every year thereafter, describing the amount to be withheld in the corrective

action account pursuant to ~~subsection~~ subsections (a) and (p) of this section, and the factors used in making ~~that determination~~ those determinations, and describing the distributions of monies from the corrective action account to the solid waste landfill remediation account and the orphan site remediation account.

**35-11-1701. Orphan site remediation; account created.**

(a) There is created an orphan site remediation account. The director may expend funds contained within the account ~~under W.S. 35-11-424(a)~~ for the purpose of remediation of orphan sites and the performance of any other activity as defined in this article.

(h) The director may transfer funds in the account under W.S. 35-11-424(a) to the orphan site remediation account.

**Section 2.** W.S. 35-11-1424(r) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 13

### INSURANCE-CORPORATE GOVERNANCE ANNUAL DISCLOSURE

Original Senate File No. 7

AN ACT relating to insurance; requiring insurance companies, fraternal benefit societies and health maintenance organizations to submit a governance report as specified; providing filing requirements; providing for the confidentiality of information reported; specifying applicability; requiring the promulgation of rules; providing sanctions for failure to submit a report; and providing for an effective date.

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

**Section 1.** W.S. 26-29-239 and 26-54-101 through 26-54-108 are created to read:

**26-29-239. Application of Wyoming Insurance Corporate Governance Annual Disclosure Act.**

The Wyoming Insurance Corporate Governance Annual Disclosure Act, W.S. 26-54-101 through 26-54-108, shall apply to domestic fraternal benefit societies regulated under this chapter.

#### CHAPTER 54

#### CORPORATE GOVERNANCE ANNUAL DISCLOSURE

**26-54-101. Short title; applicability.**

(a) This chapter is known and may be cited as the Wyoming Insurance Corporate Governance Annual Disclosure Act.



(b) The requirements of this act shall apply to all insurers and insurance groups domiciled in this state.

(c) Nothing in this act shall be construed to prescribe or impose corporate governance standards and internal procedures beyond that which is required under the corporate law of this state.

(d) Nothing in this act shall be construed to limit the commissioner's authority, or the rights or obligations of third parties, pursuant to the Wyoming Insurance Code.

(e) No insurer or insurance group shall be required to file the disclosure required by this act until 2020.

**26-54-102. Definitions.**

(a) As used in this act:

(i) "Corporate governance" means the system of rules, practices and procedures by which a corporation is managed by its directors and officers;

(ii) "Corporate governance annual disclosure" or "CGAD" means a confidential report filed by an insurer or insurance group in accordance with the requirements of this act;

(iii) "Insurance group" means those insurers and affiliates included within an insurance holding company system as defined under W.S. 26-44-101(a)(iv);

(iv) "Insurer" shall have the same meaning as set forth under W.S. 26-1-102(a)(xvi) and include domestic fraternal benefit societies and health maintenance organizations. This term shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

**26-54-103. Disclosure requirement.**

(a) An insurer, or the insurance group of which the insurer is a member, shall, no later than June 1 of each calendar year, submit to the commissioner a corporate governance annual disclosure that contains the information described in W.S. 26-54-105. Notwithstanding any request from the commissioner made pursuant to subsection (c) of this section, if the insurer is a member of an insurance group, the insurer shall submit the report required by this section to the commissioner of insurance of the lead state for the insurance group, in accordance with the laws of the lead state and under the guidance of the procedures outlined in the most recent financial analysis handbook adopted by the National Association of Insurance Commissioners.

(b) The CGAD shall include a signature of the insurer's or insurance group's chief executive officer or corporate secretary attesting to the best of

that individual's belief and knowledge that the insurer has implemented the corporate governance practices disclosed pursuant to subsection (a) of this section and that a copy of the disclosure has been provided to the insurer's board of directors or the appropriate committee thereof.

(c) An insurer not required to submit a CGAD under this section shall do so upon the commissioner's request.

(d) For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling parent level, an intermediate holding company level or the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer's or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three (3) criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

(e) The review of the CGAD and any additional requests for information shall be made through the lead state under the guidance of the procedures contained in the most recent financial analysis handbook referenced in subsection (a) of this section.

(f) Insurers providing information substantially similar to the information required by this act in other documents provided to the commissioner, including any statements filed pursuant to W.S. 26-44-104, or other state or federal filings provided to the department, shall not be required to duplicate that information in the CGAD, but shall be required to cross reference and identify where the document may be located by the commissioner.

#### **26-54-104. Rules and regulations.**

The commissioner shall promulgate rules and regulations necessary to carry out the provisions of this act. The rules and regulations shall be consistent with this act and the commissioner shall be guided by the model regulations adopted by the National Association of Insurance Commissioners at its 2014 fall national meeting and subsequent provisions of those model regulations, provided the model regulations are consistent with this act and other relevant provisions of Wyoming law and are not inappropriate for Wyoming circumstances.

#### **26-54-105. Contents of corporate governance annual disclosure.**

(a) An insurer or insurance group shall have discretion over the manner in

which a CGAD is submitted, provided the CGAD shall contain the material information necessary to permit the commissioner to gain an understanding of the insurer's or insurance group's corporate governance structure, policies and practices. The commissioner may request additional information deemed material and necessary to provide the commissioner with a clear understanding of corporate governance policies and the reporting, information systems or controls used to implement those policies.

(b) Notwithstanding subsection (a) of this section, the CGAD shall be prepared consistent with this subsection and corporate governance annual disclosure regulations adopted pursuant to W.S. 26-54-104. The CGAD shall describe:

- (i) The insurer's or insurance group's corporate governance framework;
- (ii) The policies and practices of the most senior governing entity and significant committees thereof;
- (iii) Policies and practices for directing senior management; and
- (iv) The processes by which the board and senior management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities.

(c) Documentation and supporting information relevant to the CGAD shall be maintained and made available for examination or upon request of the commissioner.

**26-54-106. Confidentiality.**

(a) Documents, materials or other information, including the CGAD, in the possession or control of the department that are obtained by, created by or disclosed to the commissioner or any other person under this act, are recognized by this state as being proprietary and to contain trade secrets. All the documents, materials or other information shall be confidential by law and privileged, shall not be considered public records pursuant to W.S. 16-4-201 through 16-4-205, shall not be subject to subpoena and shall not be subject to discovery or admissible as evidence in any private civil action. The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer. Nothing in this section shall be construed to require written consent of the insurer before the commissioner may share or receive documents, materials or other information pursuant to subsection (c) of this section and as necessary to assist in the performance of the commissioner's regular duties.

(b) Neither the commissioner nor any other person who receives documents, materials or other information subject to subsection (a) of this

section, through examination or otherwise, while acting under the authority of the commissioner, or with whom such documents, materials or other information are shared pursuant to this act, shall testify in any private civil action concerning the documents, materials or other information.

(c) In order to assist in the performance of the commissioner's regulatory duties, the commissioner may:

(i) Upon request, share documents, materials or other information, including confidential and privileged documents, materials or other information, which may include proprietary or trade secret information, with other state, federal and international financial regulatory agencies, including members of any supervisory college as defined under W.S. 26-44-118, with the National Association of Insurance Commissioners and with third party consultants pursuant to W.S. 26-54-107, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information and has verified in writing the legal authority to maintain confidentiality;

(ii) Receive documents, materials or other information, including confidential and privileged documents, materials or other information, which may include proprietary or trade secret information, from regulatory officials of other state, federal and international financial regulatory agencies, including members of any supervisory college as defined under W.S. 26-44-118 and from the National Association of Insurance Commissioners. The commissioner shall maintain as confidential and privileged any documents, materials or other information received under this paragraph with notice or the understanding that it is confidential and privileged under the law of the jurisdiction that is the source of the document, materials or other information.

(d) The sharing of documents, materials or other information by the commissioner pursuant to this act shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of this act.

(e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or other information shall occur as a result of disclosure of such information to the commissioner under this section or as a result of any sharing authorized by this act.

(f) Information that is disclosed in the CGAD which is also contained in any public filing or is otherwise publicly disclosed by the insurer shall not be considered privileged or confidential.

**26-54-107. NAIC and third party consultants.**

(a) The commissioner may retain, at the insurer's expense, third party consultants, including attorneys, actuaries, accountants and other experts not

otherwise a part of the commissioner's staff, as may be reasonably necessary to assist the commissioner in reviewing the CGAD and related information submitted by an insurer or to determine an insurer's compliance with this act.

(b) Any consultant retained under subsection (a) of this section shall act only as an independent contractor within the scope of duties established by the commissioner.

(c) The National Association of Insurance Commissioners and any person retained pursuant to subsection (a) of this section shall be subject to the same confidentiality standards and requirements as the commissioner.

(d) A third party consultant retained pursuant to subsection (a) of this section shall verify to the commissioner, with notice to the insurer, that he is free of a conflict of interest and that, if applicable, the consultant's firm has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality standards and requirements of this act.

(e) The commissioner shall enter into a written agreement with the National Association of Insurance Commissioners and any person retained pursuant to subsection (a) of this section concerning the sharing and use of information provided under this act. Consistent with W.S. 26-2-113, the agreement shall contain the following provisions and expressly require the written consent of the insurer prior to making public any information provided under this act:

(i) Specific procedures and protocols for maintaining the confidentiality and security of CGAD related information shared with the National Association of Insurance Commissioners or any person retained pursuant to subsection (a) of this section;

(ii) Procedures and protocols for the National Association of Insurance Commissioners, or other persons retained pursuant to subsection (a) of this section, to disclose CGAD related information to other state regulators from states in which an insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality;

(iii) A provision specifying that ownership of CGAD related information shared with the National Association of Insurance Commissioners or a person retained pursuant to subsection (a) of this section remains with the department and use of the information by the National Association of Insurance Commissioners or a person retained pursuant to subsection (a) of this section is subject to the direction of the commissioner;

(iv) A provision that prohibits the National Association of Insurance Commissioners or any person retained pursuant to subsection (a) of this section from storing the information shared pursuant to this act in a permanent

database after the underlying analysis is completed;

(v) A provision requiring the National Association of Insurance Commissioners or any person retained pursuant to subsection (a) of this section to provide prompt notice to the commissioner and to the insurer or insurance group upon the receipt of any subpoena, request for disclosure, or request for production of the insurer's or insurance group's CGAD related information; and

(vi) A requirement that the National Association of Insurance Commissioners or any person retained pursuant to subsection (a) of this section shall consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners or the person retained pursuant to subsection (a) of this section may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners or a person retained pursuant to subsection (a) of this section.

**26-54-108. Sanctions.**

Any insurer failing, without just cause, to timely file the CGAD required by this act shall be required, after notice and hearing, to pay a penalty of one hundred dollars (\$100.00) for each day that the CGAD is not filed, to be recovered by the commissioner. The maximum penalty due under this section shall be five thousand dollars (\$5,000.00). The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

**Section 2.** W.S. 26-34-135 by creating a new subsection (d) is amended to read:

**26-34-135. Application of other laws.**

(d) The Wyoming Insurance Corporate Governance Annual Disclosure Act, W.S. 26-54-101 through 26-54-108, shall apply to domestic health maintenance organizations licensed under this chapter.

**Section 3.** This act is effective July 1, 2019.

Approved March 9, 2018.

## Chapter 14

### INSURANCE-AUDITED ANNUAL FINANCIAL REPORTS

Original Senate File No. 8

AN ACT relating to insurance; amending Wyoming's annual audited financial reports law to conform to model regulations; adopting internal audit function requirements; providing definitions; 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. 26-3-316 is created to read:

**26-3-316. Internal audit function requirements.**

(a) An insurer is exempt from the requirements of this section if:

(i) The insurer has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars (\$500,000,000.00); and

(ii) If the insurer is a member of a group of insurers, the group has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than one billion dollars (\$1,000,000,000.00).

(b) Each insurer or group of insurers shall establish an internal audit function providing independent oversight regarding the insurer's governance, risk management and internal controls. This oversight shall be provided by performing general and specific audits, reviews and tests and by employing other techniques deemed necessary to protect assets, evaluate control effectiveness and efficiency and evaluate compliance with policies and regulations.

(c) The internal audit function shall be organizationally independent. Specifically, the internal audit function shall not defer ultimate judgment on audit matters to others and shall appoint an individual to head the internal audit function who shall have direct and unrestricted access to the board of directors. Organizational independence does not preclude dual reporting relationships.

(d) The head of the internal audit function shall report to the audit committee regularly, but not less than annually, on the periodic audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings.

(e) If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the internal audit function requirements set forth in this section at the ultimate controlling parent level, an intermediate holding company level or the individual legal entity level.

**Section 2.** W.S. 26-3-302(a)(vi), (vii) and by creating a new paragraph (xiv), 26-3-308, 26-3-313 by creating a new subsection (d), 26-3-315 by creating a new subsection (b), by amending and renumbering (b) as (c), by renumbering (c) through (f) as (d) through (g), by amending and renumbering (g) as (h) and by renumbering (h) through (m) as (j) through (n) and 26-34-110(b)(i) are amended to read:

**26-3-302. Definitions.**

(a) As used in this article:

(vi) "Audit committee" means a committee established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting processes of an insurer or group of insurers, the internal audit function of an insurer or group of insurers and external audits of financial statements of the insurer or group of insurers. The audit committee of any entity that controls a group of insurers may be deemed to be the audit committee for one (1) or more of these controlled insurers solely for the purposes of this regulation at the election of the controlling person. If an audit committee is not designated by the insurer, the insurer's entire board of directors shall constitute the audit committee;

(vii) "Independent board member" means as defined in W.S. 26-3-315(c) 26-3-315(d);

(xiv) "Internal audit function" means a person who provides independent oversight designed to improve an organization's operations and who accomplishes this oversight by using an objective approach to evaluate and improve risk management, control and corporate governance.

**26-3-308. Scope of audit and report of independent certified public accountant.**

Financial statements furnished pursuant to W.S. 26-3-304 shall be examined by the independent certified public accountant. The audit of the insurer's financial statements shall be conducted in accordance with generally accepted auditing standards. In accordance with Accumulation of Audit Standards (AU) Section 319 of the professional standards of the American Institute of Certified Public Accountants, Consideration of Internal Control in a Financial Statement Audit, the independent certified public accountant shall obtain an understanding of internal control sufficient to plan the audit. To the extent required by AU 319, for those insurers required to file a management's report of internal control over financial reporting pursuant to W.S. ~~26-3-317~~ 26-3-318, the independent certified public accountant shall consider the most recently available report in planning and performing the audit of the statutory financial statements. Consideration shall be given to the procedures illustrated in the financial condition examiner's handbook promulgated by the National Association of Insurance Commissioners as the independent certified public accountant deems necessary.

**26-3-313. Exemptions and effective dates.**

(d) The requirements of W.S. 26-3-316 are effective January 1, 2019. If an insurer or group of insurers who are exempt from the requirements of W.S. 26-3-316 no longer qualify for the exemption, the insurer or group of insurers shall have one (1) year after the year the threshold is exceeded in which to



comply with the requirements of this article.

**26-3-315. Requirements for audit committees.**

(b) The audit committee of an insurer or group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the persons performing the function suitable authority and resources to fulfill their responsibilities if required by W.S. 26-3-316.

~~(b)~~(c) Each member of the audit committee shall be a member of the board of directors of the insurer or a member of the board of directors of an entity elected pursuant to W.S. 26-3-302(a)(vi) and ~~26-3-315(e)~~subsection (f) of this section.

~~(c)~~(d) In order to be considered independent for purposes of this section, a member of the audit committee shall not, other than in his capacity as a member of the audit committee, the board of directors or any other board committee, accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary thereof. If any other provision of law requires board participation by otherwise nonindependent members, that law shall prevail and those members may participate in the audit committee and be designated as independent for audit committee purposes unless they are an officer or employee of the insurer or one (1) of its affiliates.

~~(d)~~(e) If a member of the audit committee ceases to be independent for reasons outside the member's reasonable control, that person, with notice by the responsible entity to the state, may remain an audit committee member of the responsible entity until the earlier of the next annual meeting of the responsible entity or one (1) year from the occurrence of the event that caused the member to be no longer independent.

~~(e)~~(f) To exercise the election of the controlling person to designate the audit committee for purposes of this article, the ultimate controlling person shall provide written notice to the commissioners of the affected insurers. Notification shall be made timely prior to the issuance of the statutory audit report and include a description of the basis for the election. The election may be changed through notice to the commissioner by the insurer which shall include a description of the basis for the change. The election shall remain in effect for perpetuity, until rescinded.

~~(f)~~(g) The audit committee shall require the accountant that performs for an insurer any audit required by this article to timely report to the audit committee in accordance with the requirements of Statement on Auditing Standards 61, Communication with Audit Committees, or its replacement, including:

- (i) All significant accounting policies and material permitted practices;
- (ii) All material alternative treatments of financial information within statutory accounting principles that have been discussed with management

officials of the insurer, ramifications of the use of the alternative disclosures and treatments and the treatment preferred by the accountant; and

(iii) Other material written communications between the accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

~~(g)~~(h) If an insurer is a member of an insurance holding company system, the reports required under subsection ~~(f)~~(g) of this section may be provided to the audit committee on an aggregate basis for insurers in the holding company system, provided that any substantial differences among insurers in the system are identified to the audit committee.

~~(h)~~(j) The proportion of independent audit committee members shall meet or exceed the following criteria, except that the commissioner has authority afforded by state law to require the entity's board to enact improvements to the independence of the audit committee membership if the insurer is in any RBC action level event, meets one (1) or more of the standards of an insurer deemed to be in hazardous financial condition or otherwise exhibits qualities of a troubled insurer:

(i) For insurers with prior calendar year direct written and assumed premiums of five hundred million dollars (\$500,000,000.00) or less the audit committee shall have a majority of members that are independent and the insurers are encouraged to structure their audit committees with at least seventy-five percent (75%) of the audit committee members being independent;

(ii) For insurers with prior calendar year direct written and assumed premiums of more than five hundred million dollars (\$500,000,000.00) at least seventy-five percent (75%) of the members of the audit committee shall be independent;

(iii) For purposes of this subsection, prior calendar year direct written and assumed premiums shall be the combined total of direct premiums and assumed premiums from nonaffiliates for the reporting entities.

~~(j)~~(k) An insurer with direct written and assumed premiums, excluding premiums reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars (\$500,000,000.00) may make application to the commissioner for a waiver from the requirements of this section based on hardship. The insurer shall file, with its annual statement filing, the approval for relief from this section with the states that it is licensed in or doing business in and the National Association of Insurance Commissioners. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

~~(k)~~(m) This section shall not apply to foreign or alien insurers licensed in this state or an insurer that is a SOX compliant entity or a direct or indirect wholly-owned subsidiary of a SOX compliant entity, as defined in W.S.

26-3-302(a)(xiii).

(m)(n) An insurer or group of insurers that is not required to have independent audit committee members or only a majority of independent audit committee members because the total written and assumed premium is below the threshold and subsequently becomes subject to any of the independence requirements due to changes in premiums shall have one (1) year following the year the threshold is exceeded to comply with the independence requirements. An insurer that becomes subject to any of the independence requirements as a result of a business combination shall have one (1) calendar year following the date of acquisition or combination to comply with the independence requirements.

**26-34-110. Annual report.**

(b) The health maintenance organization shall file on or before March 1, unless otherwise stated:

(i) Audited financial statements in accordance with the provisions of W.S. 26-3-301 through 26-3-317 title 26, chapter 3, article 3 of the Wyoming statutes on or before June 1;

**Section 3.** W.S. 26-3-316 and 26-3-317 are renumbered as 26-3-317 and 26-3-318.

**Section 4.** This act is effective January 1, 2019.

Approved March 9, 2018.

## Chapter 15

### MEDICINE LODGE STATE ARCHAEOLOGICAL SITE

Original Senate File No. 5

AN ACT relating to state parks and archaeological sites; providing for additional state lands to be managed by the department of state parks and cultural resources for Medicine Lodge state archaeological site; retaining land ownership in state entities as specified; requiring updated legal descriptions of lands to be managed; and providing for an effective date.

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

**Section 1.** W.S. 36-8-1501(c)(ii) is amended to read:

**36-8-1501. State park designation; state historic site designation; state archeological site designation; state recreation area designation.**

(c) In addition to state archaeological sites designated in other statutes, the following lands are designated as state archaeological sites and the department shall by rule specify the legal description of the sites:

(ii) The lands in Big Horn County managed by the department as of July 1, ~~2010~~ 2018 as Medicine Lodge state archaeological site: including upon

mutual written agreement with the Wyoming game and fish department the following adjacent state lands to be managed by the department of state parks and cultural resources:

(A) A parcel of land of approximately ten (10) acres in Dry Fork canyon;

(B) A parcel of land of approximately fourteen (14) acres of the pasture parcel in the hay meadow;

(C) A parcel of land of approximately twenty-eight (28) acres west of park headquarters.

**Section 2.** Nothing in this act shall be construed or interpreted to require transfer of ownership of the lands specified in W.S. 36-8-1501(c)(ii), as amended by this act.

**Section 3.** As required by W.S. 36-8-1501(c), the department of state parks and cultural resources shall update its rules to include the lands specified in W.S. 36-8-1501(c)(ii), as amended by this act, in the legal description of the Medicine Lodge state archaeological site upon entering a mutual written agreement with the Wyoming game and fish department to manage the lands.

**Section 4.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 16

### SMALL WATER PROJECTS

Original Senate File No. 53

AN ACT relating to water development; eliminating the maximum project cost limitation on small water projects; and providing for an effective date.

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

**Section 1.** W.S. 99-3-1903(k)(vii) and 99-3-1904(m)(vii) are amended to read:

**99-3-1903. Level III construction projects – new development.**

(k) Project - Small Water Development Projects - 2014:

(vii) Definition: “Small project” means a project where ~~estimated construction costs, permit procurement, construction engineering and project land procurement are one hundred thirty-five thousand dollars (\$135,000.00) or less, and where~~ the maximum financial contribution from the commission is thirty-five thousand dollars (\$35,000.00) or less;

**99-3-1904. Level III construction projects – rehabilitation.**

(m) Project - Small Water Development Projects - 2014:

(vii) Definition: "Small project" means a project where ~~estimated rehabilitation costs, permit procurement, and project land procurement are one hundred thirty-five thousand dollars (\$135,000.00) or less, and where the~~ maximum financial contribution from the commission is thirty-five thousand dollars (\$35,000.00) or less;

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 17

### WATER DEVELOPMENT PROJECT REQUIREMENTS

Original Senate File No. 54

AN ACT relating to water development; establishing requirements related to operations and maintenance of water projects; and providing for an effective date.

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

**Section 1.** W.S. 41-2-121 by creating a new subsection (e) is amended to read:

**41-2-121. Criteria for water development projects; disclosure of personal interests by commission.**

(e) Prior to authorizing a water development project, the commission shall require each project sponsor to demonstrate that the entity has the authority to adequately assess fees or collect funds to cover operation and maintenance expenses related to the water development project. Any entity that does not have the authority or ability to collect sufficient funds for the operation and maintenance of the project may be required by the commission to establish an operations and maintenance account as provided in this section. The commission shall develop criteria related to the establishment of an operations and maintenance account which shall include:

(i) An operations and maintenance account shall only be required for project sponsors that have taken out a loan for any portion of the project expense and shall not be required after the loan has been repaid;

(ii) The funds required in any operations and maintenance account shall not exceed ten percent (10%) of the project cost.

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

**Chapter 18****COURT INFORMATION TECHNOLOGY EQUIPMENT**

Original Senate File No. 24

AN ACT relating to courts and counties; delineating responsibility for court information technology equipment between the judicial branch and counties; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 5-2-120 and 18-2-103 are amended to read:

**5-2-120. Judicial systems automation account created; purposes; court information technology equipment.**

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

(b) Implementation of court information technology equipment that requires alteration of a county building pursuant to W.S. 18-2-103(b) shall be accomplished in consultation with the board of county commissioners or the board’s appointed designee.

(c) The supreme court shall install court information technology equipment in all state court facilities in a phased approach. Upon installation of court information technology equipment in a state court facility, the supreme court shall maintain and support the equipment installed by the supreme court.

(d) As used in this section:

(i) “Court information technology equipment” means hardware equipment located in state court facilities necessary to meet, but not exceed, court information technology equipment standards adopted by the board of judicial policy and administration;

(ii) “State court facility” includes circuit and district courtrooms, circuit and district court jury rooms, circuit and district court judges’ chambers and the offices of circuit court clerks.

**18-2-103. Buildings generally; infrastructure for court information technology.**

(a) Each county shall provide and maintain a suitable courthouse, jail and other necessary county buildings.

(b) Each county shall provide and maintain infrastructure to ensure the proper function of court information technology equipment including, but not limited to, requisite power outlets, network drops, audio and visual drops and associated wiring for connectivity of all endpoints and peripherals associated with court information technology equipment.

(c) For purposes of this section, "court information technology equipment" means as defined in W.S. 5-2-120(d)(i).

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

Approved March 9, 2018.

## Chapter 19

### NATIONWIDE MULTISTATE LICENSING SYSTEM-COLLECTION AGENCIES

Original Senate File No. 26

AN ACT relating to collection agencies; authorizing the collection agency board to utilize the nationwide multistate licensing system and registry as specified; authorizing the dissemination of criminal history record information to the board for purposes of licensing; authorizing the board to require background checks for purposes of licensing; providing application requirements; amending provisions related to license expiration and renewal; amending provisions related to the disposition of fees; providing for extensions of licenses 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. 7-19-106(a) by creating a new paragraph (xxix), 33-11-101(a) by creating new paragraphs (xiii) and (xiv) and by renumbering (xiii) as (xv), 33-11-105 by creating new subsections (c) and (d), 33-11-107 by creating new subsections (e) through (h), 33-11-110(b), 33-11-111 and 33-11-113 by creating a new subsection (c) 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:

(xxix) The collection agency board for purposes of licensing under Wyoming statutes title 33, chapter 11.

**33-11-101. Definitions.**

(a) As used in this act:

(xiii) “Channeling agent” means the third party licensing system that gathers the application information and distributes it to Wyoming for review and for use in the approval or denial decision;

(xiv) “Registry” means the nationwide multistate licensing system and registry maintained by the State Regulatory Registry, LLC;

(xiii)(xv) “This act” means W.S. 33-11-101 through 33-11-116.

**33-11-105. Powers and duties of collection agency board.**

(c) In addition to other powers granted by this act, the board may:

(i) Require a licensee or an applicant for a license to submit to a background investigation including fingerprint checks for state, national and international criminal history record checks. In exercising its authority under this paragraph, the board may utilize background checks completed by the division of criminal investigation, other government agencies in this state or in other states, the federal bureau of investigation, the registry or another entity designated by the registry;

(ii) Determine the content of application forms and the means by which an applicant applies for, renews or amends a license under this act.

(d) The board may require applicants to utilize the registry or an entity designated by the registry for the processing of applications and fees.

**33-11-107. Application for license; qualifications; financial statement.**

(e) The board may establish relationships or contract with the registry or any other entity designated by the registry to collect and maintain records and process transaction fees or other fees related to applicants, licensees or other persons subject to this act.

(f) In addition to the other requirements of this section, in connection with an application for licensure the applicant may be required to furnish to the board or the registry information concerning the identity of the applicant, the owners or persons operating or managing the applicant and individuals designated as operators or managers of the applicant’s places of business, including:

(i) Fingerprints for submission to the federal bureau of investigation or any governmental agency or entity authorized to receive fingerprints for a state, national and international criminal history background check; and

(ii) Personal history, including the submission of authorization for the board, registry or designee to obtain:

(A) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the federal Fair Credit Reporting Act; and



(B) Information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(g) For the purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain for purposes of subsection (f) of this section, the board may use the registry as a channeling agent for requesting information from and distributing information to the United States department of justice or any governmental agency.

(h) For the purposes of this section and to reduce the points of contact that the board may have to maintain for purposes of subsection (f) of this section, the board may use the registry as a channeling agent for requesting and distributing information to and from any source as directed by the board.

**33-11-110. License; renewals; fee; license nontransferable; display.**

(b) Each collection agency license ~~expires one (1) year from the date of issuance shall expire on December 31 of each year.~~ The licensee shall submit all required renewal application information not later than December 1 of each year. A collection agency license is not transferable. Each collection agency license shall be displayed in a conspicuous place in licensee's place of business.

**33-11-111. Disposition of fees.**

All fees and money received and collected by the board, except the amount paid for data processing by the registry or any other entity designated by the registry, shall be deposited with the state treasurer, who shall credit the money to a separate account. All monies paid into the state treasury and credited to the account are appropriated to the use of the collection agency board for the payment of all necessary expenses incurred in administering this act, including the payment of per diem, salary and mileage to members of the board.

**33-11-113. Records of license and bond actions; confidentiality.**

(c) Except as prohibited by law, the board or board's designee may furnish information to or receive information from the registry for the purpose of regulation of the debt collection industry. Information furnished by the board to any third party which is confidential or privileged in the board's possession remains confidential or privileged in the possession of the third party. Information received by the board from any third party which is confidential or privileged in the third-party's possession remains confidential or privileged in the board's possession.

**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 9, 2018.

**Chapter 20****MILITARY MEMBER SPOUSE AND CHILDREN-RESIDENT TUITION**

Original Senate File No. 33

AN ACT relating to higher education and uniformed service members; amending resident tuition requirements to include active uniform service members' spouses and dependents under a federal definition; and providing for an effective date.

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

**Section 1.** W.S. 21-17-105(e)(intro), (i), (ii)(B) and (C) and 21-18-202(a)(iii) are amended to read:

**21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, veterans' and uniformed service members' spouses and children; reciprocal residency.**

(e) Effective for the 2015 summer school session and each semester thereafter, an applicant for resident tuition who is a veteran, ~~or eligible individual; or covered individual~~ as described in 38 U.S.C. 3679(c)(2), shall qualify as a resident for purposes of tuition at the University of Wyoming or Wyoming community college if the applicant provides:

(i) A certificate or other evidence of the veteran's or uniformed service member's qualifying service in the uniformed services of the United States;

(ii) Documented evidence at the time of enrollment that:

(B) The veteran was discharged or released from a qualifying period of service in the active military, naval or air service before the date of enrollment or the uniformed service member is currently on active duty;

(C) ~~If the applicant is a spouse or child of the veteran, The applicant is a transferee pursuant to 38 U.S.C. 3311(b)(9) or 3319 of the veteran's eligibility for educational benefits-veteran, eligible individual or covered individual as described in 38 U.S.C. 3679(c)(2).~~

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

(a) The commission shall perform the following general functions:

(iii) Establish residency requirements, which shall include provisions for military veterans, ~~their spouses and children-eligible individuals and covered individuals~~ as described in 38 U.S.C. 3679(c)(2) consistent with the requirements of W.S. 21-17-105(e);

**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 9, 2018.

## Chapter 21

### INSURANCE CODE REVISIONS

Original Senate File No. 9

AN ACT relating to insurance; revising provisions relating to the qualification of foreign insurers; revising provisions relating to certificates of authority for insurers; removing the requirement that a director of a stock insurer must be a stockholder of the insurer; modifying requirements relating to service contracts; making conforming amendments; repealing provisions relating to farm mutual property insurers; and providing for an effective date.

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

**Section 1.** W.S. 26-3-105(a)(intro), (i) and (iii), 26-3-112(a)(vi), 26-24-121(c), 26-48-101(a)(iii), (iv) and (xiv) and 26-49-103(c) are amended to read:

**26-3-105. Qualification of new foreign insurers.**

(a) No foreign insurer is authorized to transact insurance in Wyoming if that insurer has not been issuing its own policies as an authorized insurer for at least two (2) years, ~~in its state or country of domicile,~~ unless the insurer is otherwise qualified for a certificate of authority under this code and is:

(i) The wholly owned subsidiary or affiliate of an insurer which is already an authorized insurer in Wyoming and the subsidiary or affiliate shares common management and business operations with the insurer;

(iii) An insurer ~~organized solely for the purpose of insuring against earthquake, flood, nuclear radiation, war or other special hazards to property or liability seeking authority to write a line of insurance~~ for which, in the commissioner's opinion;

(A) Adequate provision is not made by insurers already authorized in this state; ~~or~~

(B) Adequate competition between insurers does not exist in this state.

**26-3-112. Certificate of authority; application; contents of application.**

(a) An insurer shall apply to the commissioner for an original certificate of authority, stating under oath of the president, or vice-president or other chief officer and the secretary of the insurer, or of the attorney-in-fact if the insurer is a reciprocal insurer, the insurer's name, location of its home office, or principal office in the United States if an alien insurer, the kinds of insurance to be transacted, date of organization or incorporation, form of organization, state or country of domicile and any additional information the commissioner reasonably requires. The application shall be accompanied by the applicable fees as provided in W.S. 26-4-101 together with the following documents, as applicable:

(vi) A copy of the report of last examination made of the insurer as of a

date within not more than the ~~thirty-six (36)~~ sixty (60) months immediately preceding, certified by the Wyoming insurance department or by the public insurance supervisory official of the insurer's state of domicile or state of entry into the United States if an alien insurer;

**26-24-121. Boards of directors.**

(c) A director of a ~~stock insurer shall be a stockholder thereof, and a director of a mutual insurer shall be a policyholder thereof.~~

**26-48-101. Definitions.**

(a) As used in this article:

(iii) "Domestic insurer" means any insurance company formed under the laws of Wyoming excluding title insurers, health maintenance organizations; ~~farm mutual insurers~~ and hospital or medical service insurers;

(iv) "Foreign insurer" means any insurance company which is licensed to do business in this state but is not domiciled in this state excluding title insurers, health maintenance organizations; ~~farm mutual insurers~~ and hospital or medical service insurers;

(xiv) "Property and casualty insurer" means any insurance company licensed in the lines of property, casualty, surety, marine and transportation, or any combination of these lines, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers; ~~farm mutual insurers~~ or title insurers.

**26-49-103. Requirements for doing business.**

(c) Each provider of service contracts sold in this state shall file a registration with the commissioner on a form prescribed by the commissioner. Each provider shall:

(i) Pay to the commissioner a fee in the amount of two hundred dollars (\$200.00) annually;

(ii) Verify compliance annually with the faithful performance requirements specified in subsection (d) of this section on a form prescribed by the commissioner.

**Section 2.** W.S. 26-1-104(a)(i), 26-3-112(a)(xi) and 26-26-101 through 26-26-131 are repealed.

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

Approved March 9, 2018.

**Chapter 22****REQUIRED REPORTS IN ADOPTIONS**

Original Senate File No. 21

AN ACT relating to adoption; requiring a report of adoption to be filed with every petition to adopt a minor; requiring reports be forwarded to the registrar of vital records; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 1-22-104(c) by creating a new paragraph (vi) and (d) and 35-1-416(a) through (c) are amended to read:

**1-22-104. Petition for adoption of minor; by whom filed; requisites, confidential nature; inspection; separate journal to be kept.**

(c) The following documents shall be filed with every petition to adopt a child:

(vi) A form prescribed and furnished by the state registrar of vital records. The form shall be completed to the extent possible with the information required under W.S. 35-1-416(a) including:

(A) The name of the child prior to adoption;

(B) Sex;

(C) Date of birth;

(D) Place of birth;

(E) Birth certificate number;

(F) Natural mother's full maiden name; and

(G) Natural father's full name.

(d) The petition and documents filed pursuant to this section, and the interlocutory decree, if entered, and the final decree of adoption shall constitute a confidential file and shall be available for inspection only to the judge, or, by order of court, to the parties to the proceedings or their attorneys, except as provided in W.S. 35-1-416. Upon the entry of the final decree of adoption, all records in the proceedings shall be sealed and may be available for inspection only by order of court for good cause shown. The clerk of court shall maintain a separate journal for adoption proceedings to be confidential and available for inspection only by order of the court for good cause shown. The court may order inspection of all or part of the confidential file in adoption proceedings only if it appears to the court that the welfare and best interests of the child will be served by the inspection.

**35-1-416. Court reports of adoption.**

(a) For each adoption of a child born in this state; that is decreed by any court

in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar of vital records. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish new certificate of birth of the person adopted, and shall identify the order of adoption and be certified by the clerk of the court. ~~The state registrar shall also be furnished report of adoption as well as~~ a certified copy of adoption decree shall be furnished to the state registrar as specified in subsection (c) of this section.

(b) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as necessary to properly amend the birth record. The report of the amended or annulled adoption decree shall be furnished to the state registrar as specified in subsection (c) of this section.

(c) Not later than the fifth day of each calendar month the clerk of court shall forward to the state registrar of vital records the report of adoption, records of decrees of adoption, and any annulment or amendment thereof entered in the preceding month together with such related reports as the state registrar shall require.

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 23

### FIRE PROTECTION REVOLVING ACCOUNT

Original Senate File No. 44

AN ACT relating to the fire protection revolving account; amending the purpose and use of the fire protection revolving account as specified; reappropriating funds to the fire protection revolving account; and providing for an effective date.

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

**Section 1.** W.S. 36-2-109 is amended to read:

**36-2-109. Fire protection revolving account.**

There is created the fire protection revolving account. Funds received by the state forester from local and county fire service entities and other payments received by the state forester for billable fire expenses shall be deposited into the account. Funds deposited into the account are continuously appropriated to the state forester to be expended only for costs related to fire protection activities and services, the purchase of wildland fire equipment, parts for federal excess property, supplies; and to provide repairs for county and local

fire service entities. As used in this section, “billable fire expenses” means any payment received from a federal, state or local entity for fire protection services or other related activities.

**Section 2.** Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unexpended, unobligated monies appropriated from the general fund to the office of state lands and investments, fire division, under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 060, as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 060, up to seven hundred thousand dollars (\$700,000.00) or as much thereof as is available, shall not revert on June 30, 2018 and is hereby reappropriated to the fire protection revolving account. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the reappropriation in this section shall not lapse or revert at the end of any fiscal period except upon further legislative action.

**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 9, 2018.

**Chapter 24**

**LEGISLATIVE BUDGET**

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, 2020:

SALARIES

LSO Staff Permanent/Temporary .....	\$6,277,168
Legislators – Session.....	1,081,704
Legislators – Interim .....	1,924,448
Session Staff.....	672,192
Employer Paid Benefits .....	3,060,282

IN-STATE TRAVEL

Mileage and Per Diem – Session .....	974,936
Mileage and Per Diem – Interim.....	774,082

## OUT-OF-STATE TRAVEL

Travel Expenses.....	120,800
Per Diem.....	135,800

## ANNUAL DUES

National Conference of State Legislatures.....	211,923
The Energy Council.....	76,800
Council of State Governments.....	162,675
Other .....	10,520

REGISTRATION FEES.....	65,600
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TELECOMMUNICATIONS .....	60,000
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ITD SERVICES (Network connections & backup).....	10,000
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GENERAL ADMINISTRATIVE SUPPORT [1.] .....	497,866
(Information technology, copying, supplies and equipment, furniture, contract services, special projects, etc.)	

STATUTES, SESSION LAWS AND DIGESTS.....	55,000
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TOTAL.....	\$16,171,796
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## 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.

**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 attend out-of-state meetings including, but not limited to, the National Conference of State Legislatures, the Council of State Governments, the Education Commission of the States, the State Legislative Leaders Foundation and the Energy Council. Travel authorization and reimbursements shall be in accordance with policies of the Management Council.

**Section 4.** [Carry Forward of Prior Appropriations].

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the unobligated portions of the following appropriations shall not revert on June 30, 2018, and are hereby reappropriated to the legislative service office for the following purposes:



(i) Any unexpended, unobligated amounts reappropriated for expenditure by the legislative service office under 2016 Wyoming Session Laws, Chapter 79, Sections 4(a)(i) and 7, are reappropriated for expenditure by the legislative service office for the period commencing July 1, 2018 and ending June 30, 2020. Expenditures of amounts reappropriated under this paragraph shall be for professional consulting expertise and other support necessary to carry out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. 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;

(ii) Any balance remaining on June 30, 2018, 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, 2018 through June 30, 2020;

(iii) Any unexpended, unobligated amounts appropriated for expenditure under 2016 Wyoming Session Laws Chapter 79, as amended by 2017 Wyoming Session Laws Chapter 42, are reappropriated for expenditure by the legislative service office at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under section 1 of this act, for the period commencing July 1, 2018 and ending June 30, 2020.

(b) This section is effective immediately.

**Section 5.** [Technology Project].

(a) There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the legislative service office for continued development and support of the legislative management system.

(b) This section is effective immediately.

**Section 6.** [New Legislator Training Compensation].

(a) From and after the date the state canvassing board certifies the results of the 2018 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.

(b) There is appropriated from the general fund to the legislative service office thirty-four thousand dollars (\$34,000.00) or as much thereof as may be necessary for purposes of this section.

(c) As used in this section:

(i) “Legislator elect” means a person elected to the legislature during the 2018 general election who is not a current member of the legislature and before the person is duly sworn in;

(ii) “Newly appointed legislator” means a person appointed after the 2018 general election to fill a vacancy in the House or Senate and before the person is duly sworn in.

**Section 7.** [Reappropriation of School Foundation Program Account Funds].

(a) 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 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 015, as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 015, for purposes of the school finance litigation law office shall not revert on June 30, 2018, and are reappropriated for expenditure by the legislative service office for the period commencing July 1, 2018 and ending June 30, 2020. Expenditures of amounts reappropriated under this subsection shall be for professional consulting expertise and other support necessary to carry out and execute work of the legislature pertaining to required K-12 education responsibilities, issues and studies. 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) This section is effective immediately.

**Section 8.** [Special Contingency].

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the legislative service office to be expended at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under section 1 of this act.

(b) This section is effective immediately.

**Section 9.** [Economic Development Authorized Travel].

(a) There is appropriated thirty thousand dollars (\$30,000.00) from the general fund to the legislative service office for legislative travel expenses as authorized in this section.

(b) Subject to available appropriation, legislators traveling out-of-state, including internationally, in connection with executive branch or legislatively approved efforts to expand and diversify Wyoming’s energy and industrial economy or to attract new business enterprises to the state or to improve access to and growth in domestic and international markets, are authorized reimbursement of actual travel expenses, including travel, lodging, meals and

necessary incidentals, provided:

(i) Reimbursement of travel expenses for members of the legislature to participate in economic development efforts under this section shall require the approval of the Management Council;

(ii) In designating members authorized to receive travel reimbursement under this section, preference shall be given to members who have expressed an intention to seek re-election to, or if mid-term to continue to serve in, the Wyoming legislature during the 2019 and 2020 legislative sessions.

(c) This section is effective immediately.

**Section 10.** [Wyoming State Treasurer's Investment Conference]. There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for payment of registration, mileage and per diem for legislators attending the Wyoming state treasurer's investment conference in the 2018 or 2019 interim. Registration payments shall not exceed three hundred fifty dollars (\$350.00) per legislator.

**Section 11.** [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, 2020, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 25

### COLLECTION OF STATE FINANCIAL OBLIGATIONS

Original Senate File No. 50

AN ACT relating to financial obligations owed to the state; specifying that a fee may be assessed for a state financial obligation that is submitted to a collection agency to cover the costs of collection; authorizing contracting; and providing for an effective date.

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

**Section 1.** W.S. 9-1-415(a), 39-15-107(b)(x) and 39-16-107(b) by creating a new paragraph (ix) are amended to read:

**9-1-415. Collection of debts due the state; discharge of uncollectible debts.**

(a) Except as provided in subsections (e) and (f) of this section, any office

or agency of the state may use the services of a collection agency licensed in Wyoming to assist in the collection of debts due the state or any state office or agency. Any person owing a debt submitted to a collection agency under this section may be assessed a fee in an amount necessary to cover the cost of collection, not to exceed twenty percent (20%) of the debt owed. The collection agency shall collect the fee with the debt that is submitted for collection.

**39-15-107. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(x) ~~The department may enter into contracts with collection agencies for required collection services on deficiencies of sales tax occurring under W.S. 39-15-101 through 39-15-111, from and after the reporting period of January, 1989. Any taxes collected-recovered by the collection agencies and remitted to the department shall be distributed in accordance with W.S. 39-15-111(b). There is continuously appropriated from the general fund, to the department, an amount equal to the cost of collection under each contract but not to exceed fifty percent (50%) of the amounts collected by collection agencies, under a contract. The department shall expend those funds appropriated solely for collection agency services and may authorize in the contracts for those services that collection agency costs be deducted from funds collected and~~ Any person owing a tax submitted to a collection agency may be assessed a fee in an amount necessary to cover the cost of collection, not to exceed twenty percent (20%) of the tax owed, as provided in W.S. 9-1-415(a). The collection agency shall collect the fee with the tax that is submitted for collection and the amount collected as a fee may be deducted from funds remitted to the department. The contracts entered into under this paragraph shall not be for a term of more than two (2) years and shall be awarded only after competition;

**39-16-107. Compliance; collection procedures.**

(b) Payment. The following shall apply:

(ix) The department may enter into contracts with collection agencies for required collection services on deficiencies of use tax occurring under W.S. 39-16-101 through 39-16-111. Any taxes recovered by the collection agencies and remitted to the department shall be distributed in accordance with W.S. 39-16-111(b). Any person owing a tax submitted to a collection agency may be assessed a fee in an amount necessary to cover the cost of collection, not to exceed twenty percent (20%) of the tax owed, as provided in W.S. 9-1-415(a). The collection agency shall collect the fee with the tax that is submitted for collection and the amount collected as a fee may be deducted from funds remitted to the department. The contracts entered into under this paragraph shall not be for a term of more than two (2) years and shall be awarded only after competitive bidding.

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 26

### CORRECTIONS EXCEPTION TO DEFENSE OF HABITATION LAW

Original Senate File No. 25

AN ACT relating to crimes and offenses; clarifying that the presumption related to self defense and defense of another in a home or habitation does not apply to inmate housing in correctional and jail facilities; amending the law enforcement exception to include corrections employees; amending definitions; and providing for an effective date.

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

**Section 1.** W.S. 6-2-602(b)(iii), (d)(i) and (ii) is amended to read:

**6-2-602. Use of force in self defense.**

(b) The presumption set forth in subsection (a) of this section does not apply if:

(iii) The person against whom the defensive force is used is a peace officer or employee of the Wyoming department of corrections who enters or attempts to enter another's home or habitation in the performance of his official duties.

(d) As used in this section:

(i) "Habitation" means any structure which is designed or adapted for overnight accommodation, including, but not limited to, buildings, modular units, trailers, campers and tents, but does not include the inmate housing area of a jail, state penal institution or other secure facility under contract with the department of corrections to house inmates;

(ii) "Home" means any occupied residential dwelling place other than the inmate housing area of a jail, state penal institution or other secure facility under contract with the department of corrections to house inmates.

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 27

### COUNTY CLERK MAP RECORDING FEES-CONFORMING AMENDMENT

Original House Bill No. 3

AN ACT relating to county fees; clarifying specified map record filing fees; and providing for an effective date.

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

**Section 1.** W.S. 33-29-906(c) is amended to read:

**33-29-906. Preservation of map records; public inspection.**

(c) The filing fee for each corner record or certificate ~~is one dollar (\$1.00)~~ shall be as provided in W.S. 18-3-402(a)(xvi)(Q) and each record or certificate shall apply to only one (1) corner.

**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 9, 2018

## Chapter 28

### INVESTMENT OF STATE FUNDS-AMENDMENTS

Original House Bill No. 4

AN ACT relating to public funds; clarifying conditions on the investment of permanent and pool A account funds in equities; and providing for an effective date.

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

**Section 1.** W.S. 9-4-715(b) and (p)(intro) is amended to read:

**9-4-715. Permissible investments.**

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, ~~upon written authority as provided in subsections (c) and (d) of this section,~~ may invest up to seventy percent (70%) of the permanent funds in equities, including stocks of corporations pursuant to subsections (c) and (d) of this section. The state treasurer shall report at least annually to the select committee on capital financing and investments and the joint appropriations committee on the analysis conducted pursuant to paragraph (d)(ii) of this section and W.S. 9-4-716(b)(ix).

(p) There is created the pool A investment account. The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, ~~upon written authority as provided in pursuant to~~ subsections (c) and (d) of this section and after consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, may invest up to seventy percent (70%) of the monies comprising the pool A investment account in equities including stocks of corporations. The state loan and investment board, in consultation with the state agency or agencies receiving or administering investment earnings from

the monies invested in the pool A investment account, shall annually review the state investment policy statements for the investment pool created by this subsection as required under W.S. 9-4-716. Monies in the following funds shall be invested in the pool A investment account:

**Section 2.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 29

### OBSELETE REPORTING-DEPARTMENT OF WORKFORCE SERVICES

Original House Bill No. 9

AN ACT relating to the department of workforce services; removing specified department of workforce services reporting requirements; and providing for an effective date.

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

**Section 1.** W.S. 27-14-205(b) is amended to read:

**27-14-205. State contributions; presumed pay of specified employees.**

(b) For the purpose of determining employer contributions under this act, all school-to-work participants for which coverage has been elected under W.S. 27-14-108(m), all persons receiving training under any work or job training program for which coverage has been elected under W.S. 27-14-108(p), all volunteers covered under this act, mine rescue team members, recipients of any welfare program performing work for a governmental entity, federal programs which require coverage for their participants, prisoners and probationers under W.S. 27-14-108(d)(ix) and persons performing community service pursuant to a criminal sentencing order, or a diversion agreement entered into with a prosecuting authority, under W.S. 27-14-108(d)(xv), are deemed to be paid for each month of active service, an amount established by rule and regulation of the division based upon the cost of the specific employment category to the worker's compensation account. This amount shall be established solely as a basis for determining employer contributions and is not binding upon any employer as an actual required salary for any volunteer or other individual enumerated under this subsection. ~~The division shall report any anticipated deficiencies in contributions due to this subsection to the legislature on or before January 15 of each year.~~

**Section 2.** W.S. 9-2-2608(d) is repealed.

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

Approved March 9, 2018.

**Chapter 30****STATE PARKS DESIGNATIONS-UPDATES**

Original House Bill No. 21

AN ACT relating to state parks and historic sites; designating state historic sites; repealing state historic site designations; and providing for an effective date.

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

**Section 1.** W.S. 36-8-1501(b)(xv) and by creating new paragraphs (xxiv) through (xxvi) is amended to read:

**36-8-1501. State park designation; state historic site designation; state archeological site designation; state recreation area designation.**

(b) In addition to state historic sites designated in other statutes, the following lands are designated as state historic sites and the department shall by rule specify the legal description of the sites:

(xv) The lands in Platte County managed by the department as of July 1, 2010-2018 as Oregon Trail Ruts state historic site including the Trail Ruts and Register Cliff units;

(xxiv) The lands in Converse County managed by the department as of July 1, 2018 as Camp Douglas state historic site;

(xxv) The lands in Campbell County managed by the department as of July 1, 2018 as LX Bar Ranch state historic site;

(xxvi) The lands in Laramie County managed by the department as of the date of any agreement made in accordance with W.S. 36-8-1601(a) as Quebec 1 missile alert facility state historic site.

**Section 2.** W.S. 36-8-1501(b)(xiii) and (xx) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 9, 2018.

**Chapter 31****WYOMING RETIREMENT PLANS-MEMBER ACCOUNTS**

Original House Bill No. 110

AN ACT relating to retirement plans administered by the retirement board of the Wyoming retirement system; amending and creating definitions related to member accounts; amending related provisions for account refunds and death benefits as specified; authorizing the retirement board to establish reporting requirements; specifying applicability; and providing for an effective date.

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



**Section 1.** W.S. 9-3-402(a)(i), 9-3-405 by creating a new subsection (d), 9-3-421 by creating a new subsection (d), 9-3-424(a), 9-3-602(a) by creating a new paragraph (xxi), 9-3-617(a), 9-3-702(a) by creating a new paragraph (xi) and by renumbering (xi) as (xii), 9-3-709, 15-5-402(a) by creating a new paragraph (xvi) and 15-5-414 are amended to read:

**9-3-402. Definitions.**

(a) As used in this article:

(i) “Account” or “member account” means:

(A) For a member who has a minimum of four (4) years of service or a member initially employed before July 1, 2018, the member’s contributions, the member’s contributions paid by an employer under W.S. 9-3-412 and any amounts transferred to the system from a terminated system on behalf of the member, plus interest compounded annually at a rate determined by the board not to exceed the average annual investment yield earned on the assets of the system;

(B) For a member who has fewer than four (4) years of service and who is initially employed on or after July 1, 2018, only the member contributions paid by a reduction in cash salary of the member together with the interest on those contributions.

**9-3-405. Retirement board duties and powers.**

(d) For purpose of calculating member accounts, the board may establish reporting requirements for any retirement plan, program and system administered by the board to determine the amount or percentage of the employee or member contribution that is paid by a reduction in cash salary of the employee or member.

**9-3-421. Death benefits; monthly benefit option; refund of excess employee contributions plus interest; medical insurance premiums.**

(d) For purposes of determining a member’s account under this section, if a member dies before the member has vested under the system, the member’s account shall consist of the contributions and interest that accrue in the manner for which contributions and interest accrue for a member who is vested.

**9-3-424. Refund of contributions upon termination of employment; procedure; reposit; limitation on refund.**

(a) Except as provided in subsection (b) of this section, any member covered by this article, including an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(III) or (IV), who terminates his employment or any employee of the agricultural extension service of the University of Wyoming who has not elected to continue to be covered by this article is entitled to a refund of his account. In addition, any member who is entitled to a refund who is an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(III), shall be

entitled to a refund of ~~all contributions made to his account~~ plus any employer matching contributions made by that member. In addition, any member who is entitled to a refund who is an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(IV), shall be entitled to a refund of ~~all contributions made to his account~~ including plus any employer matching contributions made by that member. The refunds shall be made only upon written request to the board. A member may elect, at the time and in the manner prescribed by the system, to have the refund of his account paid directly to an eligible retirement plan as specified by the member. Any member who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this article may redeposit a single lump-sum amount equal to the amount of the contributions withdrawn, together with an amount equal to the actuarial equivalent of the benefits to be derived from the redeposit, past employer contributions, the individual's attained age and the benefit structure of the appropriate plan, and upon earning not less than two (2) years service credit, may reestablish his service credits as of the time of withdrawal of his contributions. For service prior to July 1, 2002, any law enforcement member covered under W.S. 9-3-432 may redeposit the amount of contributions withdrawn for service covered under W.S. 9-3-432, in a lump sum, together with interest and the actuarial equivalent of the difference between the benefit provided under W.S. 9-3-415 through 9-3-419 and the benefit provided under W.S. 9-3-432, and upon earning not less than two (2) years service credit, may reestablish his service credit as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this subsection shall be made not later than ten (10) years following the date of reemployment or prior to retirement, whichever first occurs. A member may make a redeposit under this subsection 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. Unless otherwise permitted by section 401(a)(8) of the Internal Revenue Code, forfeitures shall not be applied to increase the benefits that any employee would otherwise receive under the system.

**9-3-602. Definitions.**

(a) As used in this article:

(xxi) "Member account" means:

(A) For an employee who has six (6) or more years of service to his credit or an employee initially employed before July 1, 2018, the employee's contributions paid from any source;

(B) For an employee who has fewer than six (6) years of service to his credit and who is initially employed on or after July 1, 2018, only the employee's

contributions paid by a reduction in cash salary of the employee.

**9-3-617. Refund of contributions upon termination of employment; redeposit of withdrawn contributions; purchase of service credits.**

(a) Except as provided in subsection (c) of this section, any employee covered by this article who terminates his employment and elects not to continue to be covered by the retirement program is entitled to a refund of his contributions member account together with the regular rate of interest specified by the retirement board. Refunds may be made only upon written request to the board. Any employee who withdraws from the retirement program under this subsection shall forfeit all rights to further benefits, employer contributions and service credit under this article.

**9-3-702. Definitions.**

(a) As used in this act:

(xi) “Member account” means:

(A) For an employee who has a minimum of four (4) years of service or an employee initially employed before July 1, 2018, the employee’s contributions paid from any source;

(B) For an employee who has fewer than four (4) years of service and who is initially employed on or after July 1, 2018, only the employee’s contributions paid by a reduction in cash salary of the employee.

(xi)(xii) “This act” means W.S. 9-3-701 through 9-3-713.

**9-3-709. Refund of contributions upon termination of employment; procedure; redeposit; limitation on refund.**

Any employee covered by this act who terminates his employment is entitled to a refund of ~~the amount of the employee’s contributions~~ his member account plus interest thereon. The refunds shall be made only upon written request to the board. Any employee who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this act may redeposit the amount of the contributions withdrawn, in lump sum, together with interest, and upon earning not less than two (2) years credited service, may reestablish his service credits as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this section shall be made not later than ten (10) years following the date of reemployment or prior to retirement, whichever first occurs.

**15-5-402. Definitions.**

(a) As used in this article:

(xvi) “Accumulated contributions” means:

(A) For a member who has a vested right to a service pension or a

member initially employed before July 1, 2018, the member's contributions paid from any source:

(B) For a member who is neither eligible for a service nor disability pension nor has a vested right to a service pension and who is initially employed on or after July 1, 2018, only the member's contributions paid by a reduction in cash salary of the member.

**15-5-414. Death benefit.**

Except as may otherwise be provided in any of the options under W.S. 15-5-413, upon the death of a member, inactive member, retired member or individual receiving a survivor's pension, there shall be paid to the designated beneficiary or beneficiaries or, in the absence of a designated beneficiary, to the estate of the member, inactive member, retired member or survivor, a lump sum equal to the excess, if any, of the ~~accumulated member~~ member's contributions paid from any source without interest over the aggregate of all pension payments made.

**Section 2.**

(a) This act shall apply to the distribution of benefits subject to this act made on and after the effective date of this act.

(b) Nothing in this act shall be construed to modify or impair existing contracts or other obligations executed prior to the effective date of this act.

**Section 3.** This act is effective July 1, 2018.

Approved March 9, 2018.

## Chapter 32

### OVERWEIGHT VEHICLES-AGRICULTURE EXEMPTION

Original House Bill No. 164

AN ACT relating to motor vehicles; exempting agricultural vehicles from specified motor vehicle requirements; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 31-18-103(a)(iv) and (v) is amended to read:

**31-18-103. Exemptions.**

(a) The provisions contained in W.S. 31-18-104, 31-18-209, 31-18-301 and 31-18-304 do not apply to:

(iv) Intrastate transportation on his own motor vehicle or combination of vehicles ~~having a gross vehicle weight of less than eighty thousand (80,000) pounds~~ by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own

use to and from his farm or ranch;

(v) The exchange of intrastate transportation in their own motor vehicles, or combination of vehicles ~~having a gross vehicle weight of less than eighty thousand (80,000) pounds~~ by farmers or ranchers, or the employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;

**Section 2.** On or before July 1, 2018, the department of transportation shall adopt any rules necessary to implement this act.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

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

Approved March 10, 2018.

## Chapter 33

### MOTOR CLUB SERVICES UPDATES

Original House Bill No. 35

AN ACT relating to insurance; amending definitions for motor club services; amending requirements for motor club membership cards or certificates; repealing requirements and procedures for motor club agent licenses; and providing for an effective date.

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

**Section 1.** W.S. 31-14-102(a)(vi), (vii), (xii) and (xiv), 31-14-110, 31-14-115 and 31-14-116(a)(ii) and (v) are amended to read:

**31-14-102. Definitions.**

(a) As used in this act:

(vi) "Discount service" means an arrangement by a motor club resulting in giving special discounts, rebates or reductions of price on gasoline, oil, repairs, parts, accessories or service for motor vehicles or other goods and services to holders of service contracts with the club;

(vii) "Emergency road service" means ~~the adjustment, repair or replacement any act~~ by a motor club consisting of fuel delivery, extrication, lockout service, key replacement, repair, replacement or other adjustment of the equipment, tires or mechanical parts of a motor vehicle so as to permit it to be operated under its own power;

(xii) "Motor club" means a person directly or indirectly engaged, ~~either as~~

~~principal or agent, in selling or offering for sale, furnishing or procuring motor club service;~~

(xiv) "Service contract" means a written agreement whereby any person promises for a consideration to render, furnish or procure motor club service for any other person and includes contracts satisfying the requirements of W.S. 31-14-119;

**31-14-110. Continuation of certificate of authority.**

~~Every certificate of authority issued to a motor club shall expire annually on July 1, of each year, unless sooner revoked or suspended continue in force until suspended or revoked by the commissioner or terminated at the motor club's request, subject to payment each year before July 1, of the annual licensing fee provided in W.S. 31-14-109(a)(ii) and subject to providing proof of the financial security requirement in W.S. 31-14-103 on a form the commissioner prescribes.~~

**31-14-115. Proof of membership; date and signature on service contract.**

~~Every service contract executed, issued or delivered in this state shall be accompanied by a membership card or certificate and shall be dated and signed by the motor club issuing it proof of membership provided to the contract holder.~~

**31-14-116. Contents of service contract.**

(a) A service contract shall not be executed, issued or delivered in this state unless it contains the following:

(ii) ~~The exact location of its home office and of its usual place of business in this state, giving street number and city any business office in the United States, phone number, email address or other contact information to which consumer inquiries may be made;~~

(v) A statement in not less than fourteen (14) point ~~modern bold~~ type at the head of the contract stating, "This is not an automobile liability or physical damage insurance contract."

**Section 2.** W.S. 31-14-102(a)(iv) and 31-14-120 through 31-14-129 are repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 34

### INSTREAM FLOW CONSULTANT

AN ACT relating to water; providing that consultant and other associated costs related to feasibility studies on instream flows shall be borne by the game and fish commission; and providing for an effective date.

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

**Section 1.** W.S. 41-3-1004(a) is amended to read:

**41-3-1004. Water development commission to determine storage feasibility; report to the game and fish commission and the legislature.**

(a) Immediately after permits have been applied for under W.S. 41-3-1003(c), the water development commission shall determine the feasibility of providing instream flows for the recommended segments of streams from unappropriated direct flows or from existing storage facilities or from new facilities. The feasibility study shall include a determination of water necessary to maintain or improve existing fisheries for water rights under W.S. 41-3-1001(b) or of water necessary to provide fisheries for water rights under W.S. 41-3-1001(a). The feasibility study shall also include the availability of storage sites, the estimated cost of providing any required storage and such other findings and conclusions as the water development commission deems appropriate. The cost of any consultant and any associated costs that the water development commission determines are necessary to complete a feasibility study under this section shall be borne by the game and fish commission. The water development commission shall consult with the game and fish commission prior to entering into any contract related to a feasibility study under this section.

**Section 2.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 35

### SCHOOL FINANCE-MAJOR MAINTENANCE FORMULA

Original House Bill No. 32

AN ACT relating to school finance; modifying the formula and payment structure for major maintenance funding for public K-12 schools; revising the definition of major maintenance; amending requirements for school building and facility assessments; revising priorities for school district facility plans; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-15-109(a)(iii), (b), (c)(i)(intro) and (v), 21-15-115(b)(i) and 21-15-116(a)(intro) are amended to read:

**21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.**

(a) As used in this act:

(iii) “Major building and facility repair and replacement” means the repair or replacement of complete or major portions of school 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 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.; The term includes the following categories as hereafter defined:

(A) “Code compliance” means system improvements or site improvements that are mandated in writing by an authority having jurisdiction for the continued use of a school building or facility;

(B) “Site improvements” means the repair, replacement or upgrade of those components or equipment of school district buildings and facilities that are not system improvements, including the repair, replacement or upgrade of:

(I) Sidewalks;

(II) Parking lots;

(III) Athletic tracks;

(IV) Playground features;

(V) Outdoor security features;

(VI) Landscaping;

(VII) Drainage systems; or

(VIII) Similar components or equipment.

(C) “System improvements” means the repair, replacement or upgrade of components or equipment of school district buildings, including:

(I) Structural systems;

(II) Fire protection systems;

(III) Indoor security features;

(IV) Electrical, plumbing, heating, ventilation or air conditioning systems;

(V) Roofs;

(VI) Windows;

(VII) Information technology systems; or

(VIII) Similar components or equipment.

(b) To the extent funds are available, on July 1 of each year, the state construction department shall, based upon square footage computations computed ~~on September 1~~ of from the prior school year, distribute seventy-five percent (75%) of the estimated major building and facility repair and replacement



payments to each school district from the school capital construction account. On or before September 30 of each year the department shall distribute the balance of payments to each school district. If funds within the account are not sufficient for payments ~~on July 1~~ of any school year, the department shall ~~distribute payments from the account on or before September 30 and March 31 of that school year~~ reduce all district payments by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

(c) To compute the major building and facility repair and replacement payment for each district, the department shall:

(i) ~~Annually on or before September 1,~~ Determine the total number of gross square feet of school buildings and facilities within the district from the prior school year according to guidelines prescribed by rule and regulation of the commission, subject to the following:

(v) Multiply the adjusted square footage amount for each district's educational buildings determined under paragraph (c)(iii) of this section and the amount determined under paragraph (c)(ii) of this section for all remaining building categories of that district, times a replacement value cost factor established for each building category by the department computed using data from August 1 of the prior school year based upon the median estimate in the most current edition of ~~the R. S. Means~~ a nationally recognized, quarterly published construction cost index that provides cost indices for elementary schools, junior high schools, high schools, offices and warehouses by city or town, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis;

**21-15-115. Statewide standards for school building and facility adequacy; adequacy assessment.**

(b) The department shall maintain the comprehensive assessment of the adequacy of existing school buildings and facilities and of future space requirements within the state. Maintenance of the assessment shall include district reporting of new construction and major building and facility repair and replacement activities in accordance with guidelines prescribed by rule and regulation of the commission, the results of department on-site visitations and inspections of buildings and facilities and needs assessment data and verification of building and facility ratings through periodic review. The assessment shall be designed and maintained to provide timely and uniform statewide data on all of the following:

(i) The condition of school buildings and facilities, seismic ratings and

structural integrity. Each school building and facility component or system shall be rated as excellent, good, fair, poor or failure;

**21-15-116. School district facility plans; development, review and approval; plan criteria; administrative review; collaborative committee process.**

(a) In accordance with rules and regulations of the commission, long range comprehensive school building and facility plans for each school district shall be developed by the department in coordination with the applicable district, which address district wide building and facility needs. The facility plan shall identify building and facility needs ~~in accordance~~ aligned with the statewide adequacy standards, actions to remediate building and facility needs including construction, renovation and major building and facility repair and replacement expenditures, and any local enhancements to buildings and facilities beyond statewide adequacy standards. The facility plan shall include a response to each school building and facility need identified on a building-by-building, space-by-space basis. The plan shall also review, and to the extent practical, identify and prioritize nonconstruction alternatives to school building and facility needs such as building closure, modification of school boundaries, modification of school grade configurations and similar approaches. Demolition or use, lease or other methods of disposition of surplus buildings and facilities shall be incorporated as part of the district plan, including the disposition of any existing land owned by the district. The plan shall not include the abandonment or demolition of any school facility or building unless there has first been a public hearing on the issue. The plan shall also specify identified alternative methods of building disposition, proposed allocation of costs incurred or revenues resulting from disposition and allocation of disposition revenues to offset any costs paid by the department. In addition, district facility plans shall include:

**Section 2.** W.S. 21-15-109(c)(i)(C) is repealed.

**Section 3.** The provision of this act that requires the state construction department to increase or reduce a subsequent school district major maintenance payment in the event a school district receives an excessive or deficient distribution shall not apply to major maintenance distributions made to school districts prior to the effective date of this act.

**Section 4.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 36

### SCHOOL FINANCE-CAPITAL CONSTRUCTION AMENDMENTS

AN ACT relating to school buildings and facilities; clarifying the buildings to be included in the computation of major maintenance payments to school districts; clarifying how emergency funds may be used; requiring school facilities commission approval for alternate design and construction; requiring school facilities commission approval for school districts to dispose of buildings and land; repealing obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 21-15-109(c)(iii)(intro), 21-15-120(b), 21-15-121(a)(viii) and 21-15-123(f)(v)(H), (vi) and (viii) are amended to read:

**21-15-109. Major building and facility repair and replacement payments; computation; square footage allowance; use of payment funds; accounting and reporting requirements.**

(c) To compute the major building and facility repair and replacement payment for each district, the department shall:

(iii) Except as otherwise provided by this paragraph, adjust the total amount of gross square footage determined for educational buildings under subparagraph (c)(ii)(C) of this section shall be adjusted by excluding from computations under this section the square footage for those educational buildings closed and not operational as provided for under paragraph (c)(iv) of this section and any amount including the gross square footage of portable buildings, but excluding the gross square footage of buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section, which exceeds capacity levels specified by this paragraph which are above the statewide minimum gross square footage criteria as prescribed by the statewide building and facility adequacy standards promulgated under W.S. 21-15-115(a). For the purpose of adjusting the gross square footage of educational buildings under this paragraph, the gross square footage of buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section shall not be excluded. For purposes of this section, per student gross square footage criteria prescribed by the statewide building adequacy standards shall be based upon an average daily membership (ADM) computed as defined under W.S. 21-13-101(a)(i) for the prior school year. For purposes of computations under this section, the allowable capacity in educational building gross square footage for each district including portable buildings but excluding buildings used for the provision of certified child care, developmental preschool and cooperative education programs pursuant to subparagraph (c)(i)(A) of this section, shall be as follows:

**21-15-120. Emergency facility needs.**

(b) Upon a finding that an emergency exists under subsection (a) of this section, the commission shall in accordance with rules and regulations promulgated by the commission under this subsection and to the extent funds

are available within the school capital construction account or otherwise made available by the legislature, acquire facilities and equipment, undertake school building and facility repairs, fund additional operating expenses incurred in providing temporary measures and other responses to the emergency situation including necessary investigative and qualified contract assistance expenses incurred by the commission, as necessary to enable the district to provide educational programs required by law on a temporary basis until permanent action can be taken to address school building and facility adequacy.

**21-15-121. Annual school building status report to select committee on school facilities.**

(a) Not later than September 1 of each year, the commission shall submit a report to the select committee on school facilities on progress being made under the school capital facilities system established under this act. The report shall be incorporated into the proposed budget submitted to the select committee under W.S. 21-15-119 and shall include:

(viii) Any expenditures for emergency school building and facility needs under W.S. 21-15-120.

**21-15-123. State construction department; duties and authority relating to school facilities.**

(f) The state construction department shall:

(v) Enter into or approve construction or renovation project agreements with school districts, as appropriate. Each agreement shall:

(H) Allow for alternate design and construction delivery methods as defined in W.S. 16-6-701 for provision of design and construction services, if approved by the commission; and

(vi) Review district plans-proposals for the disposition or demolition of buildings and facilities made surplus by an approved construction or renovation project or by changes in school population, including allocation of resulting costs and revenues and report the plans-proposals to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. ~~The district shall have final authority over the disposition or demolition of any surplus buildings or facilities, except that~~ The commission, after receiving a report of the review by the department, ~~may disapprove any plans shall approve the proposal~~ related to disposition or demolition submitted pursuant to this paragraph ~~if unless~~ the commission determines that the ~~plans do proposal does~~ not protect the

financial interests of the state or ~~are~~<sup>is</sup> not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

(viii) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's facility plan, and determine the impact of the land disposition upon that plan. The department shall report the review to the commission. ~~The district shall have final authority over the sale of existing land owned by the district, except that~~ The commission, after receiving a report of the review by the department, ~~may disapprove any plans shall approve the proposal~~ related to a sale submitted pursuant to this paragraph if unless the commission determines that the ~~plans do~~ proposal does not protect the financial interests of the state or ~~are~~<sup>is</sup> not otherwise in the public interest. If the commission determines land disposition adversely impacts the cost-effectiveness of the district's facility plan, the revenues resulting from land disposition shall be considered by the commission in any future building or facility remedy for that district and, notwithstanding paragraph (vi) of this subsection, the commission may direct the department of education to consider or count those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

**Section 2.** W.S. 21-15-109(c)(iii)(A) and (B) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 37

### DUPLICATE TITLES-MOTOR VEHICLES

Original House Bill No. 34

AN ACT relating to title and registration; removing bonding requirements and waiting periods for duplicate certificates of title for motor vehicles and motor homes as specified; and providing for an effective date.

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

**Section 1.** W.S. 31-2-105(a) and 31-2-505 are amended to read:

**31-2-105. Duplicate titles; affidavit of vehicle ownership.**

(a) Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE". ~~No duplicate certificate~~

shall be issued before the 11th day after the affidavit is filed unless the owner deposits an indemnity bond to the state of Wyoming with the county clerk as specified in this section.

**31-2-505. Duplicate titles.**

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

**Section 2.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 38

### WORKER'S COMPENSATION-EXTRATERRITORIAL RECIPROCITY

Original House Bill No. 10

AN ACT relating to worker's compensation; specifying applicability of other states' worker's compensation laws in situations of reciprocity; and providing for an effective date.

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

**Section 1.** W.S. 27-14-301(a)(intro) and 27-14-306(b) are amended to read:

**27-14-301. Applicability of provisions; reciprocity.**

(a) This act applies to all injuries and deaths occurring in Wyoming in employment described in W.S. 27-14-108(a), (d), (e), (j), (k) or (m) ~~and but applies to injuries and deaths occurring in Wyoming to employees of nonresident employers only if the worker's compensation or similar law of the nonresident employer's home state applies to all injuries and deaths occurring in that state or the nonresident employer's home state and Wyoming have~~

an active agreement under W.S. 27-14-306(d). This act applies to all injuries and deaths occurring outside of Wyoming in employment described in W.S. 27-14-108(a), (d), (e), (j), (k) or (m) under the following conditions:

**27-14-306. Extraterritorial applicability of provisions; reciprocity.**

(b) A certificate from an authorized officer of the worker's compensation department or similar agency of another state certifying that an employer of that state is bound by the worker's compensation or similar law of that state and the law will be applied to employees of the employer while in this state, is prima facie evidence of the application of the worker's compensation or similar law of the certifying state. This subsection shall apply only when the certifying state accepts Wyoming worker's compensation certification as prima facie evidence of the application of Wyoming worker's compensation or similar law or when the certifying state and Wyoming have an active agreement under subsection (d) of this section.

**Section 2.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 39

### NONRESIDENT EMPLOYER BONDING

Original House Bill No. 18

AN ACT relating to labor and employment; amending the surety bond or other security requirements for nonresident employers; and providing for an effective date.

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

**Section 1.** W.S. 27-1-106(a) and (b) is amended to read:

**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~~ four thousand dollars (\$4,000.00) in any month as a result of conducting business within Wyoming, are required to file with the director of the department of workforce services a surety bond or other security meeting the requirements of this section, approved by the director, ~~and the attorney general.~~

(b) The bond or other security required by subsection (a) of this section shall be in the amount of ~~twenty thousand dollars (\$20,000.00)~~ eight thousand dollars (\$8,000.00) plus an additional two thousand dollars (\$2,000.00) for each ~~one hundred twenty thousand dollars (\$120,000.00)~~ one thousand dollars

(\$1,000.00) or fraction thereof that the expected wages in any month exceed one hundred twenty thousand dollars (\$120,000.00) annually. four thousand dollars (\$4,000.00) up to expected wages in any month of twenty thousand dollars (\$20,000.00). For expected wages in any month that exceed twenty thousand dollars (\$20,000.00), the bond or other security amount shall be one thousand dollars (\$1,000.00) for each additional one thousand dollars (\$1,000.00) or fraction thereof of expected wages.

**Section 2.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 40

### ELECTION LAW VIOLATIONS-PENALTIES AND ENFORCEMENT

Original House Bill No. 2

AN ACT relating to elections; modifying penalties imposed upon persons failing to file campaign reports; providing for the collection of delinquent civil penalties, interest and other costs for failing to file campaign reports; repealing criminal penalties for failing to file campaign reports; amending elements and penalties for registration offenses and false voting; modifying enforcement provisions for violations of the Election Code; imposing duties on the secretary of state; and providing for effective dates.

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

**Section 1.** W.S. 22-25-108(a), (b) and by creating new subsections (f) through (m), 22-26-102(a)(intro), (i) and by creating new subsections (b) through (e), 22-26-106(a)(intro), (i), (iii) and by creating new subsections (b) through (e) and 22-26-121 are amended to read:

**22-25-108. Failure of persons to file reports; notice; penalties; reconsideration.**

(a) ~~Candidates~~ Any person required to file a report under W.S. 22-25-106 shall be given notice prior to an election, by the appropriate filing office specified under W.S. 22-25-107, that failure to file; the report within the time required; a full and complete itemized statement of contributions if required pursuant to W.S. 22-25-107 and a statement of contributions and expenditures by that section shall subject the candidate person to civil penalties as provided in subsection (e)-(f) of this section. The notice shall inform any candidate's campaign committee, organization, political party or political action committee that the officers responsible for filing the report shall be subject to the same civil penalties as the candidate's campaign committee, organization, political party or political action committee for failure to file the report.

(b) ~~A candidate~~ Any person who fails to file the statement of contributions required by the seventh day before the election a report under W.S. 22-25-106 within the time required by that section shall have his/their name printed on a list drafted by the appropriate filing office, specified under W.S. 22-25-107. The



~~list filing office shall:~~

~~(i) Immediately be posted post the list in the filing office and made make the list available to the public;:~~

~~(ii) Notify the person at their address of record that the person has twenty-one (21) days from the date the notice was sent to comply with W.S. 22-25-106 or be subject to civil penalties as provided in subsection (f) of this section.~~

~~(f) The appropriate filing office or the county attorney, for reports required to be filed with the county clerk, shall issue a final order imposing the civil penalty specified in this subsection against any person failing to comply with W.S. 22-25-106 twenty-one (21) days from the date the notice was sent under subsection (b) of this section. The final order shall be sent to the person at their address of record and shall notify the person of the right to request reconsideration of the order as provided in subsection (h) of this section. The filing office or county attorney shall impose the following civil penalty in the final order:~~

~~(i) Five hundred dollars (\$500.00) for a failure to file a report with the secretary of state;~~

~~(ii) Two hundred dollars (\$200.00) for a failure to file a report with the county clerk.~~

~~(g) Any candidate required to file a report under W.S. 22-25-106 who authorizes the candidate's campaign committee to file on their behalf as provided by W.S. 22-25-106(j) shall be jointly and severally liable with the candidate's campaign committee for any civil penalty imposed under this section.~~

~~(h) Any person may, within twenty (20) days of the date of a final order issued pursuant to subsection (f) of this section, request reconsideration of the order and submit documentation to the appropriate filing office or county attorney showing good cause for a failure to file a report. The filing office or county attorney may, after a decision finding good cause, waive any civil penalty imposed under this section provided that the person files the report within the time specified in the decision. A decision to not waive an imposed penalty by the secretary of state is subject to the contested case procedures of the Wyoming Administrative Procedure Act. A decision to not waive an imposed penalty by the county attorney is appealable to a circuit court of appropriate jurisdiction.~~

~~(j) A civil penalty imposed under this section shall be paid within thirty (30) days of the date of the final order issued pursuant to subsection (f) of this section or the date of a decision denying reconsideration by the appropriate filing office or county attorney, whichever is later. Any penalty not paid within the time required by this subsection is delinquent and shall bear interest at a rate of eighteen percent (18%) per annum until paid or collected, provided that no penalty is due and no interest shall accrue during any period in which the penalty is being reviewed by a court or during the pendency of a contested case~~

proceeding. The filing office for the state shall notify the attorney general of a delinquent civil penalty.

(k) A delinquent civil penalty may be recovered in an action brought in the name of the state of Wyoming in any court of appropriate jurisdiction. In addition to any other remedy provided by law for the recovery of the penalty and any interest thereon, the county attorney or the attorney general, as appropriate, may recover any costs or damages relating to the recovery effort including attorney's fees. No filing fee shall be charged for the filing of an action under this subsection nor shall a fee be charged for service of process.

(m) Civil penalties and any interest thereon shall be paid to the clerk of court with jurisdiction over the matter for deposit to the public school fund of the county in which the fine was assessed. Any recovered costs or damages relating to the recovery effort shall be retained by the county or the state, as appropriate.

#### **22-26-102. Registration offenses.**

(a) Registration offenses consist of performing any of the following acts with the intent to deceive a registration official or to subvert the registration requirements of the law or rights of a qualified elector in connection with or related to the election process or an election:

(i) Signing or offering to sign an application to register when not a qualified elector or to register under a false name or residence address;

(b) Unless otherwise provided in subsection (c) of this section, registration offenses are misdemeanor offenses punishable by a fine of not more than two hundred dollars (\$200.00).

(c) Registration offenses committed with the intent to deceive a registration official are high misdemeanor offenses punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(d) Second or subsequent offenses under subsection (c) of this section are felony offenses punishable by not more than five (5) years imprisonment, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(e) The county sheriff shall investigate registration offenses at the request of a county clerk who has reasonable cause to believe that a person has committed a registration offense. After an investigation and a finding that the allegation has merit, the county sheriff shall refer the matter to the district attorney for prosecution in the appropriate courts of this state.

#### **22-26-106. False voting.**

(a) False voting consists of performing any of the following acts in connection with or related to the election process or an election:

(i) Voting, or offering to vote, with the knowledge of when not being a

qualified elector entitled to vote at the election;

(iii) ~~Knowingly Voting~~, or offering to vote, in a precinct other than that in which qualified to vote;

(b) Unless otherwise provided in subsection (c) of this section, false voting is a misdemeanor offense punishable by a fine of not more than two hundred dollars (\$200.00).

(c) False voting committed with the knowledge of not being a qualified elector entitled to vote at the election or in that precinct is a high misdemeanor offense punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(d) Second or subsequent offenses under subsection (c) of this section are felony offenses punishable by not more than five (5) years imprisonment, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(e) The county sheriff shall investigate acts of false voting at the request of a county clerk who has reasonable cause to believe that a person has committed false voting. After an investigation and a finding that the allegation has merit, the county sheriff shall refer the matter to the district attorney for prosecution in the appropriate courts of this state.

**22-26-121. Violations of election code; complaints; investigations and prosecutions.**

~~(a) Any qualified elector aggrieved by~~ Except as otherwise provided in this section, any person may file a written complaint with the secretary of state regarding any violation of the Wyoming Election Code of 1973, as amended; may file a written complaint of the violation with the secretary of state or with the district attorney for the county in which the elector resides by any statewide or legislative candidate, committee or organization. If the secretary of state or the district attorney fails or refuses for any reason to take action on or prosecute the elector's complaint, the elector may file the complaint with finds that the complaint has merit and suspects a violation of the Election Code, he shall refer the complaint to the Wyoming attorney general for investigation and prosecution. ~~If The attorney general finds that the elector's complaint has merit, he may prosecute the complaint in the appropriate courts of this state~~ district court for the district in which the violation was alleged to occur or in the district court for Laramie county if the violation is reasonably believed to occur in more than one (1) judicial district.

~~(b) A chief election officer~~ Except as otherwise provided in this section, any person may file a written complaint with the district attorney or attorney general county clerk regarding any violation of the Wyoming Election Code of 1973, as amended by any county or municipal candidate, committee or organization. If the attorney general county clerk finds that the election officer's complaint has merit, he may prosecute the complaint in the appropriate courts of this

state and if the violation is reasonably believed to occur in more than one (1) district the complaint may be filed in the district court for Laramie county and suspects a violation of the Election Code, the county clerk shall refer the complaint to the district attorney for the county in which the candidate resides for investigation and prosecution.

(c) Complaints that the secretary of state violated the Election Code shall be filed with the attorney general for investigation and prosecution. Complaints that the county clerk violated the Election Code shall be filed with the district attorney for the county for investigation and prosecution.

(d) The secretary of state or the county clerk may refer any suspected violation of the Election Code to the appropriate prosecuting authority as provided in this section.

(e) A complaint of a violation of W.S. 22-26-102 or 22-26-106 shall be filed with the county clerk for the county in which the elector resides and be investigated by the county sheriff as provided in those sections. If the county clerk or other appropriate official specified in W.S. 22-26-102(e) or 22-26-106(e) fails or refuses for any reason to take action on the elector's complaint, the elector may file a complaint with the Wyoming attorney general.

(f) As used in this section:

(i) "County or municipal candidate, committee or organization" means any county or municipal candidate, candidate committee for county or municipal office, political action committee for county or municipal candidate, political action committee or organization supporting or opposing a municipal initiative or referendum petition drive or ballot proposition within a county or political subdivision or any other person not identified in paragraph (ii) of this subsection;

(ii) "Statewide or legislative candidate, committee or organization" means any statewide or legislative candidate, candidate committee for statewide or legislative office, political action committee or organization supporting or opposing any statewide or legislative candidate or any statewide initiative or referendum petition drive or ballot proposition, or state or county party central committee.

**Section 2.** W.S. 22-25-108(c) through (e), 22-25-109 and 22-26-101(a)(i) and (v) are repealed.

**Section 3.** The secretary of state shall develop a form that the secretary of state and county clerks may use to receive written complaints under W.S. 22-26-121, as amended by this act.

**Section 4.**

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

(b) Except as provided in subsection (a) of this section, this act is effective May 1, 2018.

Approved March 10, 2018.

## Chapter 41

### STATE EMERGENCY RESPONSE COMMISSION MEMBERSHIP

Original House Bill No. 100

AN ACT relating to public health and safety; adjusting membership of the state emergency response commission; and providing for an effective date.

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

**Section 1.** W.S. 35-9-153(a)(intro) and (vi) is amended to read:

**35-9-153. State emergency response commission; creation; duties.**

(a) There is created a state emergency response commission that shall consist of members appointed by the governor to advise the director, office of homeland security with respect to activities under this act. The commission shall consist of not less than four (4) members representing the mining, trucking, manufacturing, ~~aviation~~energy and railroad industries, one (1) member each from the legislature, local government, local law enforcement, fire services, the ~~Joint Tribal Council~~Eastern Shoshone tribe, the Northern Arapaho tribe, homeland security, the media, the medical field, emergency medical services and the general public, and one (1) representative from each of the following state agencies:

(vi) The University of Wyoming, ~~environmental health and safety office~~.

**Section 2.** This act is effective July 1, 2018.

Approved March 10, 2018.

## Chapter 42

### CHILD SUPPORT AMENDMENTS

Original House Bill No. 17

AN ACT relating to child support; amending presumptive child support provisions; repealing provisions related to abatements; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 14-2-204(d), 14-3-435(b), 14-6-236(b), 14-6-435(b) and 20-2-304(c), (d) and by creating a new subsection (f) are amended to read:

**14-2-204. Liability for support; right of action; venue; service; measure of recovery; remedies cumulative; execution; continuing jurisdiction; notice.**

(d) The measure of recovery from the defendant is the reasonable value of the care or support, including medical support furnished to the child by the petitioner and the child support ordered pursuant to W.S. 20-2-303, ~~through 20-2-305~~ ~~20-2-304~~, 20-2-307 and 20-2-311. In addition, the court may make other suitable order for future care or support of the child. These remedies are cumulative and in addition to other remedies provided by law. Payments of future support shall be paid to the clerk of the district court.

**14-3-435. Ordering payment for support and treatment of child; how paid; enforcement.**

(b) An order for the payment of money entered against a parent or other person legally obligated to support a child under the provisions of W.S. 14-3-434, 20-2-101 through 20-2-406 or this section shall be entered separately from the decree of disposition under W.S. 14-3-429 and shall not be treated as a part of the confidential court record under W.S. 14-3-437. The order may be filed in the district court of any county in the state. From the time of filing, the order shall have the same effect as a judgment or decree of the district court in a civil action and may be enforced by the district attorney, or the department of family services in the same manner and with the same powers as in other child support cases under W.S. 20-2-303, ~~through 20-2-305~~ ~~20-2-304~~, 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101 through 20-6-222, or in any manner provided by law for enforcement of a civil judgment for money.

**14-6-236. Ordering payment for support and treatment of child; how paid; enforcement.**

(b) An order for the payment of money entered against a parent or other person legally obligated to support a child under the provisions of W.S. 14-6-235, 20-2-101 through 20-2-406 or this section shall be entered separately from the decree of disposition under W.S. 14-6-229 and shall not be treated as a part of the confidential court record under W.S. 14-6-239. The order may be filed in the district court of any county in the state. From the time of filing, the order shall have the same effect as a judgment or decree of the district court in a civil action and may be enforced by the district attorney, or the department of family services in the same manner and with the same powers as in other child support cases under W.S. 20-2-303, ~~through 20-2-305~~ ~~20-2-304~~, 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101 through 20-6-222, or in any manner provided by law for enforcement of a civil judgment for money.

**14-6-435. Ordering payment for support and treatment of child; how paid; enforcement.**

(b) An order for the payment of money entered against a parent or other person legally obligated to support a child under the provisions of W.S. 14-6-434, 20-2-101 through 20-2-406 or this section shall be entered separately from the decree of disposition under W.S. 14-6-429 and shall not be treated as a part of the confidential court record under W.S. 14-6-437. The order may be filed in the district court of any county in the state. From the time of filing, the order shall have the same effect as a judgment or decree of the district court in a civil action and may be enforced by the district attorney, or the department of family services in the same manner and with the same powers as in other child support cases under W.S. 20-2-303, ~~through 20-2-305~~ 20-2-304, 20-2-307, 20-2-311, 20-2-401 through 20-2-406 and 20-6-101 through 20-6-222, or in any manner provided by law for enforcement of a civil judgment for money.

**20-2-304. Presumptive child support.**

(c) When each parent keeps the children overnight for more than ~~forty percent (40%)~~ twenty-five percent (25%) of the year and both parents contribute substantially to the expenses of the children in addition to the payment of child support, a joint presumptive shared responsibility child support obligation shall be determined by use of the tables multiplying the parents' total child support obligation as derived from subsection (a) of this section by one hundred fifty percent (150%). After the joint presumptive shared responsibility child support obligation is derived from column three of the tables determined, that amount shall be divided between the parents in proportion to the net income of each. The proportionate share of the total obligation of each parent shall then be multiplied by the percentage of time the children spend with the other parent to determine the theoretical support obligation owed to the other parent. The parent owing the greater amount of child support shall pay the difference between the two (2) amounts as the net child support obligation.

(d) When each parent has physical custody of at least one (1) of the children, a joint presumptive shared responsibility child support obligation for all of the children shall be determined by use of the tables. The joint presumptive shared responsibility child support amount shall be divided by the number of children to determine the presumptive support obligation for each child, which amount shall then be allocated to each parent based upon the number of those children in the physical custody of that parent. That sum shall be multiplied by the percentage that the other parent's net income bears to the total net income of both parents. The obligations so determined shall then be offset, with the parent owing the larger amount paying the difference between the two (2) amounts to the other parent as a net child support obligation.

(f) If the difference between the obligor's net income and the self-support reserve is less than the support obligation as calculated from the tables in subsection (a) of this section, the support obligation shall be set using the difference between the obligor's net income and the self-support reserve. As

used in this subsection “self-support reserve” means the current poverty line for one (1) person as specified by the poverty guidelines updated periodically in the Federal Register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2).

**Section 2.** W.S. 20-2-304(b) and 20-2-305 are repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 10, 2018

### Chapter 43

#### QUEBEC 1 MISSILE ALERT FACILITY-FEES

Original House Bill No. 22

AN ACT relating to state parks and historic sites; authorizing the department of state parks and cultural resources to impose an admissions fee at Quebec 1 missile alert facility as specified; and providing for an effective date.

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

**Section 1.** W.S. 36-8-1602 is amended to read:

**36-8-1602. Administration; fees.**

(a) Upon the execution of a use or lease agreement under this ~~section~~ article, the department of state parks and cultural resources is authorized to administer, operate and maintain the historic site in accordance with the National Historic Preservation Act of 1966, as amended, and the programmatic agreement between the United States department of the air force and the department of state parks and cultural resources. The historic site shall be open to the public for a seasonal period as determined by the department of state parks and cultural resources.

(b) Notwithstanding any other provision of law, the department of state parks and cultural resources may impose an admissions fee in excess of fees charged for admissions to other state parks and sites to fund necessary expenses incurred for development, operations, personnel and maintenance of the Quebec 1 missile alert facility. Funds collected from the admissions fee shall be deposited in a separate account and are continuously appropriated to the department to pay expenses authorized by this subsection. The remaining funds collected from the admissions fee at the end of the fiscal year may be deposited in the state parks account and expended in accordance with W.S. 36-4-121(h). Revenues and expenditures under this subsection for each of the immediately preceding two (2) fiscal years shall be reported within the department’s biennial budget request submitted under W.S. 9-2-1013.

**Section 2.** The department of state parks and cultural resources shall report on



the operations of the Quebec 1 missile alert facility to the joint appropriations committee and the joint travel, recreation, wildlife and cultural resources interim committee on or before November 1, 2020. The report shall indicate whether the net proceeds from admissions fees collected during the previous two (2) fiscal years meet the expenses incurred during the same period.

**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 10, 2018..

## Chapter 44

### OPEN BLOCKCHAIN TOKENS-EXEMPTIONS

Original House Bill No. 70

AN ACT relating to securities; providing that a person who develops, sells or facilitates the exchange of an open blockchain token is not subject to specified securities and money transmission laws; providing specified verification authority to the secretary of state and banking commissioner; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 17-4-206 is created to read:

**17-4-206. Open blockchain token exemption.**

(a) Except as otherwise provided by subsection (c) of this section, a developer or seller of an open blockchain token shall not be deemed the issuer of a security and shall not be subject to the provisions of W.S. 17-4-301 through 17-4-412 and 17-4-504 if all of the following are met:

(i) The developer or seller of the token, or the registered agent of the developer or seller, files a notice of intent with the secretary of state, as specified in subsection (d) of this section;

(ii) The purpose of the token is for a consumptive purpose, which shall only be exchangeable for, or provided for the receipt of, goods, services or content, including rights of access to goods, services or content; and

(iii) The developer or seller of the token did not sell the token to the initial buyer as a financial investment. This paragraph shall only be satisfied if:

(A) The developer or seller did not market the token as a financial investment; and

(B) At least one (1) of the following is true:

(I) The developer or seller of the token reasonably believed that it sold the token to the initial buyer for a consumptive purpose;

(II) The token has a consumptive purpose that is available at the time of sale and can be used at or near the time of sale for use for a consumptive purpose;

(III) If the token does not have a consumptive purpose available at the time of sale, the initial buyer of the token is prevented from reselling the token until the token is available for use for a consumptive purpose; or

(IV) The developer or seller takes other reasonable precautions to prevent buyers from purchasing the token as a financial investment.

(b) Except as otherwise provided by subsection (c) of this section, a person who facilitates the exchange of an open blockchain token shall not be deemed a broker-dealer or a person who otherwise deals in securities under this chapter and shall not be subject to the provisions of W.S. 17-4-301 through 17-4-412 and 17-4-504 if all of the following are met:

(i) The person, or the registered agent of the person, files a notice of intent with the secretary of state, as specified in subsection (d) of this section;

(ii) The person has a reasonable and good faith belief that a token subject to exchange conforms to the requirements of paragraphs (a)(i), (ii) and (iii) of this section; and

(iii) The person takes reasonably prompt action to terminate the exchange of a token that does not conform to the requirements of this subsection.

(c) Notwithstanding any other provision of law, a developer, seller or a person who facilitates the exchange of an open blockchain token is subject to the provisions of W.S. 17-4-501 through 17-4-503 and 17-4-505 through 17-4-510 only to the extent necessary to carry out those sections. The secretary of state shall have the authority provided under W.S. 17-4-601 through 17-4-613 to determine compliance with the provisions of this section, including whether a person qualifies for the exemptions set forth in this section. The evidentiary burdens specified in W.S. 17-4-503 shall apply in any proceeding initiated by the secretary of state pursuant to this subsection.

(d) A developer, seller or a person who facilitates the exchange of an open blockchain token, or the registered agent of the applicable person, shall electronically file a notice of intent with the secretary of state before the person shall qualify for an exemption under this section. The notice of intent shall contain the name of the person acting as a developer, seller or facilitator, the contact information of the person or the registered agent of the person and specify whether the person will be acting as a developer, seller or facilitator. A secure form shall be made available by the office of the secretary of state on its internet website for this purpose.

(e) As used in this section, "open blockchain token" means a digital unit which is:

(i) Created:

(A) In response to the verification or collection of a specified number of transactions relating to a digital ledger or database;

(B) By deploying computer code to a blockchain network that allows for the creation of digital tokens or other units; or

(C) Using any combination of the methods specified in subparagraphs (A) and (B) of this paragraph.

(ii) Recorded in a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature, especially relating to the supply of units and their distribution; and

(iii) Capable of being traded or transferred between persons without an intermediary or custodian of value.

**Section 2.** W.S. 17-4-102(a)(iv)(D), (E), by creating a new subparagraph (F), (xvii)(intro), (xxviii)(D), (E) and by creating a new subparagraph (F), 40-22-104(a)(iv), (v) and by creating a new paragraph (vi) and 40-22-126 by creating a new subsection (b) and by renumbering (b) through (f) as (c) through (g) are amended to read:

**17-4-102. Definitions.**

(a) In this act, unless the context otherwise requires:

(iv) “Broker-dealer” means a person engaged in the business of effecting transactions in securities for the account of others or for the person’s own account. The term does not include:

(D) An international banking institution;~~or~~

(E) A person excluded by rule adopted or order issued under this act;~~;~~

or

(F) A person who facilitates the exchange of an open blockchain token, as defined in W.S. 17-4-206(e) and subject to W.S. 17-4-206(c).

(xvii) “Issuer” means a person that issues or proposes to issue a security, subject to W.S. 17-4-206(a) and (c) and the following:

(xxviii) “Security” means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; put, call, straddle, option, or privilege on a security, certificate of deposit, or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a “security”; or a certificate of interest or participation in, temporary or interim

certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. The term:

(D) Includes as an “investment contract” an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor and a “common enterprise” means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors; ~~and~~

(E) Includes as an “investment contract,” among other contracts, an interest in a limited partnership and a limited liability company and an investment in a viatical settlement or similar agreement; and

(F) Does not include an open blockchain token, as defined in W.S. 17-4-206(e), except as provided by that section.

#### **40-22-104. Exemptions.**

(a) This act shall not apply to:

(iv) Banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks organized under the laws of any state or the United States provided that they do not issue or sell payment instruments through authorized delegates or subdelegates who are not banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks; ~~and~~

(v) Electronic transfer of government benefits for any federal, state or county governmental agency as defined in Federal Reserve Board Regulation E by a contractor for and on behalf of the United States or any department, agency or instrumentality thereof, or any state or any political subdivisions thereof; or

(vi) A person who develops, sells or facilitates the exchange of an open blockchain token, as defined in W.S. 17-4-206(e).

#### **40-22-126. Unlicensed persons; verification authority regarding exemptions.**

(b) If the commissioner has reason to believe a person is engaged in or is about to engage in any activity which would be subject to this act but for an exemption asserted pursuant to W.S. 40-22-104(a)(vi), and the commissioner has reason to believe the requirements of W.S. 40-22-104(a)(vi) have not been met, the commissioner may issue an order to show cause why an order to cease and desist the activity should not issue.

~~(c)~~(b) In an emergency, the commissioner may petition the district court for the issuance of a temporary restraining order.

~~(d)~~(c) An order to cease and desist becomes effective upon service upon the

person.

~~(e)~~(d) An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to W.S. 40-22-127 and 40-22-128.

~~(f)~~(e) A person served with an order to cease and desist for violating W.S. 40-22-103 may petition the district court for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding pursuant to W.S. 40-22-127 and 40-22-128.

~~(g)~~(f) The commissioner shall commence a contested case proceeding within twenty (20) days after issuing an order to cease and desist.

**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 10, 2018.

## Chapter 45

### PROPERTY TAXATION-DIGITAL CURRENCIES

Original Senate File No. 111

AN ACT relating to property taxation; exempting virtual currencies from property taxation; and providing for an effective date.

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

**Section 1.** W.S. 39-11-105(b)(vi)(A) is amended to read:

**39-11-105. Exemptions.**

(b) The following shall be exempt from property taxation:

(vi) Any of the following intangible items:

(A) Money and cash on hand including currency, gold, silver and other coin, bank drafts, certified checks, ~~and~~ cashier's checks; ~~and virtual currencies.~~ As used in this subparagraph, "virtual currency" means any type of digital representation of value that:

(I) Is used as a medium of exchange, unit of account or store of value; and

(II) Is not recognized as legal tender 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 10, 2018.

**Chapter 46****LIMITED LIABILITY COMPANIES-SERIES**

Original House Bill No. 126

AN ACT relating to limited liability companies; authorizing limited liability companies to establish series of members, managers, transferable interests or assets as specified; specifying powers; providing for limitations on liabilities; providing for management, termination and dissolution; authorizing distributions to members; imposing a requirement on foreign limited liability companies that establish series; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 17-29-211 is created to read:

**17-29-211. Series of members, managers, transferable interests or assets.**

(a) An operating agreement may establish or provide for the establishment of one (1) or more designated series of members, managers, transferable interests or assets. This section shall govern any matter with respect to a series to the extent not otherwise provided in the operating agreement.

(b) Subject to subsection (c) of this section, if an operating agreement establishes or provides for the establishment of a particular series:

(i) The debts, obligations or other liabilities of the particular series, whether arising in contract, tort or otherwise, shall be enforceable against the assets of the series only and not against:

(A) The assets of the limited liability company generally or any other series thereof;

(B) Any member of the limited liability company.

(ii) The debts, obligations or other liabilities of the limited liability company generally or any other series thereof, whether arising in contract, tort or otherwise, shall not be enforceable against the assets of the particular series.

(c) The limitations on liabilities in subsection (b) of this section shall only apply if:

(i) The records for the particular series that account for the assets of the series are separately maintained from the records that account for the assets of the limited liability company or any other series thereof. Records that reasonably identify the assets of a particular series, including by specific listing, category, type, quantity, computational or allocational formula or procedure such as a percentage or share of assets or by any other method where the identity of the assets is objectively determinable, shall be deemed to account for the assets of the particular series separately from the assets of the limited liability company or any other series thereof;

(ii) The operating agreement specifically provides for the limitations on liabilities; and

(iii) Notice of the limitations on liabilities of the particular series is included in the articles of organization. Notice under this paragraph shall be sufficient whether or not the limited liability company has established or referenced any particular series in the notice.

(d) Nothing in this section, an operating agreement or articles of organization shall restrict:

(i) A series or limited liability company on behalf of a series from agreeing in the operating agreement or otherwise that any or all of the debts, obligations or other liabilities of the limited liability company generally or any other series thereof shall be enforceable against the assets of the series;

(ii) A limited liability company from agreeing in the operating agreement or otherwise that any or all of the debts, obligations or other liabilities of a series shall be enforceable against the assets of the limited liability company generally; or

(iii) Notwithstanding W.S. 17-29-304(a), a member or manager from agreeing in the operating agreement or otherwise to be personally liable for any or all of the debts, obligations or other liabilities of a series.

(e) A series established under this section shall have the power and capacity to, in its own name, contract, hold title to assets including real, personal and intangible property, grant liens and security interests and sue and be sued. A series may:

(i) Have separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations;

(ii) Carry on any lawful purpose regardless of whether for profit, except for the purpose of acting as a financial institution or acting as an insurer as defined in W.S. 26-1-102(a)(xvi);

(iii) Hold assets directly or indirectly, including in the name of the series or the name of the limited liability company.

(f) An operating agreement that establishes or provides for the establishment of a series may:

(i) Provide for classes or groups of members or managers of the series having the relative rights, powers and duties specified in the operating agreement;

(ii) Provide for and specify the future creation of additional classes or groups of members or managers of the series having the relative rights, powers and duties as may be established, including rights, powers and duties senior to existing classes and groups of members or managers of the series;

(iii) Provide for the taking of an action, including the amendment of the

operating agreement, without the vote or approval of any member or manager or class or group of members or managers of the series;

(iv) Provide that any member or class or group of members of a series shall have no voting rights;

(v) Grant to all or certain identified members or managers or class or group of members or managers of the series the right to vote on any matter separately or with all or any class or group of members or managers of the series. Voting by members or managers may be on a per capita, number, financial interest, class, group or other basis.

(g) The management of a series shall be vested as follows:

(i) In the members of the series pursuant to W.S. 17-29-407(b). A member shall cease to be a member of a series upon the divestment of all of the member's transferable interests of the series. The fact that a person ceases to be a member of a particular series shall not by itself cause the person to cease to be a member of the limited liability company or any other series thereof or cause the termination of the series, regardless of whether the person was the last remaining member of the series; or

(ii) If the operating agreement provides for the management of the series in whole or in part by a manager, the management shall be vested in one (1) or more managers who shall be chosen as provided in the operating agreement and who shall hold the offices and have the responsibilities as specified in the agreement. A manager shall cease to be a manager of a series as provided in an operating agreement and subject to W.S. 17-29-407(c)(v). The fact that a person ceases to be a manager of a particular series shall not by itself cause the person to cease to be a manager of the limited liability company or any other series thereof.

(h) Notwithstanding W.S. 17-29-404 and subject to subsections (j) and (m) of this section, if a member of a series becomes entitled to receive a distribution, the member has the status of, and is entitled to all remedies available to, a creditor of the series with respect to the distribution. An operating agreement may provide for the establishment of a record date for allocations and distributions associated with a series.

(j) Notwithstanding W.S. 17-29-405(a), a limited liability company may make a distribution with respect to a series that has been established under this section unless the total assets of the series after the distribution would be less than the sum of its total liabilities plus the amount that would be needed, if the series were to be dissolved, wound up and terminated at the time of the distribution, to satisfy the preferential rights upon winding up and termination of members whose preferential rights are superior to those of the persons receiving the distribution. A member that receives a distribution knowing that the distribution was made in violation of this subsection is personally



liable to the series for the amount of the distribution. This subsection shall not affect any obligation or liability of a member under an agreement or other applicable law for the amount of a distribution, except that any action under this subsection shall be subject to W.S. 17-29-406(e). For purposes of this subsection, “distribution” does not include amounts constituting reasonable compensation for present or past services or reasonable payments made in the ordinary course of business under a bona fide retirement plan or other benefits program.

(k) Subject to W.S. 17-29-702, a series established under this section may be terminated and its affairs wound up without causing the dissolution of the limited liability company. The termination of the series shall not affect the limitations on liabilities of the series as provided in subsection (b) of this section. A series is terminated and its affairs shall be wound up upon the occurrence of any of the following:

- (i) The dissolution of the limited liability company under W.S. 17-29-702;
- (ii) The time or happening of events specified in the operating agreement;
- (iii) The vote or consent of members of the series who own more than two-thirds (2/3) of the interests in the profits of the series; or
- (iv) On application by a member or manager of the series, the entry of a court order terminating the series on the grounds that it is not reasonably practicable to carry on the purposes of the series in conformity with the operating agreement.

(m) A person winding up the affairs of a series may, in the name of the limited liability company and for and on behalf of the limited liability company and the series, take all actions with respect to the series as authorized by W.S. 17-29-702. The person shall provide for the claims and obligations of the series and distribute the assets of the series as provided in W.S. 17-29-708. Actions taken in accordance with this subsection shall not affect the liability of members and shall not impose liability on a liquidating trustee appointed in accordance with this subsection. Notwithstanding W.S. 17-29-702, the following persons may wind up the affairs of a series:

- (i) A manager of the series who has not wrongfully terminated the series;
- (ii) If the series has no manager who qualifies under paragraph (i) of this subsection, the members of the series or a person approved by the members;
- (iii) The members who own more than fifty (50%) percent of the interests in the profits of the series;
- (iv) On application of a member or manager of the series or any personal representative or assignee of the member or manager, and upon cause shown, a court or a liquidating trustee appointed by the court.

(n) A foreign limited liability company doing business in this state and

governed by an operating agreement that establishes or provides for the establishment of one (1) or more designated series of members, managers, transferable interests or assets shall state the following on its certificate of authority:

(i) That the operating agreement of the foreign limited liability company establishes or provides for the establishment of series having separate rights, powers or duties with respect to specified property or obligations of the foreign limited liability company or profits and losses associated with specified property or obligations;

(ii) If any of the debts, obligations or other liabilities of any particular series, whether arising in contract, tort or otherwise, shall be enforceable against the assets of the particular series only and not against the assets of the foreign limited liability company generally or any other series thereof;

(iii) If any of the debts, obligations or other liabilities of the foreign limited liability company generally or any other series thereof, whether arising in contract, tort or otherwise, shall be enforceable against the assets of the particular series.

**Section 2.** The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this act.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

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

Approved March 10, 2018.

## Chapter 47

### ELECTRONIC CORPORATE RECORDS

Original House Bill No. 101

AN ACT relating to the Wyoming Business Corporations Act; authorizing corporations to use electronic networks or databases for the creation or maintenance of corporate records; authorizing the use of a data address to identify a corporation's shareholder; authorizing corporations to accept shareholder votes if signed by a network signature that corresponds to a data address; specifying requirements for use of electronic networks or databases; requiring the secretary of state to review its rules for consistency with this act; and providing for an effective date.

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

**Section 1.** W.S. 17-16-140(a)(ix), (xxxvii), (xxxix), by creating new

paragraphs (xlv) through (xlix) and by amending and renumbering (xlv) as (l), 17-16-141(c)(i), by creating a new paragraph (ii) and by amending and renumbering (ii) as (iii), 17-16-142(a)(ii), (iii) and by creating a new paragraph (iv), 17-16-626(b), 17-16-720(a), 17-16-724(a) and (b), 17-16-730(a) and 17-16-1601(c) and (d) are amended to read:

**17-16-140. Definitions.**

(a) In this act:

(ix) “Electronic transmission” or “transmitted electronically” means any process of communication that does not directly involving involve the physical transfer of paper, including a process of communication that uses one (1) or more distributed or other electronic networks or databases, and that is suitable for the retention, retrieval and reproduction of information by the recipient;

(xxxvii) “Shareholder” means the person in whose name shares are registered in the records of a corporation, ~~or~~ the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation or the owner of a private key that is uniquely associated with a data address that facilitates or records the sending and receiving of shares;

(xxxix) “Sign” or “signature” includes any manual, facsimile, conformed or electronic signature or a network signature;

(xlv) “Identity” means the name of a shareholder or the data address for which the shareholder has knowledge or possession of the private key uniquely associated with the data address;

(xlvii) “Data address” means the string of alphanumeric characters on one (1) or more distributed or other electronic networks or databases that may only be accessed by knowledge or possession of a private key in order to facilitate or record transactions on the distributed or other electronic network or database;

(xlviii) “Network signature” means a string of alphanumeric characters that when broadcasted by a shareholder to the data address’s corresponding distributed or other electronic network or database provides reasonable assurances to a corporation that the shareholder has knowledge or possession of the private key uniquely associated with the data address;

(xlix) “Record of shareholders” means one (1) or more records administered by or on behalf of a corporation that records the identity of all the corporation’s shareholders and the number and class of shares held by each shareholder in accordance with W.S. 17-16-1601. “Record of shareholders” includes a record of all issuances and transfers of shares of a corporation at the discretion of the corporation;

(xlv)(l) “This act” means W.S. 17-16-101 through ~~17-16-1820~~ 17-16-1810.

**17-16-141. Notice.**

(c) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective:

(i) Upon deposit in the United States mail, if mailed postpaid and correctly addressed to the shareholder's address shown in the corporation's current record of the shareholders; ~~or~~

(ii) When an electronic transmission has been made to a data address provided by the shareholder; or

~~(ii)~~(iii) When electronically transmitted to the shareholder in a manner otherwise authorized by the shareholder.

**17-16-142. Number of shareholders.**

(a) For purposes of this act, the following identified as a shareholder in a corporation's current record of shareholders constitutes one (1) shareholder:

(i) A corporation, partnership, trust, estate, or other entity; ~~or~~

(iii) The trustees, guardians, custodians, or other fiduciaries of a single trust, estate, or account; ~~or~~ or

(iv) One (1) data address.

**17-16-626. Shares without certificates.**

(b) Within a reasonable time after the issue or transfer of shares without certificates, the corporation shall ~~send~~ give the shareholder a written statement of the information required on certificates by W.S. 17-16-625(b) and (c), and, if applicable, W.S. 17-16-627.

**17-16-720. Shareholders' list for meeting.**

(a) After fixing a record date for a meeting, a corporation shall prepare an alphabetical or numerical list of the ~~names~~ identities of all its shareholders who are entitled to notice of a shareholders' meeting. The list shall be arranged by voting group, and within each voting group by class or series of shares, and show the ~~address of and~~ number of shares held by each shareholder. The list shall also show each shareholder's physical mailing address, if the identity of a shareholder on the list consists of the shareholder's name, and each shareholder's authorized means of receipt for electronic transmissions, if the identity of a shareholder on the list consists of the shareholder's data address.

**17-16-724. Corporation's acceptance of votes.**

(a) If the name or network signature signed on a vote, consent, waiver, or proxy appointment corresponds to the name or data address of a shareholder, the corporation if acting in good faith is entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder.

(b) If the name or network signature signed on a vote, consent, waiver, or proxy appointment does not correspond to the name or data address of its

shareholder, the corporation if acting in good faith is nevertheless entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder if:

(i) The shareholder is an entity and the name or network signature signed purports to be that of an officer or agent of the entity;

(ii) The name or network signature signed purports to be that of an administrator, executor, guardian, or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;

(iii) The name or network signature signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;

(iv) The name or network signature signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, consent, waiver, or proxy appointment; or

(v) Two (2) or more persons are the shareholder as cotenants or fiduciaries and the name or network signature signed purports to be the name or data address of at least one (1) of the coowners and the person signing appears to be acting on behalf of all the coowners.

#### **17-16-730. Voting trusts.**

(a) One (1) or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the ~~names and addresses~~ identities of all owners of beneficial interests in the trust, together with the number and class of shares each transferred to the trust, ~~and deliver~~ The list shall also show each shareholder's physical mailing address, if the identity of a shareholder on the list consists of the shareholder's name, and each shareholder's authorized means of receipt for electronic transmissions, if the identity of a shareholder on the list consists of the shareholder's data address. Copies of the list and agreement shall be delivered to the corporation's principal office.

#### **17-16-1601. Corporate records.**

(c) A record of shareholders administered by or on behalf of a corporation ~~or its agent shall maintain a record of its shareholders, be kept~~ in a form

that permits preparation of a list of the ~~names and addresses~~ identities of all shareholders, in alphabetical or numerical order by class of shares showing the number and class of shares held by each. The list shall also show each shareholder's physical mailing address, if the identity of a shareholder on the list consists of the shareholder's name, and each shareholder's authorized means of receipt for electronic transmissions, if the identity of a shareholder on the list consists of the shareholder's data address. A record of shareholders may show both the shareholder's name and data address.

(d) Records administered by or on behalf of, or maintained by, a corporation shall maintain its ~~may be kept on, or by means of, or be in the form of any information storage device or method or any one (1) or more distributed or other electronic networks or databases~~ provided that the records are kept in written form or in another form capable of conversion into written form within a reasonable time.

**Section 2.** The secretary of state shall review its rules for consistency with this act.

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

Approved March 10, 2018.

## Chapter 48

### VETERANS' SKILLED NURSING CENTER

Original Senate File No. 31

AN ACT relating to veterans; authorizing planning and design for a skilled nursing center for veterans; providing an appropriation; requiring reporting; and providing for an effective date.

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

#### **Section 1.**

(a) With assistance from the veterans' commission and the department of health, the state construction department is authorized to conduct level I and level II planning and design pursuant to W.S. 9-5-108 for a veterans' skilled nursing center.

(b) There is appropriated up to three hundred thousand dollars (\$300,000.00) from the general fund to the state construction department for the level I and level II planning and design authorized in subsection (a) of this section. This appropriation shall be a continuing appropriation available from the effective date of this act until the level I and level II planning and design are completed. Appropriated funds under this subsection shall be expended only on the project

specified in subsection (a) of this section and any unexpended, unobligated funds remaining at completion of the project shall revert to the general fund.

(c) The veterans' commission and department of health shall provide assistance to the state construction department necessary to assure that the veterans' skilled nursing center is planned and designed in a manner that considers impacts on available federal funding.

(d) Any contract required for the level I and level II planning and design authorized in this section shall be in accordance with W.S. 9-2-1016(b).

(e) The state construction department in consultation with the veterans' commission and the department of health shall report on the level I and level II planning and design authorized under this section not later than October 15, 2018 to the state building commission, the joint transportation, highways and military affairs interim committee and the joint appropriations committee.

(f) During the 2018 interim, the labor, health and social services interim committee and the department of health shall conduct a joint study examining the availability of personnel to staff a veterans' skilled nursing center, the availability of nursing home beds in various locations of the state and the potential demand by veterans for a skilled nursing center in various locations of the state. The labor, health and social services interim committee shall present a report on its study to the joint transportation, highway and military affairs interim committee by October 15, 2018.

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

Approved March 12, 2018.

## Chapter 49

### ORGAN DONATION PROMOTION-TASK FORCE

Original Senate File No. 41

AN ACT relating to organ donation; creating an organ, eye and tissue donation task force; specifying task force membership; assigning duties to the governor; specifying task force duties and staffing; requiring a report; and providing for an effective date.

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

#### **Section 1.**

(a) There is created the organ, eye and tissue donation task force to consider means of improving and promoting the organ donation process and system in Wyoming.

(b) The task force shall consist of not more than eight (8) members, appointed

by the governor on or before May 1, 2018. Task force members shall serve without compensation except that a state or local government employee's service on the task force shall be considered part of the employee's regular employment duties for which the employee's regular pay may be earned. The membership shall be as follows:

(i) One (1) member shall be a department of transportation employee knowledgeable of the department's activities related to the organ donation system;

(ii) One (1) member shall be a department of health employee knowledgeable of the department's activities related to the organ donation system;

(iii) One (1) member shall be a member of the public knowledgeable of the organ donation system;

(iv) One (1) member shall be a representative of a federally designated organ procurement organization;

(v) One (1) member shall be a district attorney, county attorney or county prosecutor;

(vi) One (1) member shall be a county coroner;

(vii) One (1) member shall be a rabbi, priest, minister, cleric or other religious counselor;

(viii) One (1) member shall be a representative of an eye bank serving the state of Wyoming.

(c) The governor shall appoint the chairman of the task force.

(d) The task force shall study and consider:

(i) Means of increasing the number of Wyoming residents who volunteer to be anatomical donors;

(ii) Means of improving public outreach and organ donation education, including donation related websites;

(iii) Means of improving the system used to facilitate organ donation at the time of a driver's license application or renewal;

(iv) The costs associated with any recommendations for improvements to the organ donation system;

(v) Other means of improving the organ donation system in Wyoming to increase the number of volunteer organ donors in Wyoming and the number of organs successfully donated in Wyoming.

(e) The task force shall submit a report on or before October 1, 2018 to the governor and the joint labor, health and social services interim committee. The report shall summarize the work of the task force and the task force's efforts



to address the subjects listed in subsection (d) of this section. The report shall provide recommendations for improvements to Wyoming's organ donation system consistent with the goals established in subsection (d) of this section. The report may include recommendations for changes to Wyoming law that would enhance the organ donation system in Wyoming.

(f) The governor shall determine which executive branch state agency shall provide administrative support to the task force.

(g) The task force shall terminate on December 31, 2018.

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

Approved March 12, 2018.

## Chapter 50

### WYOMING LOTTERY REVENUES

Original House Bill No. 125

AN ACT relating to the Wyoming lottery; clarifying that lottery games shall be operated and managed in a manner that maximizes revenues to the state; amending the form of payments for lottery ticket purchases; and providing for an effective date.

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

**Section 1.** W.S. 9-17-102(a)(ii), 9-17-105(a)(iv), by creating a new paragraph (v) and by renumbering (v) as (vi), 9-17-107(a)(vi), 9-17-108(a)(ii) and 9-17-109(a)(i) are amended to read:

**9-17-102. Legislative findings and declarations.**

(a) It is found and declared by the legislature:

(ii) That lottery games shall be operated and managed in a manner which provides continuing entertainment to the public, maximizes revenues, including revenues to the state and its counties, cities and towns, and ensures that the lottery is operated with integrity and dignity and free of political influence; and

**9-17-105. General duties of board of directors.**

(a) The board of directors shall provide the chief executive officer with private sector perspectives of a large marketing enterprise. The board shall:

(iv) Adopt regulations, policies and procedures relating to the conduct of lottery games and as specified in W.S. 9-17-108; ~~and~~

(v) Ensure that lottery games are operated and managed in a manner that maximizes revenues, including revenues to the state and its counties, cities and

towns; and

(v)(vi) Perform other functions as specified by this chapter.

**9-17-107. General powers of corporation.**

(a) The corporation shall have any and all powers necessary or convenient to its usefulness in carrying out and effectuating the purposes and provisions of this chapter which are not in conflict with the constitution of this state and which are generally exercised by corporations engaged in entrepreneurial pursuits, including, but without limiting the generality of the foregoing, the following powers:

(vi) To initiate, supervise and administer the operation of the lottery in accordance with the provisions of this chapter and regulations, policies and procedures adopted pursuant thereto and in a manner that maximizes revenues, including revenues to the state and its counties, cities and towns;

**9-17-108. Adoption by board of procedures regulating conduct of lottery games.**

(a) The board may adopt regulations, policies and procedures regulating the conduct of lottery games in general, including, but not limited to, regulations, policies and procedures specifying:

(ii) The sale price of tickets or shares and the manner of sale, provided, however, that all sales shall be for cash only and payment by checks, debit cards, credit cards, charge cards or any ~~form of deferred~~ other form of payment is prohibited;

**9-17-109. Duties of chief executive officer.**

(a) The chief executive officer of the corporation shall direct and supervise all administrative and technical activities in accordance with the provisions of this chapter and with the regulations, policies and procedures adopted by the board. It shall be the duty of the chief executive officer to:

(i) Facilitate the initiation and supervise and administer the operation of the lottery games in a manner that is consistent with this chapter and maximizes revenues, including revenues to the state and its counties, cities and towns;

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

Approved March 12, 2018.

**Chapter 51****ESTELLE REEL**

Original House Bill No. 108

AN ACT relating to the office of state superintendent of public instruction; recognizing Estelle Reel as the first woman elected and to hold the office of state superintendent of public instruction; designating a state recognized commemorative day as specified; designating the physical office of the state superintendent of public instruction as specified; and providing for an effective date.

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

**Section 1.** W.S. 8-4-111 is created to read:

**8-4-111. Estelle Reel Day.**

(a) In recognition of Estelle Reel, the first woman elected and to hold the office of state superintendent of public instruction in Wyoming and the second woman elected and to hold a statewide office in the United States, January 7 of each year is designated as “Estelle Reel Day.” The day shall be appropriately observed by state and local governments and may be observed in the public schools of the state and by organizations within the state.

(b) The governor shall, in advance of January 7 of each year, issue a proclamation requesting proper observance of “Estelle Reel Day.”

(c) This section shall not affect commercial paper, the making or execution of agreements or judicial proceedings, or authorize schools, businesses or state and local government offices to close.

**Section 2.** W.S. 9-1-101 by creating a new subsection (d) is amended to read:

**9-1-101. Location of seat of government; residence of state officials; deputies authorized; state superintendent of public instruction physical office designation.**

(d) In recognition of Estelle Reel, the first woman elected and to hold the office of state superintendent of public instruction in Wyoming and the second woman elected and to hold a statewide office in the United States, the physical office of the state superintendent of public instruction in the state capitol building shall be designated and known as “The Estelle Reel Office of the State Superintendent of Public Instruction.”

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 52****MINER'S HOSPITAL BOARD ACCOUNT**

Original Senate File No. 82

AN ACT relating to the miner's hospital board account; modifying benefit eligibility requirements; 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. 30-6-102(f)(v) and 30-6-104(a) by creating a new paragraph (v) are amended to read:

**30-6-102. Account created; expenditures; report.**

(f) As used in this section and W.S. 30-6-104:

(v) "Resident" means a United States citizen or legal alien who meets the requirements specified in W.S. ~~30-6-104~~ 30-6-104(a)(i) through (iv).

**30-6-104. Requirements for obtaining benefits.**

(a) To obtain benefits from the account, a person shall:

(v) Have not fewer than ten (10) years of employment as a miner.

**Section 2.** The employment requirement in W.S. 30-6-104(a)(v) as created in this act shall not apply to those persons registered to receive benefits before July 1, 2018.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 53****EXCISE TAX AUDITS**

Original Senate File No. 27

AN ACT relating to excise taxes; specifying audit procedures to assess credits and deficiencies against excise taxpayers and vendors; providing that an audit tolls the statute of limitations during the pendency of the audit; and providing for an effective date.

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

**Section 1.** W.S. 39-15-108(a) and 39-16-108(a) are amended to read:

**39-15-108. Enforcement.**

(a) Audits. ~~Except as otherwise provided, there are no specific applicable provisions for audits for this article. To assess credits and deficiencies against taxpayers and vendors, the department is authorized to rely on final audit findings made by the department of audit, taxpayer information, vendor information or department review subject to the following conditions:~~

(i) Audits shall commence when the taxpayer or vendor receives written notice of the engagement of the audit. The issuance of the written notice of the audit shall toll the statute of limitations provided in W.S. 39-15-110 for the audit period specified in this subsection. The audit shall be completed by the department of audit with final findings issued to the taxpayer or vendor within one (1) year of the date of the notice of engagement. This time limit may be extended only upon mutual agreement between the taxpayer or vendor and the department;

(ii) After receiving notice of an audit under this subsection, the taxpayer or vendor shall preserve all records and books necessary to determine the amount of tax due for the time period that is being audited;

(iii) Except as otherwise provided in this paragraph, audits shall encompass a time period not to exceed three (3) years immediately preceding the reporting period when the audit is engaged. The three (3) year limit shall not apply to an audit if:

(A) There is evidence of a violation of paragraph (c)(iv) or subsection (f) of this section by the taxpayer or vendor for the reporting period being audited; or

(B) There is evidence of gross negligence by the taxpayer or vendor in reporting or remitting taxes for the reporting period being audited.

(iv) If a taxpayer is not willing or able to produce adequate records to demonstrate taxes due, the department or the department of audit may project taxes based on the best information available. If a vendor is not willing or able to comply with the record requirements of paragraph (c)(xi) of this section, the department or the department of audit may project taxes based on the best information available;

(v) Audits under this subsection are subject to the authority and procedures provided in W.S. 9-2-2003.

### **39-16-108. Enforcement.**

(a) Audits. ~~The following shall apply~~ To assess credits and deficiencies against taxpayers and vendors, the department is authorized to rely on final audit findings made by the department of audit, taxpayer information, vendor information or department review subject to the following conditions:

(i) ~~If~~ Audits shall commence when the taxpayer or vendor receives written notice of the engagement of the audit. The issuance of the written notice of the audit shall toll the statute of limitations provided in W.S. 39-16-110 for the audit period specified in this subsection. The audit shall be completed by the department ~~believes any return and the taxes paid are incorrect it shall recompute the return and the tax based upon the best information available.~~ of audit with final findings issued to the taxpayer or vendor within one (1) year

of the date of the notice of engagement. This time limit may be extended only upon mutual agreement between the taxpayer or vendor and the department;

(ii) After receiving notice of an audit under this subsection, the taxpayer or vendor shall preserve all records and books necessary to determine the amount of tax due for the time period that is being audited;

(iii) Except as otherwise provided in this paragraph, audits shall encompass a time period not to exceed three (3) years immediately preceding the reporting period when the audit is engaged. The three (3) year limit shall not apply to an audit if:

(A) There is evidence of a violation of paragraph (c)(iv) of this section by the taxpayer or vendor for the reporting period being audited; or

(B) There is evidence of gross negligence by the taxpayer or vendor in reporting or remitting taxes for the reporting period being audited.

(iv) If a taxpayer is not willing or able to produce adequate records to demonstrate taxes due, the department or the department of audit may project taxes based on the best information available. If a vendor is not willing or able to comply with the record requirements of W.S. 39-15-108(c)(xi), the department or the department of audit may project taxes based on the best information available;

(v) Audits under this subsection are subject to the authority and procedures provided in W.S. 9-2-2003.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 54

### GAME AND FISH DEPARTMENT-BUDGET REQUESTS

Original Senate File No. 81

AN ACT relating to game and fish; repealing provisions related to game and fish commission general fund budget requests; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1002(a)(iii), 9-2-1010(a)(iii) and 23-1-502(a) are amended to read:

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

(a) As used in this act:

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

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

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

(a) The department through the budget division shall:

(iii) Consult with each entity which will require a legislative appropriation either directly or indirectly, excluding the Wyoming department of transportation and the game and fish department except as provided in W.S. ~~23-1-502(d)~~ and 9-2-1011(d), in submitting budget estimates or requests for funds, or for instituting, recording and reporting all financial and budget transactions of the state.

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

(a) ~~Except as provided in subsection (d) of this section,~~ The commission shall govern its financial policies, subject to the written approval of its budgets by the governor and legislative review of its budgets as provided in W.S. 9-2-1011(d). The commission shall fix the budgets for the operation and maintenance of the department and its divisions for each fiscal year at its first stated meeting of each fiscal year, and shall submit its budget estimates for the following fiscal year as provided by W.S. 9-2-1012.

**Section 2.** W.S. 23-1-502(d) and (e) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 55

### PUBLIC UTILITY REGULATION-JOINT POWERS ENTITIES

Original Senate File No. 11

AN ACT relating to public utilities; providing an exemption from regulation for joint powers entities; and providing for an effective date.

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

**Section 1.** W.S. 37-1-101(a)(vi)(H)(II) is amended to read:

**37-1-101. Definitions.**

(a) As used in chapters 1, 2, 3, 12 and 17 of this title:

(vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(II) To public utilities owned and operated by a municipality of the state

of Wyoming or owned and operated by a joint powers entity whose individual member entities are authorized by law to provide utility service and are formed pursuant to the Wyoming Joint Powers Act, W.S. 16-1-102 through 16-1-110, and comprised of two (2) or more municipalities, except as to that portion of a municipality owned and operated public utility or joint powers entity owned and operated public utility, if any, as may extend services outside the corporate limits of a municipality and except that if any municipal or joint powers utility owns an undivided interest in a facility for the production of electricity which is also partly owned by an agency subject to the jurisdiction of the public service commission, the sale of electricity in excess of the participating municipalities' or joint powers entities' need is subject to this act;

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 56

### FIRST JUDICIAL DISTRICT-NUMBER OF DISTRICT JUDGES

Original Senate File No. 90

AN ACT relating to the judiciary; providing for an additional district court judge in the first judicial district; repealing prior authorization and chief justice certification for an additional district court judge; providing an appropriation; authorizing additional positions; 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 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~~ and four (4) judges of the district court in the first judicial district. 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.** 2016 Wyoming Session Laws, Chapter 70 is repealed.

**Section 3.**



(a) There is appropriated one million ninety thousand fifty-nine dollars (\$1,090,059.00) from the general fund to the first judicial district court for the biennium beginning July 1, 2018 and ending June 30, 2020. This appropriation shall only be expended for salaries, benefits, office equipment, supplies and fees necessary to implement the office of the first judicial district court judge in Laramie county authorized in section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(b) There are authorized four (4) full-time equivalent positions, one of which shall be the judge authorized in section 1 of this act, for the first judicial district court for personnel necessary to staff and support the district judge authorized by this act for the biennium beginning July 1, 2018 and ending June 30, 2020 to implement the purposes of this act.

**Section 4.** Suitable facilities for the additional district judge authorized in this act shall be provided in Laramie county. Suitable facilities shall include a suitable courtroom to accommodate a twelve (12) person jury, offices and other necessary auxiliary facilities. The courtroom, offices and other necessary auxiliary facilities shall be in addition to those existing for district court purposes in Laramie county as of July 1, 2016.

**Section 5.** This act is effective July 1, 2018.

Approved March 12, 2018

## Chapter 57

### UTILITIES-RATE MAKING

Original Senate File No. 10

AN ACT relating to public utilities; providing for nonpreferential pricing for electrical generation when fixing rates; and providing for an effective date.

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

**Section 1.** W.S. 37-2-122 by creating new subsections (c) and (d) is amended to read:

**37-2-122. Matters considered in fixing rates; order changing services or facilities; qualifying facilities contracts.**

(c) In setting rates, the commission shall allow the inclusion of purchase power cost from a qualifying facility only to the extent that the cost of energy, capacity or both in the transaction are determined by the commission to be less than or equal to the utility's avoided cost, considering the cost of energy or capacity from all other available generation sources and the incremental

cost of transporting the energy from a qualifying facility to customer load. This subsection shall not be interpreted in a manner inconsistent with the requirements of applicable federal statutes and regulations.

(d) As used in this section:

(i) "Avoided cost" means to the extent that a distribution cooperative is an all-requirements power supply customer of a generation and transmission cooperative or other wholesale power supplier, the distribution cooperative's avoided costs are the generation and transmission cooperative's or wholesale power supplier's avoided cost;

(ii) "Qualifying facility" means a facility that meets the qualification standards used in federal regulations promulgated under the federal Public Utility Regulatory Policies 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 12, 2018.

## Chapter 58

### MILITARY SERVICE RELIEF ACT ADDITIONAL PROTECTIONS

Original Senate File No. 35

AN ACT relating to defense forces and affairs; providing servicemembers protections when terminating, suspending or reinstating contract services; requiring notice; making conforming amendments; providing applicability; establishing a penalty; and providing for an effective date.

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

**Section 1.** W.S. 19-11-125 is created to read:

**19-11-125. Termination, suspension or reinstatement of contract services.**

(a) A person ordered to active service in the uniformed services, or a person already in active service in the uniformed services and transferred, for a period of more than thirty (30) but not more than one hundred eighty (180) consecutive days may suspend, or for more than one hundred eighty (180) days may terminate or suspend, a service contract described in subsection (b) of this section at any time after the date the person receives military orders, provided the person complies with the notice requirements in subsection (c) of this section.

(b) Service contracts subject to subsection (a) of this section include contracts issued or renewed on or after July 1, 2018, subject to Wyoming law, which provide any of the following:

(i) Telecommunication services;

- (ii) Internet services;
- (iii) Television services including cable television, satellite and other television like services;
- (iv) Athletic club or gym memberships;
- (v) Satellite radio or communication services;
- (vi) Other services provided pursuant to a contract that requires periodic and ongoing payments.

(c) To terminate or suspend a service contract pursuant to this section a uniformed services member or spouse of a uniformed services member shall deliver to the holder of the service contract a written or electronic notice of the suspension or termination and a copy of the member's military orders. Termination or suspension is effective on the date specified in the notice, or ten (10) days after the date the notice was sent, whichever is later. Suspension shall continue until the member or spouse of a uniformed services member reinstates service by delivering to the holder of the service contract a written or electronic notice of reinstatement. The contract holder shall resume providing services effective not more than ten (10) business days after the date specified in the notice, or ten (10) days after the date the notice was sent, whichever is later. A service member who terminates, suspends or reinstates services may not be charged any penalty, interest, fee, loss of deposit or other cost because of the termination, suspension or reinstatement. A service contract described in this subsection may be contracted together with or separately by the spouse of the person ordered to service in the uniformed services, provided that at the time under contract the spouse resides with the person.

(d) Nothing in this section shall prohibit a holder of a service contract from requiring the return of tangible property before suspending or terminating the contractual obligations of a person in subsection (a) of this section.

(e) Any person who knowingly violates the protections provided to a person in subsection (a) of this section, or any person in subsection (a) of this section who obtains protections under this section through fraudulent means, shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00).

**Section 2.** W.S. 19-10-106, 19-11-101, 19-11-103(a)(xii), 19-11-122(b) through (d) are amended to read:

**19-10-106. Application of Military Service Relief Act.**

The Military Service Relief Act, W.S. 19-11-101 through ~~19-11-124~~ 19-11-125, shall apply to members of the Wyoming state guard.

**19-11-101. Title.**

As used in this article, "this article" means W.S. 19-11-101 through ~~19-11-124~~ 19-11-125.

**19-11-103. Definitions.**

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

(xii) “This act” means W.S. 19-11-101 through ~~19-11-124~~ 19-11-125.

**19-11-122. Servicemembers Civil Relief Act; application to national guard; penalty for violation of rights; enforcement; preferences.**

(b) Any person who knowingly violates the protections provided to members of the Wyoming national guard pursuant to subsection (a) of this section or W.S. 19-11-125 shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(c) The protections afforded to members of the Wyoming national guard pursuant to subsection (a) of this section or W.S. 19-11-125 may serve as the basis for an action or as a defense. The courts of this state that would otherwise have jurisdiction over a case shall have jurisdiction over proceedings involving the Servicemembers Civil Relief Act, ~~and the Uniformed Services Employment and Reemployment Rights Act~~ and W.S. 19-11-125, which shall be governed by the rules applicable to ordinary proceedings.

(d) The courts shall give preference in scheduling ~~such proceedings pursuant to subsection (c) of this section~~, upon the motion of any person in the uniformed services, or the person’s attorney, who presents certification that the person has performed service in the uniformed services or is in service in the uniformed services.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 59

### WYOMING WOMEN’S SUFFRAGE PATHWAY-HIGHWAY DESIGNATION

Original Senate File No. 60

AN ACT relating to highways; designating the Wyoming Women’s Suffrage Pathway; requiring signage; and providing for an effective date.

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

**Section 1.** W.S. 24-1-136 is created to read:

**24-1-136. Wyoming Women’s Suffrage Pathway-highway designation.**

State highway 28 from the Fremont county line northeast to the boundary of the Shoshone national forest shall be known as the “Wyoming Women’s Suffrage Pathway.”

**Section 2.** The department of transportation shall install appropriate signage,

in compliance with applicable federal and state law, to identify the Wyoming Women's Suffrage Pathway.

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

Approved March 12, 2018.

## Chapter 60

### 2018 LARGE PROJECT FUNDING

Original Senate File No. 69

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 2018; specifying conservation easements shall include the state of Wyoming as a third party beneficiary; authorizing distributions from the Wyoming wildlife and natural resource trust income account for approved large projects; providing for reversion of funds; and providing for an effective date.

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

#### **Section 1.**

(a) As used in this section:

(i) "Board" means the Wyoming wildlife and natural resource trust account board created by W.S. 9-15-104;

(ii) "Income account" means the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b).

(b) Pursuant to the authority granted under W.S. 9-15-104(k) and subject to each recipient's certification under W.S. 9-15-103(r), authorization is granted for funding of the large projects provided for in subsections (c) through (k) of this section.

(c) Conduct Conservation Easement:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately five thousand (5,000) acres in Carbon county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, antelope and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Conserve valuable aspen, grassland and intermediate shrubland ecotypes;

(D) Maintain agricultural production and opportunity on high quality farm and ranch lands.

- (iii) Project description: Conservation easement;
  - (iv) Total project budget: Seven million five hundred seventy-four thousand seven hundred dollars (\$7,574,700.00);
  - (v) Project grant: The board is authorized to grant one million five hundred thousand dollars (\$1,500,000.00) to the sponsor for the purposes specified in this subsection;
  - (vi) Appropriation: There is appropriated from the income account to the board one million five hundred thousand dollars (\$1,500,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;
  - (vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).
- (d) Bates Hole Juniper:
- (i) Project sponsor: Bureau of Land Management;
  - (ii) Project purpose: Removal of invasive conifers on approximately five thousand (5,000) acres in Natrona county in order to:
    - (A) Maintain key seasonal habitats for mule deer and greater sage grouse;
    - (B) Restore valuable aspen and intermediate shrubland ecotypes;
    - (C) Increase the carrying capacity for mule deer, greater sage grouse, elk and grassland obligate bird species;
    - (D) Increase water infiltration and reduce erosion and water yield on high quality upland habitats.
  - (iii) Project description: Invasive species removal and reseedling of native plants;
  - (iv) Total project budget: Five hundred sixty-four thousand dollars (\$564,000.00);
  - (v) Project grant: The board is authorized to grant two hundred thousand dollars (\$200,000.00) to the sponsor for the purposes specified in this subsection;
  - (vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.
- (e) Stockade Beaver Mule Deer Habitat II:
- (i) Project sponsor: Wyoming Game and Fish Commission;
  - (ii) Project purpose: Removal of invasive conifers on approximately two thousand (2,000) acres in Weston county in order to:

(A) Maintain key seasonal habitats for mule deer and greater sage grouse;

(B) Restore valuable aspen and intermediate shrubland ecotypes;

(C) Increase the carrying capacity for mule deer and elk;

(D) Reduce the risk of catastrophic wildfire due to excess fuel loading;

(E) Increase water filtration and reduce erosion and water yield on high quality upland habitats.

(iii) Project description: Invasive species removal and reseedling of native plants;

(iv) Total project budget: Four hundred fifty thousand three hundred eight dollars (\$450,308.00);

(v) Project grant: The board is authorized to grant two hundred thousand dollars (\$200,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(f) Bousman Conservation Easement:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately one thousand three hundred (1,300) acres in Sublette county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, moose, native fish and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Conserve valuable grassland, riparian and mountain shrubland ecotypes;

(D) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million eight hundred seventy-four thousand seven hundred dollars (\$1,874,700.00);

(v) Project grant: The board is authorized to grant four hundred fifty thousand dollars (\$450,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred fifty thousand dollars (\$450,000.00) or as much thereof as

is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(g) Green Mountain Aspen II:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Restoration of aspen and mountain shrub habitats in an area with extremely high wildlife diversity and public use in Fremont county in order to:

(A) Maintain carrying capacity and migration routes for mule deer and elk;

(B) Restore habitats of high importance to mule deer and elk;

(C) Reduce the risk of catastrophic wildfire;

(D) Increase water infiltration and reduce erosion on perennial and ephemeral stream channels.

(iii) Project description: Aspen enhancement;

(iv) Total project budget: Four hundred seventy-six thousand six hundred dollars (\$476,600.00);

(v) Project grant: The board is authorized to grant to the sponsor two hundred thousand dollars (\$200,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(h) South Pass Aspen II:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Restoration of aspen and mountain shrub habitats in an area with extremely high wildlife diversity and public use in Fremont county in order to:

(A) Maintain carrying capacity and migration routes for mule deer, moose and elk;

(B) Restore habitats of high importance to mule deer, moose and elk;

(C) Reduce the risk of catastrophic wildfire;

(D) Increase water infiltration and reduce erosion on perennial and ephemeral stream channels.

(iii) Project description: Aspen enhancement;



(iv) Total project budget: Six hundred thirty-five thousand two hundred dollars (\$635,200.00);

(v) Project grant: The board is authorized to grant to the sponsor two hundred fifty thousand dollars (\$250,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred fifty thousand dollars (\$250,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(j) Prospect Land and Cattle Conservation Easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Removal of residential development rights of approximately ten thousand four hundred eleven (10,411) acres in Hot Springs county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, bighorn sheep and other species;

(B) Maintain primary migration corridors for native ungulates;

(C) Conserve valuable aspen, grassland and mountain shrubland ecotypes;

(D) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Three million one hundred eighty-six thousand four hundred forty dollars (\$3,186,440.00);

(v) Project grant: The board is authorized to grant seven hundred ninety-nine thousand five hundred dollars (\$799,500.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board seven hundred ninety-nine thousand five hundred dollars (\$799,500.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(k) West Pass Creek:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Channel reconstruction and irrigation diversion enhancement on West Pass Creek in Sheridan county in order to:

(A) Improve habitats for native cutthroat trout;

(B) Reduce and eliminate streambank erosion and sediment loading;

(C) Improve irrigation efficiency and agricultural production on historic ranch and farm lands in northern Wyoming.

(iii) Project description: River restoration and irrigation enhancement;

(iv) Total project budget: Seven hundred twenty-eight thousand one hundred sixty dollars (\$728,160.00);

(v) Project grant: The board is authorized to grant to the sponsor three hundred twenty-eight thousand dollars (\$328,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred twenty-eight thousand dollars (\$328,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(m) Unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2021.

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

Approved March 12, 2018.

## Chapter 61

### MOTOR VEHICLE REGISTRATION-DEPLOYED MILITARY MEMBERS

Original Senate File No. 84

AN ACT relating to motor vehicle registration; providing registration timelines for members of the armed forces on deployment; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 31-2-201(a)(intro) and by creating a new subsection (q) is amended to read:

**31-2-201. Registration required; timelines.**

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

(q) Members of the armed forces who register their vehicles in Wyoming, are deployed outside the continental United States for ninety (90) days or more and whose vehicle registrations expire during their term of deployment shall be permitted to register their vehicles no later than fourteen (14) days after

returning to Wyoming after deployment. The annual registration month of a vehicle registered under this subsection shall be the month in which the vehicle is registered after deployment. No fees or penalties shall be charged as a result of registration under this subsection and the registration fees charged shall be the same as otherwise provided in this article. Members who register under this subsection shall:

(i) Provide to the county treasurer proper documentation of the deployment; and

(ii) Attest that the vehicle to be registered was not driven between the date the vehicle registration expired and the date of registration under this subsection.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 62

### INTERFUND LOAN ACCOUNTS AND INTEREST RATES

Original Senate File No. 63

AN ACT relating to public funds; amending provisions relating to interfund loans administered by the state auditor and the state treasurer; and providing for an effective date.

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

**Section 1.** W.S. 9-1-417, 9-1-418, 9-2-1013 by creating a new subsection (f), 9-3-205(e) and 27-3-303(e) are amended to read:

**9-1-417. Interfund loans; repayment; maximum amount; interest.**

(a) The state treasurer and the state auditor may utilize interfund loans from the ~~general fund or the budget legislative stabilization~~ reserve account, ~~or the general fund if insufficient funds exist in the legislative stabilization reserve account~~, to any other fund or account to meet obligations which come due prior to receipt of revenues. The interfund loans shall be repaid as soon as the anticipated revenue is received. The total amount of interfund loans outstanding at one (1) time shall not exceed sixty million dollars (\$60,000,000.00). These loans shall not be used to fund shortages caused by expenditures exceeding projected revenues but are to be used only to fund temporary shortages caused by meeting obligations which come due prior to receipt of revenues. The interest charged on each interfund loan, other than to the general fund or budget reserve account, shall be the interest rate earned on pooled fund investments in the previous fiscal year.

(b) To the extent the legislature provides for interfund loans or borrowing authority from one (1) agency, account or fund to another, the interfund loan

or borrowing shall come out of the legislative stabilization reserve account to be credited to the borrowing agency, account or fund, except for interfund loans made under W.S. 21-13-316. The interest charged on each interfund loan or borrowing from the legislative stabilization reserve account shall be the interest rate earned on pooled fund investments for the fiscal year immediately preceding the effective date of the interfund loan.

**9-1-418. Pooled fund investment loans; maximum amount; repayment; interest.**

The state auditor is authorized to borrow from ~~pooled fund investments in the treasurer's office~~ the legislative stabilization reserve account an amount not to exceed two hundred million dollars (\$200,000,000.00) at any one (1) time to meet the obligations of the department of transportation which come due prior to the receipt of revenues. The amounts borrowed under this section shall be repaid as soon as the anticipated revenue is received. Interest on the unpaid balance shall be equal to ~~the greater of two percent (2%) or~~ the rate of return earned on pooled fund investments in the previous fiscal year. These loans shall not be used to fund shortages caused by expenditures exceeding projected revenues but are to be used only to fund temporary shortages caused by meeting obligations which come due prior to receipt of revenues.

**9-2-1013. State budget; distribution of copies to legislators; copies and reports of authorizations; interfund loans.**

(f) Except for an interfund loan made under W.S. 21-13-316, an interfund loan from permanent funds for which an interest rate is not specified by law shall be charged an interest rate equal to the CPI for the twelve (12) month period immediately preceding the effective date of the interfund loan. "CPI" means the consumer price index for United States city average, all urban consumers, not seasonally adjusted, reported by the bureau of labor statistics of the United States department of labor.

**9-3-205. Administration and management of group insurance program; powers and duties; adoption of rules and regulations; interfund borrowing authority.**

(e) Upon request of the director of the department, the state treasurer and the state auditor may utilize interfund loans from the ~~general fund or the budget~~ legislative stabilization reserve account to cover the costs of group insurance plan coverage to school districts electing to participate in the group insurance plan under W.S. 9-3-201(e) or the costs of discontinuing plan coverage to districts electing to cease participation under W.S. 9-3-201(f). The interfund loans shall be repaid as soon as anticipated revenue is received. The total amount of interfund loans outstanding at any one (1) time shall not exceed sixty million dollars (\$60,000,000.00). The interest charged on each interfund loan shall be the interest rate earned on pooled fund investments in the previous fiscal year.

**27-3-303. Weekly amount; computation; payment.**

(e) Upon periodic certification by the governor to the state treasurer of inadequate revenues, the state treasurer may authorize interfund loans from the ~~permanent Wyoming mineral trust fund or any other available permanent fund not subject to interest earning trust obligations;~~ legislative stabilization reserve account for cumulative amounts not exceeding twenty million dollars (\$20,000,000.00), to the unemployment compensation fund as needed to repay revenues borrowed pursuant to W.S. 27-3-208 or to pay benefits through January 1, 1995, which are not able to be paid due to the insufficiency of any available revenues except for those obtained through W.S. 27-3-208. Loans pursuant to this subsection shall bear ~~no interest~~ at the interest rate earned on pooled fund investments in the previous fiscal year and shall be repaid when the unemployment compensation fund is adequately solvent to repay the loans and to continue paying the benefit obligations.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 63

### STALKING REVISIONS

Original House Bill No. 8

AN ACT relating to stalking crimes, offenses and protective orders; amending elements for the crime of stalking; amending penalties for the crime of stalking; clarifying jurisdiction for prosecution of the crime of stalking; amending the definition of stalking in relation to protective orders; modifying provisions relating to orders of protection as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-2-506(a)(ii), (d), (e)(i), (iv) and by creating new subsections (f) and (g), 35-21-104(b) and 35-21-105(c) are amended to read:

**6-2-506. Stalking; penalty.**

(a) As used in this section:

(ii) "Harass" means to engage in a course of conduct, including but not limited to verbal threats, written threats, lewd or obscene statements or images, vandalism or nonconsensual physical contact, directed at a specific person ~~or the family of a specific person, which that~~ the defendant knew or should have known would cause;

(A) A reasonable person to suffer substantial emotional distress; ~~and which does in fact seriously alarm the person toward whom it is directed.~~

(B) A reasonable person to suffer substantial fear for their safety or the safety of another person; or

(C) A reasonable person to suffer substantial fear for the destruction of their property.

(d) Except as provided under subsection (e) of this section, stalking is a misdemeanor punishable by imprisonment for not more than ~~six (6) months~~ one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both. If a person sentenced under this subsection is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum one (1) year imprisonment, provided the term of probation, including extensions, shall not exceed three (3) years.

(e) A person convicted of stalking under subsection (b) of this section is guilty of felony stalking punishable by imprisonment for not more than ten (10) years, if:

(i) The act or acts leading to the conviction occurred within five (5) years of the completion of the sentence, including all periods of incarceration, parole and probation, of a prior conviction under this subsection, or under subsection (b) of this section, or under a substantially similar law of another jurisdiction;

(iv) The defendant committed the offense of stalking in violation of a temporary or permanent order of protection issued pursuant to W.S. 7-3-508, or 7-3-509, 35-21-104 or 35-21-105 or pursuant to a substantially similar law of another jurisdiction.

(f) An offense under this section may be deemed to have been committed at the place where any:

(i) Act within the course of conduct that constitutes stalking was initiated;  
or

(ii) Communication within the course of conduct that constitutes stalking was received by the victim then present in Wyoming; or

(iii) Act within the course of conduct that constitutes stalking caused an effect on the victim then present in Wyoming.

(g) An act that indicates a course of conduct but occurs in more than one (1) jurisdiction may be used by any jurisdiction in which the act occurred as evidence of a continuing course of conduct.

**35-21-104. Temporary order of protection; setting hearing.**

(b) An order of protection issued under this section shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.**

(c) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 64

### EDUCATION REPORTING-CHILDREN OF MILITARY PERSONNEL

Original House Bill No. 28

AN ACT relating to education accountability; providing for performance reporting for students with a parent or guardian who is a military member; and providing for an effective date.

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

**Section 1.** W.S. 21-2-204(j)(ii) is amended to read:

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(j) 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 department shall describe the performance of each public school in Wyoming. The performance report shall:

(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, students with a parent or guardian who is a member of the armed forces of the United States whether full-time or part-time, students with disabilities and full-time virtual education students;

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 65

### HATHAWAY SCHOLARSHIP APPLICATION DEADLINE-EXTENSION

Original House Bill No. 31

AN ACT relating to the Hathaway scholarship program; extending the deadline to apply for the scholarship; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1303(b)(iii)(B) and 21-16-1308(b)(iv)(A) are amended to read:

**21-16-1303. Hathaway scholarship program; eligibility requirements.**

(b) Under the Hathaway scholarship program, subject to availability of funds as determined by the legislature, the state shall provide a scholarship pursuant to W.S. 21-16-1304 and 21-16-1305 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(iii) The student has:

(B) Applied for a scholarship under this article within ~~two (2) four (4)~~ years of the date of high school graduation, or is otherwise eligible under rules promulgated pursuant to W.S. 21-16-1308(b)(iii) and (iv). The department shall by rule and regulation establish exceptions to the requirement of this subparagraph for military service, religious service and other good cause shown; and

**21-16-1308. Administration; rules and regulations.**

(b) The department shall, in consultation with University of Wyoming and community college admissions officers, the Wyoming community college commission and financial aid officers and school districts, promulgate rules and regulations necessary to implement this article, including:

(iv) Criteria and procedures under which students who receive a high school equivalency certificate can qualify for scholarships under this article. A student receiving a high school equivalency certificate shall:

(A) Receive the certificate and make application for the initial scholarship no later than ~~two (2) four (4)~~ years after and no sooner than the graduation date of the student's high school class, unless ordered by a court to complete the requirements for the certificate prior to that graduation date or for other good cause shown as determined by the department. For purposes



of making application prior to the graduation date of the student's class, "other good cause" shall include, but is not limited to, a showing by the student that the student has been emancipated under W.S. 14-1-201 through 14-1-206 or that the student is a parent or a legal guardian of a minor. The student shall have attended an eligible high school prior to receiving his certificate and shall have received his certificate while residing in Wyoming;

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

Approved March 12, 2018.

## Chapter 66

### ROADSIDE WAIVER OF PROPERTY RIGHTS PROHIBITED

Original House Bill No. 61

AN ACT relating to the Wyoming Controlled Substances Act; providing a procedure for a valid waiver of property interest in seized property; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1049 by creating a new subsection (bb) is amended to read:

**35-7-1049. Forfeitures and seizures generally; property subject to forfeiture.**

(bb) A law enforcement officer may not request, require or in any manner induce any person to execute a document purporting to waive, for purpose of forfeiture under this section, the person's interest in or rights to property seized, and provided:

(i) Any document obtained by a law enforcement officer purporting to waive a person's interest in or right to property seized under this section is null and void; and

(ii) Nothing in this subsection prohibits the commissioner, after a hearing and a finding of probable cause as required by subsection (c) of this section, from requesting a person to waive the person's interest in or rights to property.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 67

### MUNICIPAL COURT AUTHORITY-CONDITIONAL SUSPENSION OF FINES

Original House Bill No. 106

AN ACT relating to municipal courts; providing for conditional suspension of fines; specifying requirements; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 5-6-116 is created to read:

**5-6-116. Suspension of fines on conditions.**

(a) Notwithstanding W.S. 7-13-302 through 7-13-305, when imposing a fine for breach of an ordinance that is punishable by fine only, a municipal judge may suspend all or part of the fine for a specified period, not to exceed six (6) months, during which the defendant must meet specified conditions. The conditions imposed shall only require the defendant to conform his conduct to the requirements of the ordinance and shall not prohibit lawful conduct. When suspending a fine, a municipal judge must:

- (i) Specify the amount of the fine to be suspended; and
- (ii) Specify the conditions the defendant must meet to avoid imposition of the suspended portion of the fine, including the date by which the conditions must be met.

(b) If a defendant fails to comply with the conditions specified, the municipality may commence proceedings to impose the suspended portion of the fine during the period of suspension or within thirty (30) days thereafter. If after notice and a hearing the court determines the defendant failed to comply with the conditions of the suspended fine, the court may proceed to deal with the case as if no suspension of fine had been ordered.

**Section 2.** This act applies only to violations of ordinances that occur on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 68

### DOMESTIC ABUSE-PHONE NUMBERS

Original House Bill No. 117

AN ACT relating to domestic abuse and sexual violence; allowing a court to transfer to a petitioner the sole right to use and sole financial responsibility for a telephone number as part of an order of protection; providing conditions on transfers of telephone numbers; providing immunity; providing notice and compliance requirements regarding telecommunications providers; and providing for an effective date.

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

**Section 1.** W.S. 35-21-102(a) by creating new paragraphs (vi) and (vii) and by renumbering (vi) as (viii), 35-21-105(a) by creating a new paragraph (viii) and 35-21-106 by creating a new subsection (e) are amended to read:

**35-21-102. Definitions.**

(a) As used in this act:

(vi) “Financial responsibility” means an obligation to pay to a provider service fees and other costs and charges associated with the provision of commercial mobile services;

(vii) “Provider” means a person or entity that provides commercial mobile services as defined in 47 U.S.C. § 332(d);

~~(vi)~~(viii) “This act” means W.S. 35-21-101 through 35-21-111.

**35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.**

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

(viii) If the petitioner is not the account holder, grant the petitioner and order a provider to transfer to the petitioner the sole right to use and sole financial responsibility for a telephone number used by the petitioner or a minor child in the petitioner’s custody and terminate in the provider’s system the respondent’s ability to use, and to access any data associated with, the telephone number. An order issued under this paragraph shall list the name and billing telephone number of the account holder, the name and contact information of the petitioner and each telephone number to be transferred to the petitioner. In issuing an order under this paragraph, the court shall ensure that the petitioner’s contact information is not disclosed to the respondent or any account holder. The order shall be served on the provider pursuant to W.S. 35-21-106(e). A provider may, not later than five (5) business days after being served with an order under this paragraph, notify the petitioner and the court that compliance with the order is not possible or practicable because an account holder named in the order has terminated the account, differences in network technology would prevent the functionality of a device on the network or there are geographic limitations on network or service availability. In complying with an order issued under this paragraph, a provider may apply any customary requirements for establishing an account and transferring a telephone number. A provider is immune from civil liability for complying with an order issued under this paragraph.

**35-21-106. Service of order; duration and extension of order; violation; remedies not exclusive.**

(e) The clerk of the court shall cause that part of an order of protection directing the transfer of a telephone number to a petitioner as provided in W.S. 35-21-105(a)(viii) to be served on the affected provider pursuant to W.S. 17-28-104.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 69

### ALTERNATIVE SCHOOL ACCOUNTABILITY

Original House Bill No. 29

AN ACT relating to the Wyoming Accountability in Education Act; establishing an accountability system for alternative schools; amending existing reporting deadlines; requiring a report; requiring the state board of education to consult with the technical advisory group; and providing for an effective date.

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

**Section 1.** W.S. 21-2-204(c)(intro), (d)(intro), (e), (f)(intro), (ii), (h)(intro), (m) and by creating a new subsection (n) and 21-2-304(a)(vi) are amended to read:

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(c) School level performance 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. Except as provided in subsection (n) of this section, the indicators of school level performance shall be:

(d) Beginning in school year 2013-2014, and each school year thereafter, the department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools. 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:

(e) The state board, through the department of education, shall establish long term and interim performance targets for all Wyoming schools for the indicators measured pursuant to ~~subsection~~ subsections (c) and (n) of this

section. For all schools other than alternative schools, the performance targets shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish appropriate performance targets. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.

(f) The state board, through the department of education, shall compile, evaluate and determine the target levels for an overall school performance rating and for indicator level performance. The board shall execute this determination when a significant aspect of the school accountability system changes or based upon periodic review of the system that requires evaluation of the target and indicator levels for school performance ratings through a prescribed deliberative process informed by a panel comprised of broad based representation from both public education and the community at-large. For all schools other than alternative schools, the target levels for school performance on all performance indicators measured under subsection (c) of this section shall conform to the January 2012 education accountability report as defined by subsection (m) of this section, and For alternative schools, the state board, through the department, shall establish appropriate target levels for school performance on all performance indicators measured under subsection (n) of this section. The target levels for school performance shall be used by the state board through the department to:

(ii) Further measure performance specified under paragraph (i) of this subsection by identifying indicator level performance in all areas specified by subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;

(h) For all schools other than alternative schools, a progressive multi-tiered system of support and intervention to assist schools shall be established by the state board, and shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish an appropriate progressive multi-tiered system of support and intervention. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. Commencing with school year 2014-2015, and each school year thereafter, the state superintendent shall take action based upon system results according to the following:

(m) As used in this section;

(i) “Alternative school” means a school approved under W.S. 21-13-309(m)(v)(B);

(ii) 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.

(n) Beginning school year 2018-2019 and each school year thereafter, for alternative schools, the indicators of school level performance shall be:

- (i) Academic achievement and growth;
- (ii) Readiness for college and careers;
- (iii) Measures of school quality including climate;
- (iv) Measures of engagement including implementation of student success plans.

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(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, readiness and equity school level performance indicators as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. 21-2-204(f), establish a progressive multi-tiered system of supports and interventions as required by W.S. 21-2-204(h) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(j). For schools other than alternative schools, the system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(m). For alternative schools, the state board shall conform the system in accordance with W.S. 21-2-204, as applicable. As part of the statewide accountability system, and for purposes of complying with requirements under the federal Every Student Succeeds Act, the board shall by rule and regulation provide for annual accountability determinations based upon measures imposed by federal law for all schools and school districts imposing a range of educational interventions and supports resulting from accountability determinations;

**Section 2.** 2016 Wyoming Session Laws, Chapter 108, Section 1(d) and (e), as amended by 2017 Wyoming Session Laws, Chapter 95, Section 8, is amended to read:

**Section 1.**

(d) Not later than school year 2017-2018, the state board of education, through the department, and with the assistance of the technical advisory group, shall compile, evaluate and determine the target levels for an overall school

performance rating and for content level performance that are appropriate for alternative schools operating pursuant to W.S. 21-13-309(m)(v)(B). The board shall execute this determination through a prescribed deliberative process informed by a panel comprised of professionals with the appropriate expertise to establish target levels for performance to appropriately distinguish and recognize the varied levels of school performance associated specifically with the operation of alternative schools as measured by the indicators contained in subsection (b) of this section. Performance level targets shall be established to identify alternative school performance levels for exceeding expectations, meeting expectations, partially meeting expectations and not meeting expectations. The state board shall report periodically to the joint education interim committee on the progress related to setting target levels associated with school performance rating required under this subsection and a final report shall be submitted no later than ~~October 15~~ November 1, 2018.

(e) The state board of education shall, in consultation with the technical advisory group, study and develop recommendations related to the progressive multi-tiered system of support, interventions and consequences required under W.S. 21-2-204(f) specifically targeted to assist alternative schools, as necessary, for the four (4) levels of school performance to be established under subsection (d) of this section. The state board shall report any recommendations for modification, as may be necessary, pursuant to this subsection, to the joint education interim committee, no later than ~~October 15~~ November 1, 2018.

### **Section 3.**

(a) The technical advisory group established under 2015 Wyoming Session Laws, Chapter 179, Section 5, shall report to the joint education interim committee its final recommendations for an alternative school accountability model by October 1, 2018.

(b) The state board of education shall consult with the technical advisory group established under 2015 Wyoming Session Laws, Chapter 179, Section 5, in determining and establishing target levels for performance of alternative schools under W.S. 21-2-204(e) and (f), as amended by this act, and an appropriate progressive multi-tiered system of support and intervention for alternative schools as required under W.S. 21-2-204(h), as amended by this act.

**Section 4.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 70****LOCAL GOVERNMENT DISTRIBUTIONS**

Original Senate File No. 89

AN ACT relating to local government funding; providing funding to cities and towns; providing funding to counties; providing local government funding formulas and distributions; providing legislative intent; providing an appropriation; and providing for an effective date.

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

**[LOCAL GOVERNMENT DISTRIBUTIONS I]****Section 1.**

(a) From the legislative stabilization reserve account created by W.S. 9-4-219(a) there is appropriated one hundred five million dollars (\$105,000,000.00) 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 provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns as provided in paragraph (b)(ii) of this section;

(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 direct distribution to cities and towns provided that five percent (5%) of the amount available under this paragraph shall only be distributed for direct distributions to cities and towns as provided in paragraph (b)(ii) of this section;

(iv) Five and one-half percent (5.5%) of the total amount appropriated, for direct distribution to counties.

**[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]**

(b) Funds appropriated in paragraphs (a)(i) and (iii) of this section shall be distributed to cities and towns with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution, subject to the following:

(i) From these distributions each municipality with a population of thirty-five (35) or less shall first receive ten thousand dollars (\$10,000.00) and each municipality with a population over thirty-five (35) shall first receive twenty thousand dollars (\$20,000.00). From the remainder, each municipality 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) For each fiscal year calculate the per capita sales and use tax revenues available to each municipality using the sales and use tax distributions to each county attributable to fiscal year 2017 for distributions under this paragraph during fiscal year 2019 and the sales and use tax distributions to each county attributable to fiscal year 2018 for distributions under this paragraph during fiscal year 2020, including distributions to each municipality 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) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each municipality;

(C) Calculate the normalized per capita sales and use tax number for each municipality by dividing the number determined under subparagraph (B) of this paragraph for the municipality by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number for each municipality by seventy-five percent (75%);

(E) For each fiscal year calculate the per capita assessed value for the prior tax year corresponding to the most recently completed calendar year for each municipality by dividing the total assessed valuation within the municipality by the population of the municipality;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each municipality;

(G) Calculate the normalized per capita assessed value number for each municipality by dividing the number determined under subparagraph (F) of this paragraph for the municipality by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number for each municipality by twenty-five percent (25%);

(J) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the population of the municipality;

(K) Calculate the normalized index for each municipality by dividing the number determined under subparagraph (J) of this paragraph for the

municipality by the sum of all numbers calculated under subparagraph (J) of this paragraph;

(M) Determine the amount to distribute to each municipality by multiplying the normalized index number determined under subparagraph (K) of this paragraph by the amount remaining available for distribution under this paragraph.

(ii) From the amounts available as provided in paragraphs (a)(i) and (iii) of this section, each city or town shall receive amounts in accordance with a city and town revenue challenged formula as provided in this paragraph. The revenue challenged formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year, calculate the lowest quartile amount received by cities and towns on a per capita basis using amounts received under this section plus amounts distributed to each city and town using the sales and use tax distributions to each county attributable to fiscal year 2017 for distributions under this paragraph during fiscal year 2019 and the sales and use tax distributions to each county attributable to fiscal year 2018 for distributions under this paragraph during fiscal year 2020, including distributions to each municipality 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) Determine each city or town that received a per capita amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph;

(C) For each city or town that received a per capita amount that is less than the lowest quartile amount as provided in subparagraph (B) of this paragraph, determine the amount that would be necessary to increase the per capita amount distributed to that city or town to the lowest quartile amount determined under subparagraph (A) of this paragraph;

(D) Determine the amount to distribute to each city or town that received an amount that is less than the lowest quartile amount determined under subparagraph (A) of this paragraph by distributing the amount available under this paragraph on a pro rata basis, up to the lowest quartile amount, based on the amounts determined under subparagraph (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

(c) Funds appropriated in paragraphs (a)(ii) and (iv) of this section are to be distributed to counties with one-half (1/2) of the amount available distributed in the first fiscal year of the biennium and one-half (1/2) of the amount

available distributed in the second fiscal year of the biennium. Distributions in each fiscal year shall be made in equal amounts on August 15 and January 15 of each fiscal year as calculated prior to the August 15 distribution. From these distributions each county shall receive the following:

(i) From these distributions each county with an assessed value for the prior tax year corresponding to the most recently completed calendar year of less than three hundred thousand dollars (\$300,000.00) per mill shall first receive an amount equal to three (3) times the difference between three hundred thousand dollars (\$300,000.00) and the actual value of one (1) mill within the county. From the remainder, each county shall receive amounts in accordance with a county supplemental funding formula as provided in this paragraph. The county supplemental funding formula shall be calculated by the office of state lands and investments as follows:

(A) For each fiscal year calculate the per capita sales and use tax revenues available to each county using the sales and use tax distributions to each county attributable to fiscal year 2017 for distributions under this subsection during fiscal year 2019 and the sales and use tax distributions to each county attributable to fiscal year 2018 for distributions under this subsection during fiscal year 2020, excluding distributions to each municipality within that county, under W.S. 39-15-111 and 39-16-111;

(B) Calculate the inverse by dividing one (1) by the per capita sales and use tax determined under subparagraph (A) of this paragraph for each county;

(C) Calculate the normalized per capita sales and use tax number for each county by dividing the number determined under subparagraph (B) of this paragraph for the county by the total of all inverse per capita sales and use tax numbers calculated under subparagraph (B) of this paragraph;

(D) Multiply the normalized per capita sales and use tax number determined under subparagraph (C) of this paragraph for each county by twenty-four percent (24%);

(E) For each fiscal year calculate the per capita assessed value for each county by dividing the total assessed valuation within the county for the prior tax year corresponding to the most recently completed calendar year by the population of the county;

(F) Calculate the inverse by dividing one (1) by the per capita assessed value determined under subparagraph (E) of this paragraph for each county;

(G) Calculate the normalized per capita assessed value number for each county by dividing the number determined under subparagraph (F) of this paragraph for the county by the total of all inverse per capita assessed value numbers calculated under subparagraph (F) of this paragraph;

(H) Multiply the normalized per capita assessed value number determined under subparagraph (G) of this paragraph for each county by seventy-six percent (76%);

(J) Calculate a cost of government index for each county, which shall be determined by multiplying six hundred twenty-eight (628) by the population of the county and then adding nine million nine hundred thousand (9,900,000) to the result;

(K) Calculate the normalized cost of government index number for each county by dividing the number determined under subparagraph (J) of this paragraph for the county by the total of all cost of government index numbers calculated under subparagraph (J) of this paragraph;

(M) Multiply the sum of subparagraphs (D) and (H) of this paragraph by the normalized cost of government index number determined in subparagraph (K) of this paragraph for each county;

(N) Calculate the normalized index for each county by dividing the number determined under subparagraph (M) of this paragraph for the county by the total of all numbers calculated under subparagraph (M) of this paragraph;

(O) Determine the amount to distribute to each county by multiplying the normalized index number determined under subparagraph (N) of this paragraph by the amount remaining available for distribution under this paragraph.

(d) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as reported by the economic analysis division within the department of administration and information and as defined in W.S. 8-1-102(a)(xv).

(e) It is the intent of the legislature that the funds distributed under this section shall not be used for salary adjustments, additional personnel or increased personnel benefits.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 71

### WYOMING INVESTS NOW EXEMPTION-AMENDMENTS

Original House Bill No. 144

AN ACT relating to the Uniform Securities Act; amending provisions relating to exemptions from registration of securities to conform to federal law; modifying requirements for transactions under the federal exemption for intrastate offerings; increasing amounts an issuer may receive from sales of securities or from unaccredited investors as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 17-4-203(a)(i), (ii)(intro), (A)(III), (B), (C), (iii)(A), (B), (iv), (v)(B)(intro), by creating a new subdivision (VIII), (vii), (viii), (ix)(intro) and (C) is amended to read:

**17-4-203. Intrastate crowdfunding exemption.**

(a) Except as otherwise provided in this act, an offer or sale of a security by an issuer is exempt from the requirements of W.S. 17-4-301 through 17-4-306 and 17-4-504 if the offer or sale meets all of the following requirements:

(i) The issuer of the security is:

(A) An entity that is incorporated or organized under the laws of this state;

(B) A resident of this state under securities and exchange commission rule 147, (17 C.F.R. 230.147), or rule 147A, (17 C.F.R. 230.147A); and is

(C) Authorized to do business in this state.;

(ii) The transaction meets the requirements for the federal exemption for intrastate offerings under section 3(a)(11) of the Securities Act of 1933, (15 U.S.C. 77c(a)(11)), and securities and exchange commission rule 147, (17 C.F.R. 230.147), including, but not limited to, the requirements for determining whether an offeree or purchaser is a resident of this state, or under 15 U.S.C. 77e and securities and exchange commission rule 147A, (17 C.F.R. 230.147A). All of the following apply concerning these requirements:

(A) Each of the following is prima facie evidence that an individual is a resident of this state:

(III) A signed affidavit showing that the purchaser is a resident of this state as defined by W.S. 22-1-102(a)(xxx); or

(B) The provisions of securities and exchange commission rule 147, (17 C.F.R. 230.147), or rule 147A, (17 C.F.R. 230.147A), apply in determining the residency of an offeree or purchaser that is a corporation, partnership, trust, or other form of business organization;

(C) If a purchaser of a security that is exempt under this section resells that security within ~~nine (9)~~ six (6) months after the closing of the particular offering in which the purchaser obtained that security to a person that is not a resident of this state, the original investment agreement between the issuer and the purchaser is void. If an agreement to purchase, or the purchase of, a security is void under this subparagraph, the issuer may recover damages from the misrepresenting offeree or purchaser. These damages include, but are not limited to, the issuer's expenses in resolving the misrepresentation. However, damages described in this subparagraph shall not exceed the amount of the person's investment in the security.

(iii) The sum of all cash and other consideration to be received for all sales of the security in reliance on this exemption does not exceed the following amounts:

(A) ~~One million dollars (\$1,000,000.00)~~ Two million dollars (\$2,000,000.00), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on this exemption, if the issuer has not made available to each prospective purchaser and the secretary of state audited financial statements or reviewed financial statements for the issuer's most recently completed fiscal year, prepared by a certified public accountant, holding a certificate pursuant to W.S. 33-3-109, in accordance with the statements on auditing standards of the American Institute of Certified Public Accountants or the statements on standards for accounting and review services of the American Institute of Certified Public Accountants, as applicable;

(B) ~~Two million dollars (\$2,000,000.00)~~ Four million dollars (\$4,000,000.00), less the aggregate amount received for all sales of securities by the issuer within the twelve (12) months before the first offer or sale made in reliance on this exemption, if the issuer has made available to each prospective purchaser and the secretary of state audited financial statements or reviewed financial statements for the issuer's most recently completed fiscal year, prepared by a certified public accountant, holding a certificate pursuant to W.S. 33-3-109, in accordance with the statements on auditing standards of the American Institute of Certified Public Accountants or the statements on standards for accounting and review services of the American Institute of Certified Public Accountants, as applicable.

(iv) The issuer has not accepted more than ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) from any single purchaser unless the purchaser is an accredited investor as defined by rule 501 of securities and exchange commission regulation D, (17 C.F.R. 230.501) who comes within any category listed in the definition of that rule or who the issuer reasonably believes comes within any category listed in the definition of that rule, at the time of the sale. The issuer may rely on confirmation that the purchaser is an accredited investor from information provided by the purchaser, a licensed broker-dealer or another third party in making a determination that the purchaser is an accredited investor;

(v) At least ten (10) days before an offer of securities is made in reliance on this exemption or the use of any publicly available website in connection with an offering of securities in reliance on this exemption, the issuer files a notice with the secretary of state, in writing or in electronic form as specified by the secretary of state, that contains all of the following:

(B) A copy of the disclosure statement to be provided to prospective investors in connection with the offering. The disclosure statement ~~must~~

shall be provided at the time the offer of securities is made to the prospective purchaser and shall contain all of the following:

(VIII) Additional information material to the offering, including, where appropriate, a discussion of significant factors that make the offering speculative or risky. This discussion shall be concise and organized logically and need not present risks that could apply to any issuer or any offering.

(vii) The issuer informs each prospective purchaser that the securities are not registered under federal or state securities laws and that the securities are subject to limitations on transfer or resale and displays the following legend conspicuously on the cover page of the disclosure statement:

“IN MAKING AN INVESTMENT DECISION, PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD EXCEPT AS PERMITTED BY SUBSECTION (E) OF SEC RULE 147, (17 C.F.R. 230.147(E)), OR RULE 147A, (17 C.F.R. 230.147A(E)), AS PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND THE APPLICABLE STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE PERIOD OF TIME.”

(viii) The issuer requires each purchaser to certify in writing, and to include as part of that certification his signature, and his initials next to each paragraph of the certification, as follows:

“I understand and acknowledge that:

I am investing in a high-risk, speculative business venture. I may lose all of my investment, and I can afford the loss of my investment. This offering has not been reviewed or approved by any state or federal securities commission or other regulatory authority and that no regulatory authority has confirmed the accuracy or determined the adequacy of any disclosure made to me relating to this offering.

The securities I am acquiring in this offering are illiquid, that the securities are subject to possible dilution, that there is no ready market for the sale of those securities, that it may be difficult or impossible for me to sell or otherwise

dispose of this investment, and that, accordingly, I may be required to hold this investment indefinitely.

I may be subject to tax on my share of the taxable income and losses of the issuer, whether or not I have sold or otherwise disposed of my investment or received any dividends or other distributions from the issuer.

By entering into this transaction with the issuer, I am affirmatively representing myself as being a Wyoming resident at the time that this contract is formed, and if this representation is subsequently shown to be false, the contract is void.

If I resell any of the securities I am acquiring in this offering to a person that is not a Wyoming resident, within ~~nine (9)~~ six (6) months after the closing of the offering, my contract with the issuer for the purchase of these securities is void.”

(ix) If the offer and sale of securities under this section is made through an internet website, all of the following requirements ~~must be~~ are met:

(C) The website operator files a written notice with the secretary of state that includes the website operator’s name, business address, and contact information and states that it is authorized to do business in this state and is being utilized to offer and sell securities under this exemption. Beginning twelve (12) months after the date of the written notice, a website operator that has filed a written notice under this subparagraph shall annually notify the secretary of state in writing of any changes in the information provided to the secretary of state under this subparagraph; ~~and shall pay a renewal fee;~~

**Section 2.** W.S. 17-4-203(a)(xiii) is repealed.

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

Approved March 12, 2018

## Chapter 72

### WILDLIFE CONSERVATION LICENSE PLATES

Original House Bill No. 39

AN ACT relating to motor vehicle license plates; authorizing wildlife conservation license plates; specifying requirements; authorizing fees; creating an account; providing for termination of the issuance of the plates as specified; requiring a report upon termination; authorizing rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 31-2-231 is created to read:

**31-2-231. Wildlife conservation license plates; wildlife conservation account.**



(a) Any person required to register a vehicle in Wyoming pursuant to this article may apply to the department for a statement of eligibility for wildlife conservation 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 by the applicant of a fee of one hundred fifty dollars (\$150.00) to the department, the department shall issue a written statement of eligibility for wildlife conservation license plates. The department shall assess an annual fee of fifty dollars (\$50.00) for a person to retain eligibility for wildlife conservation plates, but this annual fee shall not be charged in the year the person pays the one hundred fifty dollars (\$150.00) eligibility fee.

(b) The fees collected under subsection (a) of this section shall be payable to the department and shall be accounted for separately. The fees collected shall be distributed to the wildlife conservation account within the state highway fund, which is hereby created. Funds in the wildlife conservation account shall only be used to provide for wildlife conservation efforts related to the transportation system, including signage, wildlife corridors, wildlife crossings and game fences.

(c) Applicants shall apply at least thirty (30) days before registration is required for the vehicle for which the plates are intended. Except as provided in this section, application for, issuance and renewal of the wildlife conservation license plates under this section shall be subject to the same requirements and fees as provided in this article in addition to the fee collected under subsection (a) of this section. The license plate fees required under W.S. 31-3-102(a)(viii) shall accompany each application. The license plates under this section shall be issued by the county treasurer of each county and shall be displayed only upon the vehicle for which they are issued.

(d) The department shall prescribe the design of the wildlife conservation license plates authorized by this section in consultation with the public and other interested parties, which shall include an image of the bucking horse and rider described in W.S. 8-3-117. License plates authorized by this section need not include Arabic numerals designating the county. The department shall arrange for production of the license plates. Following initial approval, wildlife conservation license plates shall be subject to redesign on the same schedule as all license plates beginning with the year 2025 reissuance.

(e) The department may prepare any special forms and promulgate any rules necessary to carry out this section.

(f) Unless one thousand (1,000) sets of license plates are issued under this section before December 31, 2023, the plates authorized under this section shall be eliminated from production and the department shall report the cessation of production to the legislature not later than January 15, 2025.

**Section 2.** The department of transportation shall prescribe the design of the

wildlife conservation license plates authorized by this act and promulgate any rules necessary to implement this act on or before January 1, 2019.

**Section 3.** For purposes of accounting and investing only, the wildlife conservation account may be treated as a separate account from the state highway fund.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2019.

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

Approved March 12, 2018.

## Chapter 73

### APPROVAL OF BRIDGE DESIGNS, PLANS AND SPECIFICATIONS

Original House Bill No. 84

AN ACT relating to highways; specifying that requirements for county bridge designs, plans and specifications apply to cities and towns; requiring notice to the department of transportation of a constructed bridge; eliminating department of transportation preapproval of bridge designs, plans and specifications for counties, cities and towns; and providing for an effective date.

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

**Section 1.** W.S. 24-1-132(a), (c) through (g) and 24-2-106(a)(iii) are amended to read:

**24-1-132. Contracts for county, city and town bridge work; bids; exception.**

(a) The board of county commissioners of any county or governing body of any city or town shall cause to be prepared comprehensive plans and specifications for the construction of ~~bridges~~ any bridge on any dedicated and maintained ~~county~~ road in its jurisdiction.

(c) When any bridge is to be constructed, which includes either new construction or reconstruction of major load carrying bridge components, upon any ~~county~~ road in a county's, city's or town's jurisdiction, the estimated cost of which shall exceed twenty-five thousand dollars (\$25,000.00), the construction work shall be competitively bid and the bridge work constructed by contract. No contract shall be divided for the purpose of avoiding competitive bidding. The construction work may be described in the published call for bids by stating general requirements. Detailed specifications shall be available to prospective bidders at the county commissioner's office or offices of the governing body of the city or town.

(d) All bridges to be constructed shall be designed by a professional engineer who holds a valid ~~certificate of registration license~~ granted by the ~~state board of examining engineers of the state of Wyoming~~. ~~Plans and specifications shall be prepared in accordance with the provisions of W.S. 24-2-106~~ board of professional engineers and professional land surveyors.

(e) The board of county commissioners of any county or governing body of any city or town shall cause notices of the contract to be let to be published for two (2) consecutive weeks in a newspaper having general circulation within the state and to take any other means available to achieve as wide a notice as possible, but in no case shall any letting of the contract be held within fifteen (15) days of the last published notice.

(f) ~~All contracts shall be awarded by the county commissioners~~ The board of county commissioners, or governing body of the city or town shall award any contract to the lowest responsible bidder. The county commissioners ~~shall reserve or governing body reserves~~ the right to reject any ~~and all bids~~ bid and to waive irregularities and informalities in the bidding. No final payment upon any contract shall be made until the bridge is examined and approved by the professional engineer supervising the construction of the bridge and the payment is approved by the county commissioners or governing body of the city or town or their designees. Within ninety (90) days of the bridge being opened to traffic the board of county commissioners or governing body of the city or town shall notify and provide the design, plans, specifications and load rating for the bridge to the chief engineer of the department of transportation so that the department may comply with national bridge inspection standards.

(g) Whenever an emergency arises requiring expenditure of funds for the repair or rebuilding of bridges or approaches to bridges the board of county commissioners or governing body of any city or town may enter into contract for any building or rebuilding of bridges or approaches without advertising for the letting of any contract. An emergency is an occasion requiring repair or rebuilding of a bridge or a portion of a bridge when, on short notice, the bridge has become unsafe or impassable due to events which are beyond the control of the county, city or town.

**24-2-106. Appointment of chief engineer; duties of director and engineer.**

(a) With the approval of the commission, the director of the department of transportation shall appoint a qualified chief engineer who shall:

(iii) Furnish standard plans, specifications and data to any board of county commissioners or city or town governing body upon request, and advise with ~~boards of county commissioners a county, city or town~~ with respect to highway and bridge construction and improvements not within the jurisdiction of the department when requested;

**Section 2.** W.S. 24-2-106(a)(iv) and (b) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 74

### WYOMING CHILDREN'S TRUST FUND-AMENDMENTS

Original House Bill No. 170

AN ACT relating to the children's trust fund; providing an additional member for the Wyoming children's trust fund board; removing the limit on assessment of the trust fund surcharge; repealing a conflicting provision; and providing for an effective date.

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

**Section 1.** W.S. 14-8-104(a)(intro), (i), (ii) and by creating a new paragraph (iv) and 35-1-428(b) are amended to read:

**14-8-104. Wyoming children's trust fund board; creation; members.**

(a) There is created a Wyoming children's trust fund board. The board shall consist of ~~seven (7)~~ eight (8) members, as follows:

(i) The ~~executive~~ director of the department of family services or ~~his~~ the director's designee;

(ii) The state superintendent of public instruction; ~~and~~

(iv) The director of the department of health or the director's designee.

**35-1-428. Fees for copies and searches; surcharge.**

(b) In addition to fees imposed by department rule and regulation under subsection (a) of this section, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a certificate or record issued pursuant to this article and five dollars (\$5.00) for each five (5) year period or portion thereof that a search of files or records is undertaken pursuant to this article. Revenues collected from the surcharge imposed under this subsection shall be deposited by the state treasurer into the Wyoming children's trust fund established under W.S. 14-8-106. ~~The additional fee authorized by this subsection shall not be assessed after the end of the first fiscal year in which the balance in the children's trust fund exceeds five million dollars (\$5,000,000.00).~~

**Section 2.** W.S. 14-8-107(b)(ii) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 75****JUSTICE REFORM-GRADUATED SANCTIONS**

Original House Bill No. 42

AN ACT relating to criminal procedure and sentencing; amending probation and parole intensive supervision program provisions relating to rewards and sanctions; providing for 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. 7-13-408(e), 7-13-1107(a), (b)(iii) by creating new subparagraphs (C) through (E) are amended to read:

**7-13-408. Probation, parole and conditional release administrative jail or adult community correction program sanction and revocation hearing procedures.**

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

**7-13-1107. Administrative rewards and sanctions for program violations.**

(a) The department is authorized to establish by rule and regulation a system of administrative rewards for positive behavior and sanctions as an alternative to probation or parole revocation for probationers and parolees who violate the rules and restrictions of an intensive supervision program established under this article or the conditions of probation or parole.

(b) Authorized sanctions may include:

(iii) Restrictions on personal liberty including:

(C) Immediate confinement in a Wyoming county jail, to be imposed as a two (2) day or three (3) day consecutive period by the probation and parole agent with approval of the field services administrator. The total of all sanctions under this subparagraph shall not exceed eighteen (18) days during the term of supervision. The imposition of sanctions shall not require a hearing held in accordance with W.S. 7-13-408 if:

(I) The probationer or parolee is a participant in the intensive supervision program pursuant to W.S. 7-13-1105 or 7-13-1106;

(II) The probationer is a qualified offender sanctioned pursuant to W.S. 7-13-1303(d);

(III) The parolee is subject to sanctions under W.S. 7-13-408(e); or

(IV) The probationer or parolee consents to the administrative sanction provided for in subparagraph (C) of this paragraph without a hearing.

(D) Detention in a consenting Wyoming county jail coupled with substance abuse treatment contracted with and paid by the department of corrections for a period not to exceed ninety (90) days. Detention under this subparagraph shall only be imposed for repeated substance abuse violations during the probation sentence or period of parole with the consent of the probationer or parolee or by order of court or state board of parole. Detention under this subparagraph shall be credited to the sentence. A custodial sanction under this subparagraph shall only be available one (1) time to any one (1) person;

(E) Cumulative custodial sanctions imposed under subparagraphs (A) and (B) of this paragraph shall not exceed ninety (90) days per probation sentence or period of parole supervision prior to revocation and shall be credited to the sentence. Custodial sanctions imposed under subparagraphs (A), (B) and (D) of this paragraph shall require a hearing held in accordance with W.S. 7-13-408, unless the probationer or parolee consented to the sanction under subparagraph (D) of this paragraph.

**Section 2.** There is appropriated five hundred ninety-one thousand four hundred ninety-eight dollars (\$591,498.00) from the general fund to the department of corrections. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of implementing the sanctions authorized in this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2020. This appropriation shall not be included in the department of corrections' 2021-2022 standard biennial budget request.

**Section 3.** The department of corrections shall, not later than December 1, 2018, issue a report to the joint appropriations committee and the joint judiciary interim committee relating to the implementation of 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 12, 2018.

## Chapter 76

### PRODUCED WATER TREATMENT

Original House Bill No. 172

AN ACT relating to oil and gas taxes; specifying that natural gas used to treat by-product water is exempt from taxation; and providing for an effective date.

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

**Section 1.** W.S. 39-14-205 by creating a new subsection (m) is amended to read:

**39-14-205. Exemptions.**

(m) Natural gas which is consumed prior to sale for treating by-product water as defined in W.S. 41-3-903 so the water is acceptable for beneficial use in Wyoming has no value and is exempt from taxation.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 77

### POST-CONVICTION RELIEF

Original House Bill No. 26

AN ACT relating to criminal procedure; allowing a petition for exoneration for persons convicted of a felony based upon newly discovered evidence of factual innocence; specifying requirements, procedures and conditions; providing for appointment of counsel as specified; amending post-conviction relief statutes; and providing for an effective date.

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

**Section 1.** W.S. 7-12-401 through 7-12-407 are created to read:

#### ARTICLE 4

#### POST-CONVICTION DETERMINATION OF FACTUAL INNOCENCE

**7-12-401. Short title.**

This act shall be known and may be cited as the “Post-Conviction Determination of Factual Innocence Act.”

**7-12-402. Definitions.**

(a) As used in this act:

(i) “Bona fide issue of factual innocence” means that the newly discovered evidence presented by the petitioner, if credible, would clearly establish the petitioner’s factual innocence;

(ii) “Factual innocence” or “factually innocent” means a person:

(A) Did not engage in the conduct for which he was convicted;

(B) Did not engage in conduct constituting a lesser included or inchoate offense of the crime for which he was convicted; and

(C) Did not commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he was convicted.

(iii) “Forensic science” is the application of scientific or technical practices to the recognition, collection, analysis and interpretation of evidence for criminal and civil law or regulatory issues;

(iv) “Newly discovered evidence” means evidence that was not available to the petitioner at trial or during the resolution by the trial court of any motion to withdraw a guilty plea or motion for new trial and which is relevant to the determination of the issue of factual innocence, including:

(A) Evidence that was discovered prior to or in the course of any appeal or post-conviction proceedings that served in whole or in part as the basis to vacate or reverse the petitioner’s conviction;

(B) Evidence that supports the claims within a petition for post-conviction relief under W.S. 7-14-101 through 7-14-108 that is pending at the time of the court’s determination of factual innocence under this act; or

(C) Relevant forensic scientific evidence that was not available at the time of trial or during the resolution by the trial court of any motion to withdraw a guilty plea or motion for new trial, or that undermines forensic evidence presented at trial. Forensic scientific evidence is to be considered as “undermined” if new research or information exists that repudiates:

(I) The foundational validity of the challenged evidence or testimony. “Foundational validity” means the reliability of the method to be repeatable, reproducible and accurate in a scientific setting; or

(II) The applied validity of the method or technique. “Applied validity” means the reliability of the method or technique in practice.

(v) “This act” means W.S. 7-12-401 through 7-12-407.

**7-12-403. Petition for exoneration based on factual innocence; conduct of proceedings.**

(a) A person who has been convicted of a felony offense may petition the district court in the county in which the person was convicted for a hearing to establish that the person is factually innocent of the crime or crimes of which the person was convicted.

(b) The petition shall contain an assertion of factual innocence under oath by the petitioner and shall aver, with supporting affidavits or other credible documents, that:



(i) Newly discovered evidence exists that, if credible, establishes a bona fide issue of factual innocence;

(ii) The specific evidence identified by the petitioner establishes innocence and is material to the case and the determination of factual innocence;

(iii) The material evidence identified by the petitioner is not merely cumulative of evidence that was known, is not reliant solely upon recantation of testimony by a witness against the petitioner and is not merely impeachment evidence;

(iv) When viewed with all other evidence in the case, whether admitted during trial or not, the newly discovered evidence demonstrates that the petitioner is factually innocent; and

(v) Newly discovered evidence claimed in the petition is distinguishable from any claims made in prior petitions.

(c) The court shall review the petition in accordance with the procedures in W.S. 7-12-404, and make a finding whether the petition has satisfied the requirements of subsection (b) of this section. If the court finds the petition does not meet all the requirements of subsection (b) of this section, it shall dismiss the petition without prejudice and send notice of the dismissal to the petitioner, the district attorney, and the attorney general.

(d) The petition shall also contain an averment that:

(i) Neither the petitioner nor the petitioner's counsel knew of the evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or post-conviction petition, and the evidence could not have been discovered by the petitioner or the petitioner's counsel through the exercise of reasonable diligence; or

(ii) A court has found ineffective assistance of counsel for failing to exercise reasonable diligence in uncovering the evidence.

(e) Upon entry of a finding that the petition is sufficient under subsection (b) of this section, the court shall then review the petition to determine if subsection (d) of this section has been satisfied. If the court finds that the requirements of subsection (d) of this section have not been satisfied, it may dismiss the petition without prejudice and give notice to the petitioner, the district attorney and the attorney general of the dismissal, or the court may waive the requirements of subsection (d) if the court finds the petition should proceed to hearing and that there is other evidence that could have been discovered through the exercise of reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

(i) Was not discovered by the petitioner or the petitioner's counsel;

(ii) Is material upon the issue of factual innocence; and

(iii) Has never been presented to a court.

(f) A person who has already obtained post-conviction relief that vacated or reversed the person's conviction or sentence may also file a petition under this act in the same manner and form as described above, if no retrial or appeal regarding this offense is pending.

(g) If some or all of the newly discovered evidence alleged in a petition filed under this act is biological evidence subject to DNA testing, the petitioner shall seek DNA testing pursuant to W.S. 7-19-401 through 7-19-406. Separate petitions may be filed simultaneously in the same court.

(h) Except as provided in this act, and unless otherwise inconsistent with the provisions of this act, the petition and all subsequent proceedings shall be governed by the Wyoming Rules of Civil Procedure and the Wyoming Rules of Evidence and shall include the underlying criminal case number.

(j) Once a petition is filed under this section, attorneys for the state, law enforcement officers and crime laboratory personnel shall preserve the evidence that is the subject of the petition and shall preserve information to determine the sufficiency of the chain of custody of the evidence.

**7-12-404. Service of process; response by state; review by the court.**

(a) A person filing a petition under this act shall serve notice and a copy of the petition upon the office of the district attorney where the conviction was obtained and upon the Wyoming attorney general.

(b) The assigned district judge shall conduct an initial review of the petition. If it is apparent to the court that the petitioner is merely relitigating facts, issues or evidence presented in previous proceedings or presenting issues that appear frivolous or speculative on their face, the court shall dismiss the petition, state the basis for the dismissal and serve notice of dismissal upon the petitioner, the district attorney and the attorney general. If, upon completion of the initial review, the court does not dismiss the petition, it shall order the district attorney to file a response to the petition.

(c) The district attorney shall, within one hundred twenty (120) days after receipt of the court's order requiring a response, or within any additional period of time the court allows, answer or otherwise respond to the petition and serve the same upon the petitioner and the attorney general.

(d) After the time for response by the district attorney has passed, the court shall order a hearing if it finds the petition meets the requirements of W.S. 7-12-403 and finds there is a bona fide and compelling issue of factual innocence regarding the charges of which the petitioner was convicted. No bona fide and compelling issue of factual innocence exists if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature

and reliability of the newly discovered evidence that establishes the petitioner's factual innocence.

(e) Within thirty (30) days after the date the district attorney responds to the petition, the petitioner may reply. Within thirty (30) days after the time for petitioner to reply has passed, the court shall consider the petition and any response and enter an order either denying the petition or granting a hearing on the petition. The court may not grant a hearing during the period in which criminal proceedings in the matter are pending before any trial or appellate court, unless stipulated to by the parties.

(f) If the court grants a hearing, both the hearing and the final order following the hearing shall occur and be entered within one hundred fifty (150) days after the last day for the petitioner to reply to the district attorney's response to the petition, unless for good cause the court determines additional time is required.

(g) If the court sets a hearing on the petition and evidence is in the custody of the state or its agents, upon request of the petitioner, the court shall order the state to preserve all material and relevant evidence in the state's possession or control during the pendency of the proceeding.

(h) Upon motion, the court may order forensic testing of any available evidence.

(j) If the court orders forensic testing under subsection (h) of this section, the testing shall be performed by the Wyoming state crime laboratory unless the movant establishes that the state crime laboratory has a conflict of interest or does not have the capability to perform the necessary testing.

(k) If the court orders that forensic testing under subsection (h) of this section shall be conducted by a laboratory other than the Wyoming state crime laboratory, the court shall require that the testing be performed by a laboratory that is accredited by the American society of crime laboratory directors accreditation board, ANSI-ASQ national accreditation board or a successor accrediting body.

(m) The movant shall bear the cost of forensic testing ordered under subsection (h) of this section unless the court determines the movant is needy and the forensic testing supports the movant's petition for exoneration, in which case the court shall order the state to bear the cost of the forensic testing.

(n) If the parties stipulate the evidence establishes the petitioner is factually innocent, the court may find the petitioner is factually innocent without holding a hearing. If the state will not stipulate the evidence establishes the petitioner is factually innocent, no determination of factual innocence may be made by the court without first holding a hearing.

(o) Upon stipulation of the parties or the state's motion for dismissal of the

original charges against the petitioner, the court shall vacate the petitioner's conviction, issue an order of factual innocence and exoneration and order expungement of the records of the original conviction.

(p) If, after a hearing, the court determines that the petitioner has proven his factual innocence by clear and convincing evidence, the court shall issue an order of factual innocence and exoneration and shall order expungement of the records of the original conviction.

**7-12-405. Appointment of counsel.**

The court may appoint counsel for a petitioner upon a determination that the petition is not subject to summary dismissal and the petitioner is needy. Counsel shall be appointed as provided in W.S. 7-6-104(c)(vii).

**7-12-406. Victim notification.**

Following any petition filed under W.S. 7-12-403, the district attorney shall make reasonable efforts to provide notice to the victim that the petition has been filed, the time and place for any hearing that may be held as a result of the petition and the disposition of the petition. For purposes of this section, "victim" means as defined in W.S. 1-40-202(a)(ii).

**7-12-407. Appeal.**

An order granting or denying a petition under this act is appealable by either party.

**Section 2.** W.S. 7-6-104(c)(vii), 7-14-101(b), 7-14-103(b) and 7-14-105(a) are amended to read:

**7-6-104. Representation of needy persons.**

(c) A needy person who is entitled to be represented by an attorney under subsection (a) of this section is entitled:

(vii) To be represented by the public defender in a motion brought in accordance with the provisions of the Post-Conviction DNA Testing Act or in accordance with W.S. 7-12-405.

**7-14-101. Definition of "this act"; commencement and conduct of proceedings.**

(b) Any person serving a felony sentence in a state penal institution who asserts that in the proceedings which resulted in his conviction or sentence there was a substantial denial of his rights under the constitution of the United States or of the state of Wyoming, or both, may institute proceedings under this act. The proceeding shall be commenced by filing with the clerk of the court where the conviction occurred a petition verified by affidavit. A copy of the petition shall be served by the inmate on the Wyoming attorney general by certified or registered mail or by some other method reasonably calculated to assure prompt and verifiable service. The clerk shall docket the petition upon

receipt and bring it promptly to the attention of the court.

**7-14-103. Claims barred; applicability of act.**

(b) Notwithstanding paragraph (a)(i) of this section, a court may hear a petition if based on any of the following:

(i) The petitioner sets forth facts supported by affidavits or other credible evidence which was not known or reasonably available to him at the time of a direct appeal; ~~or~~

(ii) The court ~~makes a finding~~ finds from a review of the trial and appellate records that the ~~petitioner was denied~~ petitioner's appellate counsel provided constitutionally effective ~~ineffective~~ assistance of counsel by failing to assert a claim that was likely to result in a reversal of the petitioner's conviction or sentence on his direct appeal. This finding may be reviewed by the supreme court together with any further action of the district court taken on the petition; ~~or~~

(iii) The petitioner was represented by the same attorney in the trial and appellate courts.

**7-14-105. Answer by state; withdrawal of petition; amendments and further pleadings.**

(a) Within ~~thirty (30)~~ forty-five (45) days after ~~filing~~ being ordered to respond to the petition by the court, or within any further time as the court may fix, the attorney general on behalf of the state shall answer or move to dismiss the petition. No other or further pleadings shall be filed except as the court may order on its own motion or on that of either party.

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

Approved March 12, 2018.

## Chapter 78

### COMMON COLLEGE TRANSCRIPTS

Original House Bill No. 175

AN ACT relating to community colleges and the University of Wyoming; requiring the development of a common transcript system; prescribing duties of the University of Wyoming and the community college commission; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 21-18-202(a) by creating a new paragraph (vi) is amended to read:

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

(a) The commission shall perform the following general functions:

(vi) Develop and maintain a common transcript system that uses common course numbering for all courses provided at the community colleges or the University of Wyoming. The system shall facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming. The development and ongoing maintenance of the statewide course numbering system, including determining course equivalencies, shall be accomplished with the assistance of appropriate committees that shall include faculty members and staff of the community colleges and the University of Wyoming.

**Section 2.** The community college commission, the community colleges of the state and the University of Wyoming shall work collaboratively to develop the common college transcript system under W.S. 21-18-202(a)(vi) as created by this act. The University of Wyoming and the community college commission, in cooperation with the seven (7) community colleges, shall submit a report not later than October 31, 2018 to the joint education interim committee that establishes a plan for development of an electronic transcript transfer system that allows each student information system to send and receive transcript data automatically and establishment of a course equivalence and common course numbering system. The plan shall include recommendations for resource needs and policy or statute changes necessary to accomplish this directive. The system shall be developed by July 1, 2019.

**Section 3.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 79****MOVE OVER REQUIREMENT**

Original House Bill No. 36

AN ACT relating to the regulation of traffic on highways; amending requirements for passing parked emergency vehicles; creating requirements for passing parked or slow-moving municipal, construction, public utility and maintenance vehicles; and providing for an effective date.

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

**Section 1.** W.S. 31-5-224(a)(i), (ii), by creating a new subsection (b), by amending and renumbering (b) as (c) and by creating a new subsection (d) is amended to read:

**31-5-224. Operation of vehicles upon approach of authorized emergency vehicles and other parked or slow-moving vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of W.S. 31-5-928 and 31-5-952, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. When an authorized emergency vehicle making use of any visual signals provided for in W.S. 31-5-928(d) is parked, the driver of every other vehicle, as soon as it is safe:

(i) When driving on an interstate highway or other highway with two (2) or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane farthest from the emergency vehicle or at least one (1) lane of traffic apart from the emergency vehicle, except when otherwise directed by a police officer;

(ii) When driving on a two (2) lane road with a posted speed limit of forty-five (45) miles per hour or greater, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.

(b) When an authorized municipal, public utility or highway construction or maintenance vehicle is stopped or is moving at less than twenty (20) miles per hour on or within three (3) feet of a roadway and is making use of any visual signals provided for in W.S. 31-5-928(d), (f)(ii) or 31-5-930, the driver of every other vehicle, as soon as it is safe:

(i) When driving on an interstate highway or other highway with two (2) or more lanes traveling in the same direction of the municipal, public utility or highway construction or maintenance vehicle, shall merge into the lane farthest from the vehicle or at least one (1) lane of traffic apart from the vehicle except when otherwise directed by a police officer;

(ii) When driving on a two (2) lane road with a posted speed limit of forty-five (45) miles per hour or greater, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.

~~(b)~~(c) This section shall not operate to relieve the driver of an authorized emergency vehicle, municipal, public utility or highway construction or maintenance vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(d) For purposes of this section, "public utility" means as defined in W.S. 37-1-101(a)(vi).

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 80****HEALTH CARE PROVIDERS-SEXUAL ASSAULT PROTECTIONS-2**

Original House Bill No. 157

AN ACT relating to health care providers; specifying that health care licensing boards may discipline licensees for sexual misconduct; clarifying offenses relating to sexual assault; revising provisions relating to the expungement of misdemeanor sexual offenses committed by health care providers; clarifying grounds for physician and physician assistant discipline; requiring specified licensing boards to conduct a review of existing rules relating to health care providers; requiring specified licensing boards to amend existing rules as necessary; repealing provisions; and providing for an effective date.

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

**Section 1.** W.S. 33-1-118 is created to read:

**33-1-118. Health care licensing boards; authority to discipline licensees for sexual misconduct.**

(a) A board which licenses health care providers may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any licensee or certificate holder, or otherwise discipline a licensee or certificate holder, upon clear and convincing evidence that the licensee or certificate holder has committed sexual misconduct.

(b) As used in this section:

(i) “Health care provider” means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient’s physical or mental condition;

(ii) “Sexual misconduct” means:

(A) Any behavior by a licensee that involves offers of exchange of medical services for some form of sexual gratification; or

(B) Sexual contact or sexual intrusion, as defined in W.S. 6-2-301(a), that occurs while the patient is under the care of the licensee.

**Section 2.** W.S. 6-2-301(a)(iv), by creating a new paragraph (ix) and by renumbering (ix) as (x), 6-2-303(b), 7-13-1501(a)(intro), by creating a new paragraph (iv) and (m) by creating a new paragraph (iv) and 33-26-402(a) by creating a new paragraph (xxxv) are amended to read:

**6-2-301. Definitions.**

(a) As used in this article:

(iv) “Position of authority” means that position occupied by a parent, guardian, relative, household member, teacher, employer, custodian, health care provider or any other person who, by reason of his position, is able to exercise significant influence over a person;



(ix) “Health care provider” means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient’s physical or mental condition;

~~(ix)~~(x) “This article” means W.S. 6-2-301 through 6-2-320.

**6-2-303. Sexual assault in the second degree.**

(b) A person is guilty of sexual assault in the second degree if he subjects another person to:

(i) Sexual contact or sexual intrusion in the person’s capacity as a health care provider in the course of providing care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient’s physical or mental condition;

(ii) Sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vii) and (ix) of this section.

**7-13-1501. Petition for expungement of records of conviction of certain misdemeanors; filing fee; notice; objections; hearing; definitions; exceptions.**

(a) A person who has ~~pleaded~~pled guilty or nolo contendere to or been convicted of a misdemeanor may petition the convicting court for an expungement of the records of conviction, subject to the following limitations:

(iv) A health care provider who has pled guilty or nolo contendere to or has been convicted of an offense punishable under W.S. 6-2-313 which was committed against a patient under the care of the health care provider shall not be eligible for an expungement of the records of conviction.

(m) As used in this section:

(iv) “Health care provider” means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient’s physical or mental condition.

**33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action.**

(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or more of the following grounds:

(xxxiv) Violating any final order, consent decree or stipulation between the board and the licensee;:

(xxxv) Any behavior by a licensee toward a patient, former patient, another licensee, an employee of a health care facility, an employee of the licensee or a relative or guardian of a patient that exploits the position of trust, knowledge,

emotions or influence of the licensee.

**Section 3.** W.S. 6-2-303(a)(viii), 33-25-111(a)(xx), 33-26-102(a)(xiii) and 33-26-402(a)(vii) are repealed.

**Section 4.**

(a) Before July 1, 2019, each licensing board with the authority to license, supervise and discipline health care providers shall:

(i) Conduct a review of existing rules relating to standards of care and the use of chaperones and other persons to ensure patient safety and protection, including in cases where an intimate portion of a patient's body is being examined by a health care provider; and

(ii) Promulgate new rules or amendments to existing rules which are deemed necessary by the board for patient safety and protection, based on the review conducted pursuant to paragraph (i) of this subsection.

(b) As used in this section, "health care provider" means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition.

**Section 5.**

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

(b) Except as otherwise provided in subsection (a) of this section, this act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 81

### LEGISLATOR COMMUNICATIONS ON RECORDINGS AND BROADCASTS

Original House Bill No. 192

AN ACT relating to the legislature; providing that communications audible on an official recording or broadcast of an interim committee meeting or other meeting are not confidential and privileged as specified; and providing for an effective date.

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

**Section 1.** W.S. 28-8-116(a)(intro) and by creating a new subsection (d) is amended to read:

**28-8-116. Confidential communications.**

(a) Except as otherwise provided in subsection (d) of this section and unless

the privilege is waived by the individual legislator involved, the following shall be deemed confidential and privileged:

(d) The recording or broadcast of a communication made by a legislator or legislative staff which would otherwise be confidential and privileged under this section shall not be deemed confidential and privileged to the extent that the communication is audible on the official legislative service office recording or broadcast of a public meeting of management council, the joint appropriations committee, the management audit committee, a joint interim committee, select committee or task force. Nothing in this subsection shall be deemed to waive the privilege for any communication or portion of a communication that is not audible on the recording or broadcast.

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

Approved March 12, 2018.

## Chapter 82

### STATE SONGS

Original House Bill No. 156

AN ACT relating to the state song; naming a second state song; and providing for an effective date.

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

**Section 1.** W.S. 8-3-108 is amended to read:

**8-3-108. State songs.**

The march song entitled “Wyoming,” words by Charles E. Winter and music by George E. Knapp, ~~is and the song entitled “Wyoming Where I Belong,” words and music by Annie Smith and Amy Smith, are the official state song~~ songs of Wyoming.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 83

### MUNICIPAL JURISDICTION

Original House Bill No. 14

AN ACT relating to municipalities; restricting extraterritorial jurisdiction asserted by a municipality; specifying applicability; providing for coordination between a county and municipality; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 15-3-202(b)(intro) and (ii), 15-9-103(a)(ii) and 34-12-103 are amended to read:

**15-3-202. Jurisdiction beyond corporate limits; exception.**

(b) The mayor has ~~such~~ jurisdiction as may be vested in him by ordinance:

(ii) Except as otherwise provided by this paragraph, in all matters excepting taxation within one-half (1/2) mile of the corporate limits of the city. The board of county commissioners of any county containing any area over which jurisdiction has been asserted pursuant to this paragraph may enact a resolution nullifying the ordinance as to any unincorporated area of the county subject to the ordinance. Upon the effective date of the resolution the ordinance shall no longer be effective as to the unincorporated area of the county specified in the resolution. This paragraph shall not apply to any unincorporated area for which a county has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b). With the consent of a municipality, a comprehensive plan or a plan under W.S. 9-8-301 may delegate functions to the municipality in whole or in part and exclusively or concurrently with county performance of the functions.

**15-9-103. Definitions.**

(a) As used in this chapter, unless a different meaning is clearly indicated by the context:

(ii) “Area of operation” means the area within the corporate limits of the municipality and the area within five (5) miles of those limits, except that it ~~does not~~ may include any area which lies within the territorial boundaries of another incorporated city or town ~~unless if~~ a resolution has been adopted by the governing body of the other city or town ~~declaring a need therefor~~ consenting to the inclusion and it may include any unincorporated area within five (5) miles of the corporate limits of the municipality if a resolution has been adopted by the county commissioners of the unincorporated area consenting to the inclusion;

**34-12-103. Contents of plat; acknowledgment; approval by county commissioners or governing body of cities or towns; filing and recording.**

(a) Every ~~such~~ plat shall contain a statement to the effect that “the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears on this plat, is with the free consent, and in accordance with the desires of the undersigned owners and proprietors”, which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgement of deeds. The plat shall meet the approval of the board of county commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the

city or town if situated within the boundaries of such city or town. ~~When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county;~~ Provided, however, that any such plat of land which is adjacent to any incorporated city or town; or within one (1) mile of the boundaries of any such city or town and which is not subject to regulation under and pursuant to a comprehensive plan adopted pursuant to W.S. 18-5-202(b), shall be jointly approved by both the board of county commissioners of said the county and the governing body of said the city or town before same the plat shall be filed and recorded in the office of the county clerk, as aforesaid:

(b) If a city or town approval is not required under this section and the plat is located within one (1) mile of the boundaries of a first class city or town, or within one-half (1/2) mile of a town with a population of less than four thousand (4,000), the board of county commissioners, upon receipt of a plat application, shall solicit comments from the governing body of the city or town relating to impacts to the city or town's infrastructure or other development plans resulting from the proposed plat and development. The board shall consider the city or town's comments that are received by the board at least twenty (20) business days prior to the scheduled final consideration of the plat proposal and shall respond in writing to the city or town about any items of disagreement. To the extent practical, the board of county commissioners shall ensure that a plat application meets the following:

(i) Is consistent with any applicable city and county land use or comprehensive plan;

(ii) Conforms to any adopted street plan of the city, town or county;

(iii) Contains all areas for streets, roads and alleys that are dedicated rights-of-way;

(iv) Contains dedicated easements for all existing and proposed utilities; and

(v) Contains any additional criteria the governing body of the city or town and the board of county commissioners agree to through a jointly adopted plan or voluntary agreement.

(c) When executed, acknowledged and approved as provided in this section, the plat shall be filed and recorded in the office of the clerk of the proper county.

**Section 2.** This act is effective January 1, 2019.

Approved March 12, 2018.

## Chapter 84

### PRESCRIPTION AND POSSESSION OF FDA APPROVED DRUGS

Original House Bill No. 99

AN ACT relating to controlled substances; specifying that a practitioner may prescribe any FDA approved drugs; authorizing possession of prescribed drugs approved by the FDA; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1031(c)(intro) is amended to read:

**35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession.**

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. With the exception of any drug that has received final approval from the United States food and drug administration, including dronabinol as listed in W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol. ~~and~~ No prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid, unless the prescription is for a drug that has received final approval from the United States food and drug administration, including dronabinol. Any person who violates this subsection:

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

## Chapter 85

### CONCEALED WEAPONS IN PLACES OF WORSHIP

Original House Bill No. 141

AN ACT relating to weapons; repealing the restriction on persons authorized to carry a concealed weapon from carrying a concealed weapon into any place where persons are assembled for public worship; and providing for an effective date.

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

**Section 1.** W.S. 6-8-104(t)(viii) is repealed.

**Section 2.** This act is effective July 1, 2018.

Approved March 12, 2018.

**Chapter 86****HEMP EXTRACT REVISIONS**

Original House Bill No. 41

AN ACT relating to public health; clarifying that a minor can include a person that has reached the age of majority if the person is dependent on a parent or legal guardian for medical care; making conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1901(a) by creating a new paragraph (viii) and 35-7-1902(f) are amended to read:

**35-7-1901. Definitions.**

(a) As used in this article:

(viii) “Minor” includes a person:

(A) Under the age of majority; or

(B) Who meets the definition of a vulnerable adult in W.S. 35-20-102(a)(xviii).

**35-7-1902. Hemp extract registration cards.**

(f) A registration card issued under subsection (a) or (b) of this section is valid for one (1) year and is renewable if, at the time of renewal, the registrant meets the requirements of subsection (a) or (b) of this section. A card issued pursuant to subsection (b) of this section remains valid after the minor reaches the age of majority until the card expires or is replaced by a card issued pursuant to subsection (a) of this section or renewed under subsection (b) of this section if the person remains a minor as defined in W.S. 35-7-1901(a)(viii).

**Section 2.** This act is effective July 1, 2018.

Became law without signature March 13, 2018.

**Chapter 87****WYOMING LEGAL TENDER ACT**

Original House Bill No. 103

AN ACT relating to administration of the government; recognizing specie as legal tender as specified; specifying that specie and specie legal tender shall not be taxed; providing that the use of specie as tender is voluntary; and providing for an effective date.

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

**Section 1.** W.S. 9-4-1301 through 9-4-1305 are created to read:

ARTICLE 13  
WYOMING LEGAL TENDER ACT

**9-4-1301. Short title.**

This article shall be known and may be cited as the “Wyoming Legal Tender Act.”

**9-4-1302. Definitions.**

(a) As used in this article:

(i) “Legal tender” means a recognized medium of exchange for the payment of debts and taxes;

(ii) “Specie” means:

(A) Coin having gold or silver content; or

(B) Refined gold or silver bullion which is coined, stamped or imprinted with its weight and purity and valued primarily based on its metal content and not its form.

**9-4-1303. Specie legal tender.**

(a) Specie legal tender in Wyoming shall consist of:

(i) Specie coin issued by the United States government at any time;

(ii) Specie coin issued by any foreign government at any time;

(iii) Any other specie that a federal court of competent jurisdiction, by final and unappealable order, rules to be within state authority to make or designate as legal tender. No court of the state of Wyoming shall be deemed to be a court of competent jurisdiction for purposes of this paragraph.

**9-4-1304. Taxation issues related specie and specie legal tender.**

(a) No specie or specie legal tender shall be characterized as personal property for the purposes of property taxation.

(b) The exchange of one (1) type or form of legal tender for another type or form of legal tender shall not give rise to any tax liability of any kind.

(c) The purchase, sale or exchange of any type or form of specie or specie legal tender shall not give rise to any tax liability of any kind.

**9-4-1305. Voluntary use of specie as tender.**

Unless specifically provided by law or by contract, no person or legal entity shall have the right to compel any other person or legal entity to tender specie or to accept specie as legal tender.

**Section 2.** W.S. 39-11-105(b)(vi)(A) and 39-15-101(a)(xxxi)(A) are amended to read:

**39-11-105. Exemptions.**



(b) The following shall be exempt from property taxation:

(vi) Any of the following intangible items:

(A) Money and cash on hand including currency, gold, silver and other coin, specie and specie legal tender as provided in W.S. 9-4-1304, bank drafts, certified checks and cashier's checks;

**39-15-101. Definitions.**

(a) As used in this article:

(xxx) "Intangible personal property" includes:

(A) Money and cash on hand including currency, gold, silver and other coin, specie and specie legal tender as provided in W.S. 9-4-1304, bank drafts, certified checks and cashier's checks;

**Section 3.** This act is effective July 1, 2018.

Became law without signature March 13, 2018.

## Chapter 88

### UNIFORMITY IN DOMESTIC VIOLENCE LAW

Original Senate File No. 19

AN ACT relating to crimes and offenses; amending penalties for crimes related to domestic assault and battery, strangulation and stalking; amending enhanced penalty provisions; amending the definition of violent felony; and providing for an effective date.

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

**Section 1.** W.S. 6-1-104(a)(xii), 6-2-509(b), 6-2-510(b)(i), (ii)(intro), (E), by creating new subparagraphs (G) through (M) and (c), 6-2-511(b)(ii)(intro), (E), by creating new subparagraphs (G) through (M), (iii)(intro), (E), by creating new subparagraphs (G) through (M) and (c) and 7-13-1301(a)(vi) are amended to read:

**6-1-104. Definitions.**

(a) As used in this act, unless otherwise defined:

(xii) "Violent felony" means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, strangulation of a household member, aircraft hijacking, arson in the first or second degree, ~~or~~ aggravated burglary, ~~or~~ a violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a third, or subsequent, domestic battery under W.S. 6-2-511(a) and (b)(iii);

**6-2-509. Strangulation of a household member; penalty.**

(b) Strangulation of a household member is a felony punishable by imprisonment for not more than ~~five (5)~~ ten (10) years.

**6-2-510. Domestic assault.**

(b) Domestic assault is punishable as follows:

(i) By imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both;

(ii) By imprisonment for not more than ~~six (6) months~~ one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the person has previously been convicted of domestic assault or if the person has previously been convicted of the following or similar offense against another household member:

(E) Child abuse under W.S. 6-2-503; ~~or~~

(G) Unlawful contact under W.S. 6-2-501(g);

(H) Strangulation of a household member under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W.S. 6-2-202; or

(M) False imprisonment under W.S. 6-2-203.

(c) If a person sentenced under paragraph (b)(i) or (ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum ~~six (6) months~~ one (1) year imprisonment, provided the term of probation, including extensions, shall not exceed ~~one (1) year~~ three (3) years.

**6-2-511. Domestic battery.**

(b) Domestic battery is punishable as follows:

(ii) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if within the previous five (5) years, the person has been convicted of domestic battery or any of the following or similar ~~offense~~ offenses against another household member:

(E) Child abuse under W.S. 6-2-503; ~~or~~

(G) Unlawful contact under W.S. 6-2-501(g);

(H) Strangulation of a household member under W.S. 6-2-509;

(J) Kidnapping under W.S. 6-2-201;

(K) Felonious restraint under W.S. 6-2-202; or

(M) False imprisonment under W.S. 6-2-203.

(iii) By imprisonment for not more than ~~five (5) years~~ ten (10) years, a fine of not more than ~~two thousand dollars (\$2,000.00)~~ ten thousand dollars (\$10,000.00), or both, if within the previous ten (10) years, the person has been convicted of domestic battery two (2) or more times or has been convicted of domestic battery and any of the following or similar offense against another

household member:

- (E) Child abuse under W.S. 6-2-503; ~~or~~
- (G) Unlawful contact under W.S. 6-2-501(g);
- (H) Strangulation of a household member under W.S. 6-2-509;
- (J) Kidnapping under W.S. 6-2-201;
- (K) Felonious restraint under W.S. 6-2-202; or
- (M) False imprisonment under W.S. 6-2-203.

(c) If a person sentenced under paragraph (b)(i) or (ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum imprisonment of one (1) year, provided the term of probation, including extensions, shall not exceed ~~two (2)~~ three (3) years.

**7-13-1301. Definitions.**

(a) As used in W.S. 7-13-1301 through 7-13-1304:

(vi) “Violent felony” means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, strangulation of a household member, aircraft hijacking, arson in the first or second degree, ~~or~~ aggravated burglary, a violation of W.S. 6-2-314(a)(i) or 6-2-315(a)(ii) or a third, or subsequent, domestic battery under W.S. 6-2-511(a) and (b)(iii);

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 89

### GAME AND FISH LICENSES

Original Senate File No. 58

AN ACT relating to game and fish licenses; amending provisions related to license and conservation stamp expirations; requiring rulemaking; amending provisions related to reservations of certain unused licenses; making conforming amendments; and providing for effective dates.

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

**Section 1.** W.S. 23-1-703(f), 23-1-704, 21-2-306(a)(intro), 23-2-307(b), 23-3-105(b), 23-5-105, 23-5-108(a)(i) and 23-5-109 are amended to read:

**23-1-703. Limitation of number of big or trophy game animal licenses; reservation of certain licenses; reservation of certain unused licenses.**

(f) Notwithstanding W.S. 23-1-704 and 23-2-101(j), any person who is issued and purchases a limited quota, full price big or trophy game animal license for any species and sex of animal and is unable to use for good cause as provided

by regulations that license for ~~during the year in which hunting season for which the license is issued~~, may reserve a license for the particular species and sex of big or trophy game animal designated on the unused license for use during the immediately succeeding ~~calendar year hunting season~~ by applying to the commission ~~before the opening date of the season for the designated species and sex of animal during the year for which the initial license is issued in accordance with commission rules~~. The initial big or trophy game animal license shall accompany the application. Upon receipt, the commission shall cancel the initial license and prior to the ~~subsequent~~ season opening date for the designated species and sex of animal, ~~during the immediately succeeding calendar year~~, issue to the applicant at an administrative cost not less than ten dollars (\$10.00) and not to exceed four percent (4%) of the cost of the initial license, a license for the designated big or trophy game animal valid for that ~~year season~~.

**23-1-704. Licenses; expiration.**

All licenses ~~issued on or after January 1, 2019, expire on the last day of the year in which issued as provided in commission rules~~ except as otherwise provided ~~in this title~~.

**23-2-306. Conservation stamp; exemptions.**

(a) Subject to subsections (b) and (c) of this section and the applicable fee under W.S. 23-1-701, each sportsman licensed under W.S. 23-2-101, 23-2-107 or 23-2-201 shall purchase a single conservation stamp for twelve dollars (\$12.00) which shall be valid for ~~one (1) calendar year and the time period specified in commission rules not to exceed twelve (12) months~~. The stamp or an authorization signifying purchase of the stamp shall be in the possession of any person exercising rights under any fishing or hunting license issued pursuant to W.S. 23-2-101, 23-2-107 or 23-2-201. Holders of special limited fishing permits issued under W.S. 23-2-207 and holders of licenses only under W.S. 23-2-101(j)(v) and (vi), 23-2-201(d)(vi), (vii) and (ix), 23-2-201(f) and 23-2-201(g) are exempt from the provisions of this section when exercising hunting or fishing privileges provided under those specific licenses. Revenues collected from the sale of each stamp under this subsection shall be deposited as follows:

**23-2-307. Special management permit.**

(b) Special management permits may be purchased from the department or its authorized selling agents for fifteen dollars (\$15.00) plus the applicable fee under W.S. 23-1-701 and, ~~if issued on or after January 1, 2019, shall be valid for one (1) calendar year~~ ~~expire as provided in commission rules~~.

**23-3-105. Antelope, deer and elk coupons; payment to landowner; kill on federal or state land.**

(b) The landowner's coupon shall promptly be detached, dated, signed and

delivered to the landowner. The landowner, on or before March 1 following the year close of the hunting season for which the license was issued, shall deliver to the department the coupon and an affidavit that the antelope, deer or elk for which the coupon was delivered was killed on his land. Upon receipt of the coupon and affidavit the department shall pay the landowner sixteen dollars (\$16.00) for each coupon from an antelope, deer or elk license. Landowner's coupons are not transferable. Any unauthorized person attempting to collect any sum for any landowner's coupon is guilty of a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii). Effective January 1, 2000, the department shall provide a checkoff box on each landowner coupon affidavit claim form that offers the claimant the opportunity to designate the animal damage management board to receive his payment amount for landowner coupons claimed on that form. For each claim made where the landowner has designated his payment to the animal damage management board, the department shall transfer that amount to the animal damage management account created by W.S. 11-6-306 and the department shall retain the fees related to those administrative costs of the transfer.

**23-5-105. License fee; expiration; renewal of license.**

Applicants for the license shall pay the proper fee. The license, if issued on or after January 1, 2019, expires on April 1 of each year as provided in commission rules, but may be renewed each year in the discretion of the department upon the payment of the proper fee.

**23-5-108. Hunting restricted to established seasons; license required; exceptions.**

(a) No person shall take game birds on any licensed game bird farm area at any time except during the established season for game bird farms and unless:

(i) The person has in his possession at the time a license authorizing the hunting of game birds; ~~as required under this act or a special bird license;~~ or

**23-5-109. Bird license; fee; license not required of commercial purchasers.**

All game bird farm licensees are authorized selling agents of the commission, may issue a ~~special~~-bird license on forms prescribed by the commission to any person who does not have in his possession a license authorizing the hunting of game birds as required by this act, and shall comply with all provisions of this act. ~~Special Bird licenses are valid for a period of three (3) days from the date of issuance~~ issued on or after January 1, 2019, expire as provided in commission rules and are valid for use only on the premises of the licensee selling the license. The appropriate fee for the ~~special~~-bird license shall be paid to the department. The licensee may charge such additional fee for his personal services as he feels his operations may dictate, or he may sell directly to a commercial operator or restaurant operator, live or dressed game birds without their having to be killed by the purchaser, provided they are properly receipted, in which case the

purchaser is not required to possess a valid game bird hunting license.

**Section 2.** Licenses issued under title 23 of the Wyoming statutes before January 1, 2019, shall expire in accordance with the applicable provisions of law existing prior to amendment by this act.

**Section 3.** Before January 1, 2019, the game and fish commission shall promulgate rules on license expirations and reservations of unused limited quota, full price big or trophy game animal licenses consistent with and in order to fully implement the requirements of section 1 of this act that become effective on January 1, 2019.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2019.

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

Approved March 14, 2018.

## Chapter 90

### CEASE AND TRANSFER PRIORITY LIST

Original Senate File No. 17

AN ACT relating to prioritization of municipal solid waste facilities cease and transfer projects; authorizing expenditure of previously appropriated funds; establishing a prioritized list of projects; establishing a maximum amount to be expended on projects; granting the department of environmental quality limited discretionary authority to modify the prioritized list; providing definitions; repealing a prior list of priority cease and transfer projects; and providing for an effective date.

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

**Section 1.**

(a) As used in this section:

(i) “Maximum amount” means the total amount to be expended on the listed project and reflects one hundred percent (100%) of the project cost, including any award by the state loan and investment board under W.S. 35-11-528;

(ii) “(C)” means closure project;

(iii) “SWDD” means solid waste disposal district;

(iv) “(T)” means transfer projects.

(b) From amounts appropriated by 2013 Wyoming Session Laws, Chapter 194, Section 2(a) and (b), 2014 Wyoming Session Laws, Chapter 26, Section 333(a)

and (b), 2015 Wyoming Session Laws, Chapter 142, Section 345 (priority 2), 2016 Session Laws, Chapter 31, Section 316(a), and other funds appropriated and authorized for program expenses, the following amounts and prioritized projects are authorized pursuant to the municipal solid waste facilities cease and transfer program created by W.S. 35-11-528:

Priority Index	Project	Maximum Amount
1	Upton, Town of (T)	\$1,300,000
2	Newcastle, City of (T)	\$1,200,000
3	Moorcroft, Town of – Moorcroft #3 (T)	\$1,500,000
4	Eden Valley SWDD (C)	\$1,581,000
5	Glenrock, Town of (C)	\$1,600,000
6	Lincoln County – Thayne (C)	\$2,600,000
7	Fremont County SWDD – Shoshoni (C)	\$1,346,000
8	Big Horn County SWDD – North #2 (T)	\$1,500,000
9	Thermopolis, Town of (T)	\$2,000,000
10	Tensleep SWDD (C)	\$1,600,000
11	Hulett, Town of (C)	\$1,088,000
12	Central Weston County SWDD – Osage (C)	\$ 700,000
13	Upper Platte River SWDD – Saratoga (C)	\$2,300,000
14	Rawlins, City of (C)	\$ 780,000
15	Thermopolis, Town of (C)	\$2,500,000
16	Baggs SWDD (C)	\$2,250,000
17	Big Horn County SWDD – South (C)	\$2,400,000
18	Big Horn County SWDD – North #2 (C)	\$1,700,000
19	Newcastle, City of (C)	\$1,100,000
20	Uinta County Solid Waste – Bridger Valley (C)	\$4,000,000

21	LaGrange, Town of (C)	\$1,400,000
22	Moorcroft, Town of (C)	\$ 500,000
23	Upton, Town of (C)	\$1,500,000
24	Park County Landfills – TS Rolling Stock (T)	\$ 351,000

(c) The department of environmental quality may modify the authorized funds and the order of the projects listed in the prioritized list contained in subsection (b) of this section for any of the following reasons:

- (i) To optimize efficiency;
- (ii) Based on project readiness;
- (iii) Based on compliance with grant or loan qualifications or conditions;
- (iv) To address emergency or immediate environmental concerns.

(d) Not later than October 15 of each year, the department of environmental quality shall report any modification of the prioritized list contained in subsection (b) of this section to the joint minerals, business and economic development interim committee and the joint appropriations committee.

**Section 2.** 2017 Wyoming Session Laws, Chapter 32 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 14, 2018.

## Chapter 91

### NOTICE OF HEARING TO REOPEN AN ESTATE-AMENDMENTS

Original Senate File No. 30

AN ACT relating to decedents' estates; amending notice of hearing requirements in relation to a petition to reopen an estate; and providing for an effective date.

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

**Section 1.** W.S. 2-8-102 is amended to read:

**2-8-102. Contents of petition; notice of hearing.**

Any heir at law, devisee or creditor whose claim was allowed but not satisfied in the original administration or other person interested may petition for the reopening of the estate upon the grounds specified in W.S. 2-8-101. The petition shall set forth the names of all heirs at law, devisees and creditors and their address, if known. If the address is unknown to the petitioner he shall so



state in the petition. Upon filing of the petition, the clerk shall appoint a day for hearing the petition and give notice thereof by mailing by ~~registered letter certified mail, return receipt requested~~, a copy of the notice to the heirs at law, devisees and creditors named in the petition. Where an address is unknown notice shall be served as provided in the Wyoming Rules of Civil Procedure.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 92

### BOARD OF LAW EXAMINERS APPOINTMENT-SUPREME COURT RULES

Original Senate File No. 57

AN ACT relating to attorneys at law; providing for the appointment and conditions of office of the board of law examiners pursuant to Wyoming supreme court rules; and providing for an effective date.

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

**Section 1.** W.S. 33-5-101 is amended to read:

**33-5-101. State board of law examiners; appointment.**

The state board of law examiners shall ~~consist of five (5) members of the bar of at least five (5) years standing, who shall be appointed by the supreme court; and shall hold office for the term of three (3) years, provided, that not more than one (1) member shall be appointed from the same judicial district. In case a vacancy shall occur by death, resignation or otherwise, the same shall be filled by appointment by the court for the remainder of the term of the member whose place has become vacant. Removal of a member from the district in which he resided when appointed shall be construed as creating a vacancy pursuant to rules promulgated by the supreme court.~~

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 93

### BIOLOGICAL PRODUCTS-PHARMACIES

Original Senate File No. 75

AN ACT relating to pharmacy; authorizing a pharmacist to dispense specified biological products as a substitute for a prescribed drug; providing definitions; requiring specified recordkeeping relating to biological products; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 33-24-136(a) and (e), 33-24-147(a)(iv), by creating new paragraphs (vi) and (vii) and by renumbering (vi) as (viii), 33-24-148(b), (e)(intro) and (g) and 33-24-149 are amended to read:

**33-24-136. Filing memorandum of prescription; labels generally; prescription defined; counseling and patient profiles.**

(a) Every person who prepares, compounds, processes, packages or repackages, dispenses, fills or sells or offers for sale, at retail or in connection with operation of a health care facility, any prescription, shall place the written or electronic record of the prescription in a separate file marked and kept for that purpose, and shall affix a label to the container in which the prescribed substance is dispensed bearing the name and address of the pharmacy and initials of the dispensing pharmacist, or of the preceptor if the dispenser is an intern, the date on which the prescription is filed in the pharmacy's files, the name of the person who prescribed the substance, the name of the patient or customer for whom the prescription was made and directions for use by the patient as directed on the prescription by the ~~prescriber~~ practitioner.

(e) Notwithstanding subsection (a) of this section, if, in the opinion of the pharmacist, an emergency exists whereby the ~~prescriber of practitioner who ordered or prescribed~~ the prescription cannot be contacted for authorization and there is a need to refill the prescription, the pharmacist may provide up to a seventy-two (72) hour supply, or the smallest available unit, of the previously prescribed drug, except a controlled substance. Nothing in this subsection shall be construed to require a pharmacist to refill the prescription in the absence of authorization from the ~~prescriber~~ practitioner.

**33-24-147. Definitions.**

(a) As used in this act:

(iv) "Substitute" means to dispense a generically equivalent drug or interchangeable biological product in place of the ~~dangerous substance prescription~~ ordered or prescribed;

(vi) "Biological product" means as defined in 42 U.S.C. 262(i)(1);

(vii) "Interchangeable biological product" means a biological product that the United States food and drug administration has:

(A) Licensed and determined meets the standards for interchangeability under 42 U.S.C. 262(k)(4); or

(B) Determined is therapeutically equivalent to the prescription ordered or prescribed, as set forth in the latest edition or supplement to the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) issued by the United States food and drug administration.

(vi)(viii) “This act” means W.S. 33-24-146 through 33-24-151.

**33-24-148. Conditions for drug substitution.**

(b) Except as limited by W.S. 33-24-149(b) or when the practitioner has clearly indicated substitution is not permitted, a pharmacist may substitute:

(i) A drug product with the same generic name in the identical strength, quantity, dose and dosage form as the prescribed drug, provided the substituted product or drug meets all requirements specified in W.S. 33-24-147(a)(ii):

(ii) An interchangeable biological product.

(e) A pharmacist may not substitute a generically equivalent drug product unless it has been manufactured with the following minimum manufacturing standards and practices by a manufacturer who:

(g) When a practitioner orally communicates a prescription and prohibits a generic substitution of an interchangeable biological product or generically equivalent drug, the pharmacist shall make reasonable efforts to obtain a written prescription from the practitioner with the phrase “brand medically necessary” written on the face of the prescription in his own handwriting.

**33-24-149. Drug substitution procedures.**

(a) A pharmacist who receives a prescription for a brand name prescription drug may dispense any interchangeable biological product or generically equivalent drug of the brand name prescription drug prescribed, unless the prescribing practitioner has clearly indicated substitution is not permitted.

(b) If a practitioner prescribes a prescription drug by its generic name or by the nonproprietary name of an interchangeable biological product, the pharmacist may dispense the generically equivalent drug or the interchangeable biological product as defined in this act.

(c) Except as provided in subsection (e) of this section, when a pharmacist dispenses a substituted drug, an interchangeable biological product or generically equivalent drug as authorized by this act, he shall label the prescription container with the name of the dispensed biological product or drug. If the dispensed drug or product does not have a brand name, the prescription label shall indicate the generic name of the drug dispensed or the nonproprietary name of the interchangeable biological product dispensed.

(d) The national drug code number or the name of the manufacturer or distributor of the generic drug, interchangeable biological product or generically equivalent drug dispensed shall be noted on the prescription record or entry by the pharmacist.

(e) A prescription dispensed by a pharmacist shall bear upon the label the name of the medication in the container except if the prescriber-practitioner orders “do not label”, or words of similar import, on the prescription or so

designates in an oral or electronic transmission of the prescription.

(f) Except as otherwise provided in subsections (g) and (j) of this section, not later than five (5) business days after dispensing a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product dispensed to the patient, including the name and manufacturer of the product. The entry shall be electronically accessible to the practitioner through one (1) of the following electronic records systems:

- (i) An interoperable electronic medical records system;
- (ii) Electronic prescribing technology;
- (iii) A pharmacy benefit management system; or
- (iv) A pharmacy record.

(g) Except as otherwise provided in subsection (j) of this section, if an electronic records system under subsection (f) of this section is not available, the dispensing pharmacist shall, not later than five (5) business days after dispensing a biological product, communicate to the practitioner the specific product dispensed to the patient, including the name and manufacturer of the product, using facsimile, telephone, electronic transmission or any other prevailing means of communication.

(h) An entry made into an electronic records system under subsection (f) of this section or a communication made under subsection (g) of this section shall establish a presumption that the practitioner received notice of the biological product dispensed to the patient.

(j) The requirements of subsections (f) and (g) of this section shall not apply if:

- (i) There is no interchangeable biological product for the product prescribed by the practitioner; or
- (ii) A prescription for a refill is not changed from the product dispensed on the prior filling of the prescription.

(k) The dispensing pharmacist shall notify a patient of the biological product which was dispensed, which may be carried out through the prescription label required pursuant subsection (c) of this section.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 94

### OMNIBUS WATER BILL-PLANNING

Original Senate File No. 62

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing an appropriation for the office of water programs; extending the Platte River Basin endangered species account and providing an appropriation; and providing for an effective date.

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

[2018-2019 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 water development 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 obligated prior to July 1, 2021 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 2020 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Bedford Water Supply Master Plan	Lincoln County	\$100,000
Big Sandy Watershed Study	Fremont, Sublette and Sweetwater Counties	\$275,000
Horse Creek Watershed Study	Albany, Goshen, Laramie and Platte Counties	\$284,000
Lower Laramie River Watershed Study	Albany, Goshen, Laramie and Platte Counties	\$290,000
Middle Big Horn River Watershed Study	Big Horn, Hot Springs, Park and Washakie Counties	\$300,000
Osage Water Master Plan	Weston County	\$190,000
Popo Agie Watershed Study, Phase II	Fremont County	\$235,000

River Basin Planning - GIS Data Model Implementation	Statewide	\$115,000
River Basin Planning - NHDPlus HR and Streamstats – Phase I and II	Statewide	\$240,000
River Basin Planning – Water Supply Index	Statewide	\$170,000
Saratoga Water Master Plan	Carbon	\$175,000
Sheridan Municipal Watershed Wildfire Hazard Mitigation Assessment <sup>1</sup>	Johnson and Sheridan Counties	\$165,000
Sheridan Water Master Plan	Sheridan	\$250,000
UW Water Research Program	Statewide	<u>\$285,150</u>
Total appropriation for Section 1		\$3,074,150

## Footnote:

1. No funds shall be expended from this appropriation for the wildfire hazard mitigation assessment until the project sponsor demonstrates to the commission that the sponsor has pursued community or county fire protection funding through the state forester for a similar assessment and funding was not available or not sufficient to fund the assessment.

**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 water development 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 obligated prior to July 1, 2021 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 2020 legislative session:

## [LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Fontenelle Dam and Outworks Infrastructure Completion	Lincoln and Sweetwater Counties	\$750,000
Glendo Reservoir Full Utilization Project	Platte County	\$750,000
GR-RS-SC JPWB Pump Station and Transmission	Sweetwater County	\$180,000
Lander Test Well Study	Fremont County	\$2,340,000
Little Snake River Valley Municipal Water Supply	Carbon County	<u>\$135,000</u>
Total appropriation for Section 2		\$4,155,000

**Section 3.** 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 water development 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 obligated prior to July 1, 2021 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 2020 legislative session:

## [LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Laramie River Oasis Ditch Diversion Rehabilitation	Albany County	\$95,000
Hanover ID Bighorn Flume Replacement	Washakie County	\$65,000
Silver Lake Dam Rehabilitation	Sublette County	<u>\$250,000</u>
Total appropriation for Section 3		\$410,000

**Section 4.** LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS. The following sums of money are appropriated from water development

account III, as created by W.S. 41-2-124(a)(iii), to the water development 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 obligated prior to July 1, 2023 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 2022 legislative session:

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cheyenne Municipal Storage Phase I	Laramie County	<u>\$330,000</u>
Total appropriation for Section 4		\$330,000

**Section 5.** TIME EXTENSION FOR LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS. In the 2015 Omnibus water bill – planning, 2015 Wyoming Session Laws, Chapter 168, Section 5, the following sums of money were appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. A three (3) year time extension is granted for those feasibility studies and appropriated funds not obligated prior to July 1, 2021 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 2020 legislative session:

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Clear Creek Storage	Johnson County	\$700,000
Nowood River Storage- Alkali Cr.	Big Horn, Washakie Counties	\$4,000,000
Shell Valley Storage- Leavitt Reservoir	Big Horn County	<u>\$4,500,000</u>
Total 2015 appropriation for Section 5		\$9,200,000
Total 2018 appropriation for Section 5		\$0

**Section 6.** The Wyoming water development commission is authorized to expend funds from water development account I, as created by W.S. 41-2-124(a)(i), to contract with the University of Wyoming in an amount not to exceed one hundred seventy-five thousand dollars (\$175,000.00) to fund the



office of water programs established under W.S. 41-2-125 from July 1, 2018 to June 30, 2020.

**Section 7. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM - EXTENSION.** Three million one hundred thousand dollars (\$3,100,000.00) is appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the Platte River Basin endangered species account for the Wyoming water development office to fund the state of Wyoming’s participation in a thirteen (13) year extension of the first increment of the Platte River Recovery Implementation Program (PRRIP). Any unexpended balance in the Platte River Basin endangered species account shall be invested by the state treasurer and the interest earned shall be credited to the Platte River Basin endangered species account to meet the cost of inflation over the term of the extension of the first increment of PRRIP, scheduled to run from January 1, 2020 to December 31, 2032. Expenditures for the extension under this section shall not be authorized until the state of Wyoming has entered into, and the governor has executed, an extension amendment to the cooperative agreement with the United States Department of the Interior and the states of Nebraska and Colorado. Unexpended funds appropriated under this subsection and those funds appropriated in 2006 Wyoming Session Laws, Chapter 99, Section 6 shall revert to water development account I on July 1, 2034.

**Section 8. REVERSIONS – NEW DEVELOPMENT.** The following feasibility study, having been suspended by the water development commission, shall be cancelled and all remaining funds appropriated to the commission for the study, shall revert on the effective date of this act to water development account I, as created by W.S. 41-2-124(a)(i):

[REVERSION - LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Lake DeSmet Facilities Acquisition	Johnson County	\$200,000
Total reversions for Section 8		\$200,000

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

Approved March 14, 2018.

**Chapter 95****VOLUNTEER HEALTH CARE**

Original Senate File No. 66

AN ACT relating to public health and safety; authorizing the department of health to contract for volunteer health care services for low income persons; providing that claims against volunteering medical facilities and health care providers are subject to the Wyoming Governmental Claims Act; authorizing licensing boards to provide continuing education credit as specified; amending the Wyoming Governmental Claims Act to provide for claims under this act; providing for coverage under the state self insurance program; and providing for an effective date.

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

**Section 1.** W.S. 35-31-101 through 35-31-103 are created to read:

**CHAPTER 31****VOLUNTEER HEALTH SERVICES PROGRAM****35-31-101. Definitions.**

(a) As used in this act:

(i) “Contract” means an agreement executed in compliance with this act between:

(A) A medical facility and the department that authorizes the medical facility to deliver volunteer health care services to low income persons in consideration for being deemed a medical facility of the state under the Wyoming Governmental Claims Act when performing duties under the contract; or

(B) A health care provider and the department that authorizes the health care provider to deliver volunteer health care services to low income persons in consideration for being deemed a public employee of the state under the Wyoming Governmental Claims Act when performing duties under the contract.

(ii) “Department” means the department of health;

(iii) “Health care provider” means any person licensed, certified or otherwise authorized by the law of this state to diagnose, cure, treat or prevent impairments of the normal state of the mind and body, including but not limited to physicians, physician assistants, nurses, pharmacists, optometrists, dentists, psychiatrists, psychologists and social workers;

(iv) “Low income person” means a person with an income not greater than two hundred percent (200%) of the current poverty line as specified by the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2) and:

(A) The person is not a covered individual under a health insurance or health care policy, contract or plan; or

(B) The person is a covered individual under a health insurance or health care policy, contract or plan, but was denied coverage by the policy, contract or plan.

(v) "Medical facility" means:

(A) A hospital, clinic, office, nursing home, or other facility where a health care provider provides health care to patients; and

(B) Provided that neither the medical facility nor individual health care provider receives compensation from or on behalf of the patient, "medical facility" includes all individuals, regardless of whether the individual receives wages, salary or other fees or compensation from the medical facility, who:

(I) Are employed by or under contract with the medical facility to provide health care to patients; or

(II) Have been granted privileges by the medical facility to provide health care to patients.

(vi) "Patient" includes clients of health care providers or medical facilities as defined by paragraph (iii) or (v) of this subsection;

(vii) "Volunteer health care" means services intended to diagnose, cure, treat or prevent impairments of the normal state of the mind and body when the provider of those services does not charge or receive compensation for the services from, or on behalf of, the patient;

(viii) "This act" means W.S. 35-31-101 through 35-31-103.

**35-31-102. Volunteer health services; application of claims act; exclusiveness of remedy; contract requirements.**

(a) The department may execute contracts with health care providers and medical facilities to deliver volunteer health care services to low income persons as a deemed public employee or medical facility of the state.

(b) A health care provider who delivers volunteer health care services to a low income person pursuant to a contract that complies with the requirements of this act, and regardless of whether the low income person who is treated is later found to be ineligible, shall be considered a public employee of the state while acting within the scope of duties under the contract, but only for the purposes of the applicability of the Wyoming Governmental Claims Act, including W.S. 1-39-110. The state of Wyoming shall have the duty to defend a health care provider alleged to have been negligent in the provision of volunteer health care pursuant to a contract under subsection (a) of this section provided the health care provider cooperates as described in W.S. 1-41-103(e)(iv).

(c) A medical facility while providing volunteer health care services to a low

income person pursuant to a contract that complies with the requirements of this act, and regardless of whether the low income person who is treated is later found to be ineligible, shall be considered a medical facility of the state, but only for purposes of the applicability of the Wyoming Governmental Claims Act, including W.S. 1-39-109(b). The state of Wyoming shall have the duty to defend a medical facility alleged to have been negligent in the provision of volunteer health care pursuant to a contract under subsection (a) of this section provided the medical facility cooperates as described in W.S. 1-41-103(e)(iv).

(d) Volunteer health care providers and medical facilities shall determine patient eligibility using patient self attestation.

(e) The department, health care provider or medical facility retains the right to terminate the contract upon written notice of its intent to terminate the contract at least five (5) business days before the contract termination date unless the department determines that immediate termination is necessary to protect the safety of patients.

(f) A contract under this section shall contain provisions binding the parties to the requirements of subsections (b) through (e) of this section.

(g) The exclusive remedy for any injury or damage suffered as the result of any negligence of the health care provider or the medical facility, while acting within the scope of a contract under this act is an action against the state of Wyoming brought under the Wyoming Governmental Claims Act. Neither the patient nor any person claiming by or through the patient shall have any claim whatsoever against the health care provider or medical facility on account of health care provided to such patient within the scope of a contract under this act.

**35-31-103. Disclosure; continuing education credit; rulemaking.**

(a) Before a low income person receives volunteer health care services pursuant to this act, he or his legal representative shall sign a disclosure statement that informs the low income person of the following:

(i) The health care provider shall be considered a public employee of the state under the Wyoming Governmental Claims Act while providing volunteer health care under this act and that the provider's liability will be limited by the provisions of the Wyoming Governmental Claims Act;

(ii) The medical facility shall be considered a facility of the state and any individual included in the definition of medical facility in W.S. 35-31-101(a)(v) shall be considered a public employee of the state under the Wyoming Governmental Claims Act while providing volunteer health care under this act and that the facility's liability, including the liability of any individual included in the definition of medical facility, will be limited by the provisions of the Wyoming Governmental Claims Act;

(iii) Commencement of an action against the state of Wyoming pursuant to the Wyoming Governmental Claims Act shall be the exclusive remedy for any injury or damage suffered as the result of any negligence of the health care provider or the medical facility, as defined in W.S. 35-31-101(a)(v), while acting within the scope of a contract that exists between the department and the health care provider or medical facility. Neither patient nor any person claiming by or through the patient shall have any claim whatsoever against the health care provider or medical facility on account of health care provided to such patient within the scope of the contract;

(iv) The low income person may elect to decline treatment under the provisions of this act.

(b) Licensing boards may grant continuing education credit to health care providers for the performance of volunteer health care services to low income persons pursuant to this act.

(c) The department shall adopt rules necessary to implement this act.

**Section 2.** W.S. 1-39-103(a)(iv) by creating a new subparagraph (G), 1-39-109, 1-39-110(b) and 1-41-102(a)(v) by creating a new subparagraph (E) are amended to read:

**1-39-103. Definitions.**

(a) As used in this act:

(iv) "Public employee":

(G) Includes any health care provider, as defined by W.S. 35-31-101(a)(iii), and any individual included in the definition of medical facility in W.S. 35-31-101(a)(v), under a contract with the state to deliver volunteer health care services to low income persons under W.S. 35-31-101 through 35-31-103 while providing the contracted services. Nothing in this subparagraph alters the requirement that any action for damages shall be brought against the state of Wyoming as provided by W.S. 35-31-102(g).

**1-39-109. Liability; medical facilities.**

(a) Except as provided in subsection (b) of this section, a governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation of any public hospital or in providing public outpatient health care.

(b) The state of Wyoming is solely liable for damages resulting from, and the sole responsible party for, bodily injury or wrongful death to a patient treated under the provisions of W.S. 35-31-101 through 35-31-103 caused by the negligence of a health care provider or a medical facility while performing health care services pursuant to a contract to deliver volunteer health services under W.S. 35-31-101 through 35-31-103.

**1-39-110. Liability; health care providers.**

(b) Notwithstanding W.S. 1-39-118(a), for claims under this section against a physician, physician assistant, nurse, optometrist or dentist who is employed by a governmental entity or who is deemed to be a public employee of the state by virtue of a contract pursuant to W.S. 35-31-101 through 35-31-103, based upon an act, error or omission occurring on or after May 1, 1988, the liability of a governmental entity shall not exceed the sum of one million dollars (\$1,000,000.00) to any claimant for any number of claims arising out of a single transaction or occurrence nor exceed the sum of one million dollars (\$1,000,000.00) for all claims of all claimants arising out of a single transaction or occurrence.

**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:

(E) Includes health care providers and medical facilities delivering volunteer health care services to low income individuals under a contract pursuant to W.S. 35-31-101 through 35-31-103.

**Section 3.** This act is effective July 1, 2018.

Approved March 14, 2018

## Chapter 96

### CONTROLLED SUBSTANCE PRESCRIPTION TRACKING

Original Senate File No. 83

AN ACT relating to controlled substances; requiring certain health care practitioners to file prescriptions for controlled substances with the state board of pharmacy as specified; providing for the enrollment of specified health care practitioners in the controlled substance prescription tracking program; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1025(c) and 35-7-1060(b) are amended to read:

**35-7-1025. Registration of manufacturers and distributors; controlled substance prescription tracking program enrollment.**

(c) Practitioners ~~must~~ shall be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered

under this article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration. The board shall enroll any practitioner registered under this subsection in the controlled substance prescription tracking program maintained by the board under W.S. 35-7-1060 if the practitioner is authorized to dispense any controlled substances in Schedules II through V. The board may promulgate rules and regulations for purposes of enrolling those practitioners in the tracking program.

**35-7-1060. Controlled substance prescription tracking program.**

(b) ~~All prescriptions~~ A dispenser shall electronically file with the board information regarding any prescription for a schedule II, III, and IV or V controlled substances dispensed by any retail pharmacy licensed by the board shall be filed with the board electronically or by other means required by the board substance dispensed by the dispenser no later than the close of business on the business day immediately following the day the controlled substance was dispensed. The board may grant a reasonable time extension to a dispenser who is unable to electronically file information required under this subsection. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed. The board may, by rule and regulation, exempt from the requirements of this subsection prescriptions dispensed in certain inpatient health care settings, as determined by the board in consultation with other professional licensing boards that license practitioners.

**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 14, 2018.

## Chapter 97

### ORDERS OF PROTECTION-REVISIONS

Original Senate File No. 22

AN ACT relating to criminal procedure and orders of protection; amending the crime of felony stalking; modifying provisions relating to orders of protection as specified; making conforming amendments; repealing provisions relating to orders of protection; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 6-2-506(e)(iv), 6-4-404(a), 7-3-507(a)(intro), 7-3-508(c), 7-3-509(b), 7-3-510(b)(intro), 35-21-104(b), 35-21-105(c) and 35-21-106(b) are amended to read:

**6-2-506. Stalking; penalty.**

(e) A person convicted of stalking under subsection (b) of this section is guilty of felony stalking punishable by imprisonment for not more than ten (10) years, if:

(iv) The defendant committed the offense of stalking in violation of a temporary or permanent order of protection issued pursuant to W.S. 7-3-508, ~~or 7-3-509~~, 35-21-104 or 35-21-105 or pursuant to a substantially similar law of another jurisdiction.

**6-4-404. Violation of domestic violence order of protection; penalty.**

(a) Any person who willfully violates a protection order issued pursuant to W.S. 35-21-104 or 35-21-105 or valid ~~foreign protection order injunction or order for protection against domestic violence~~ as defined in W.S. 35-21-109(a), 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.

**7-3-507. Petition for order of protection; contents; requisites; indigent petitioners.**

(a) ~~A petition for an order of protection may be filed by a victim of stalking, or the district attorney on behalf of the alleged victim.~~ A petition for an order of protection for a victim of ~~sexual assault~~ may be filed by:

**7-3-508. Temporary order of protection; setting hearing.**

(c) A temporary order of protection issued under paragraph (b) of this section shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 7-3-510(c); and can result in immediate arrest. ~~Orders involving stalking~~ The order shall also state that a violation ~~may in some cases that constitutes the offense of stalking as defined by W.S. 6-2-506(b)~~ may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**7-3-509. Order of protection; contents; remedies; order not to affect title to property.**

(b) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 7-3-510(c) and can result in immediate arrest. ~~Orders involving stalking~~ The order shall also state that a violation ~~may in some cases that constitutes the offense of stalking as defined by W.S. 6-2-506(b)~~ may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**7-3-510. Service of order; duration and extension of order; violation; remedies not exclusive.**

(b) An order of protection granted by the court under W.S. 7-3-509 shall be



effective for a fixed period of time as ~~provided in paragraphs (i) and (ii) of this subsection not to exceed three (3) years.~~ Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed one (1) year each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. ~~The period of time for an original order of protection shall be as follows:~~

**35-21-104. Temporary order of protection; setting hearing.**

(b) An order of protection issued under this section shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.**

(c) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

**35-21-106. Service of order; duration and extension of order; violation; remedies not exclusive.**

(b) An order of protection granted by the court shall be effective for a fixed period of time not to exceed ~~one (1) year~~ three (3) years. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time not to exceed one (1) year each. The filing of an action for divorce shall not supersede an order of protection granted under this act.

**Section 2.** W.S. 6-4-404(b) and 7-3-510(b)(i) and (ii) are repealed.

**Section 3.** This act shall apply to crimes committed and orders of protection issued on or after the effective date of this act.

**Section 4.** This act is effective July 1, 2018.

Approved March 14, 2018.

**Chapter 98****LARGE PROJECT ACCOUNT MODIFICATIONS**

Original Senate File No. 15

AN ACT relating to economic development; providing standards for the state treasurer to set interest rates for specified loans and terms of loan participations made from the large project account; authorizing the state treasurer to require a loan guarantee from the principal of a borrower; authorizing the state treasurer to retain service providers for large project account loans; requiring a borrower to pay specified costs relating to retained experts and service providers; clarifying language relating to the economic analysis requirement for certain economic development projects; and providing for an effective date.

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

**Section 1.** 2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ii), (vii) and (viii) is amended to read:

**Section 2.**

(e) The state treasurer shall establish the terms of any loan, loan participation or loan guarantee issued under this section in accordance with the following:

(ii) ~~The treasurer shall adopt interest rates to be charged for Loans under this section as shall bear interest at a fixed or adjustable rate. The interest rate shall be:~~

(A) Indexed to a rate not less than the rate of the United States treasury note or bond that most closely matches the remaining term of the loan, plus any additional premium determined by the treasurer to be reasonably commensurate with the risk profile of the loan; and

(B) Approved by the state loan and investment board pursuant to this act and following consideration by the Wyoming business council;

(vii) When appropriate, the state treasurer may require continuing loan guarantees by affiliates and principals of the borrower;

(viii) Except as provided in this paragraph, the state treasurer shall secure assure that the lead lender secures a first security interest in the entire project sufficient to adequately protect the investment of loan proceeds or proceeds guaranteed by the state under this section. The security interest shall be shared pro rata with the state in percentage of the loan or loan guarantee. If necessary, the state treasurer may allow the lead lender to accept substitute security which will protect repayment to the state on a basis substantially equivalent to a first security interest on the project. The state treasurer shall

insure that any alternate security is sufficient to prudently protect the state's pro rata interest; ~~in the entire project and any alternate security places the state before any other lender in priority of payment on the entire project in the event of default; and~~

**Section 2.** 2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ix) and (h), as amended by 2016 Wyoming Session Laws, Chapter 41, Section 3, is amended to read:

**Section 2.**

(e) The state treasurer shall establish the terms of any loan, loan participation or loan guarantee issued under this section in accordance with the following:

(ix) The state treasurer shall charge a loan origination fee or loan guarantee fee of one percent (1.0%) of the total loan or guaranteed loan amount. Funds collected under this paragraph shall be deposited in the large project account within the revolving investment fund or used to pay the costs of experts and service providers retained by the state treasurer pursuant to subsection (h) of this section.

(h) The state treasurer is authorized to ~~employ~~ retain such experts and service providers as necessary to fully evaluate, ~~and negotiate and implement~~ the terms and conditions of the loan and loan guarantees. ~~The cost of any expert employed. If an expert or service provider is retained by the state treasurer under this subsection, any costs incurred which exceed the loan origination fee or loan guarantee fee shall be paid by the applicant.~~

**Section 3.** 2017 Wyoming Session Laws, Chapter 150, Section 2, is amended to read:

**Section 2.** In conducting a fiduciary analysis on an economic development project considered for funding ~~under section 1 of this act from the large project account from funds transferred pursuant to W.S. 9-12-305,~~ the state treasurer shall perform an economic and fiscal analysis regarding consequential state and local impacts. The analysis shall identify any induced revenues and induced costs associated with a project under consideration for each year for the ten (10) years following completion of the project. A local cost analysis shall consider impacts on public education, public safety, fire protection, public utilities and the courts and shall determine whether projects contribute more in tax revenue than they cost in

public funds. Any analysis required by this section shall be conducted by an entity qualified to provide the analysis using nationally accepted econometric modeling techniques. Any analysis required by this section shall be paid for using funds appropriated by this act.

**Section 4.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 99

### AMENDMENTS TO AGENCY PLANS AND NEW PROGRAM REVIEW-2

Original Senate File No. 68

AN ACT relating to state agency planning; modifying legislative review requirements; repealing provisions related to major program reports by the legislative service office; and providing for an effective date.

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

**Section 1.** W.S. 28-1-115(a)(ii)(intro), (A), (D)(V), by creating a new subdivision (VI), (f) and by renumbering (f) as (g) is amended to read:

**28-1-115. Submission of state agency plans to legislature; contents; purposes.**

(a) To assist the legislature in its deliberations, every state agency shall:

(ii) As required by the governor or by the legislature ~~in a budget bill or other enactment by law~~, develop a multi-year plan to accomplish and further the goals and objectives defined in W.S. 28-1-116(a). The plan development shall include an opportunity for public review and comment. The plan shall be submitted to the governor for his approval. The plan shall:

(A) Include performance measures that provide methods and criteria to measure the agency's performance in conducting its activities and in achieving its goals and objectives. The methods and criteria shall comply with standards developed by the governmental accounting standards board. Performance measures shall be developed by the agency ~~and reviewed by the legislative management audit committee~~ and audited by the department of audit;

(D) Include sufficient information for evaluation of the following:

(V) Whether the methods, rules and policies employed by the agency to implement a program, function or activity are cost-effective, efficient and consistent with law and impose a minimum of regulatory burden;:

(VI) The results and outcomes associated with the program, function or activity from the previous plan.

(f) The plan required under W.S. 28-1-115(a)(ii) may be reviewed by the management audit committee of the legislature and shall be reviewed by the management audit committee if:

(i) Required by the management council of the legislature; or

(ii) Otherwise required by law.

~~(f)~~(g) For purposes of this section and W.S. 28-1-116, “state agency” means:

(i) Each separate department in the executive branch of government created under the authority of the Wyoming Government Reorganization Act of 1989, W.S. 9-2-1701 et seq.;

(ii) Offices of the five (5) elected state officials and the attorney general; and

(iii) Each agency designated as a separate operating agency under W.S. 9-2-1704(d).

**Section 2.** W.S. 28-1-115(e) 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 14, 2018.

## Chapter 100

### SCHOOL FACILITY PROPERTY INSURANCE

Original Senate File No. 13

AN ACT relating to school district facilities; providing that a school risk retention program satisfies a school facility insurance requirement; and providing for an effective date.

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

**Section 1.** W.S. 21-3-129(d) is amended to read:

**21-3-129. Comprehensive liability insurance; waiver of governmental immunity; property insurance.**

(d) The board of trustees of each school district within the state shall procure a policy or policies for property insurance covering all education, administrative and transportation facilities owned or maintained by the school district in an amount adequate to cover against loss or damage to those facilities, and against loss consequential upon that loss or damage, other than noncontractual legal liability for that loss or damage. The board of trustees of a school district may elect not to provide property insurance coverage for any facility valued at fifty thousand dollars (\$50,000.00) or less upon a per facility determination that the cost of insurance for the facility is disproportionately high when

compared to the value of the facility to the school district. Coverage provided by a school district joint powers board ~~as of February 1, 2017, pursuant to W.S. 1-39-118(c)(ii) and subsection (a) of this section~~ shall satisfy the insurance requirement of this subsection, ~~until July 1, 2018, if kept in force. The coverage may be modified as needed.~~

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 101

### ELECTIONS-NOTICES AND RESOLUTIONS

Original Senate File No. 46

AN ACT relating to elections; amending various time requirements for proclamations and other election notices; authorizing formation of special hospital districts by county commissioner resolution and election as specified; amending the time for special districts candidate application filings; amending content requirements for general election proclamations; and providing for an effective date.

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

**Section 1.** W.S. 22-2-109(b), 22-21-103, 22-21-104, 22-29-109(f), 22-29-110(a) and (b) and 35-2-401 by creating a new subsection (e) are amended to read:

**22-2-109. County clerk to publish proclamation.**

(b) Between ~~forty-five (45) ninety (90) and thirty-five (35) seventy (70)~~ days before each general election, the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the following:

(i) The date of the election;

(ii) For any offices not previously included in the proclamation published pursuant to subsection (a) of this section, the offices to be filled at the election including the terms of the offices; and the number of persons required by law to fill the offices;

(iii) The requirements for filing statements of campaign contributions and expenditures, and not previously included in the proclamation published pursuant to subsection (a) of this section;

(iv) Any other pertinent general election information; ~~In addition,~~

(v) The legislative description of each proposed constitutional amendment; or other ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district; ~~shall be included.~~

**22-21-103. How bond question to be submitted to electors; contents.**

Each bond question shall be submitted to a vote of the qualified electors of the political subdivision. Every bond election shall be held on the same day as a primary election or a general election, or on the Tuesday next following the first Monday in May or November, or on the Tuesday next following the third Monday in August. ~~If calling the election in May~~ Not less than one hundred ten (110) days before a bond election, the ~~body~~ political subdivision shall ~~by March 1,~~ provide written notification to the county clerk; specifying the date of the election and the bond question. ~~If the political subdivision specifies the date of the election to be a primary or general statewide or other August or November election, then the political subdivision shall provide notice to the county clerk not less than one hundred ten (110) days before the election if for a primary or other August election, and not less than seventy (70) days before the election, if for a general or other November election.~~ The bond question shall state the purpose of the bonds, the maximum principal amount thereof, the maximum number of years allowed for the indebtedness and the maximum rate of interest to be paid thereon. The secretary of state may promulgate reasonable rules for conducting bond elections where the election is not held at the same time as the general or primary election.

**22-21-104. Publication or posting of election notice; contents.**

Between one hundred one (101) and ninety-one (91) days before a bond election held in conjunction with a primary or other August election and between ninety (90) and seventy (70) days before a bond election held in conjunction with a May, general or other November election, the county clerk shall publish notice of the election at least once in a newspaper of general circulation in the political subdivision, ~~not less than thirty (30) nor more than forty (40) days before the election.~~ If there is no newspaper of general circulation in the political subdivision, notice shall be posted at each polling place in the political subdivision ~~not less than thirty (30) nor more than forty (40) between~~ ninety (90) and seventy (70) days before the election. Any notice of election hereunder shall specify the name of the political subdivision, the date, time and place of election, the question or questions to be submitted, and the fact that only qualified electors of the political subdivision may vote thereon. If a bond election is being held within a political subdivision at the same time and place as a regular or other election, the notice of bond election may, at the discretion of the county clerk, be combined with and given in the same manner as the notice of the regular or other election in such political subdivision.

**22-29-109. County commissioners' action on formation petition.**

(f) If the county commissioners approve the petition for formation, as presented or as modified, the county commissioners shall enter an order declaring its approval. The order shall set forth the name of the proposed district and a description of the boundaries. Upon the entering of this order, the commissioners shall direct that the question of formation of the district

and the election of the initial directors be submitted to the electors of the proposed district to be held in their respective counties by mail ballot or on the next election date authorized under W.S. 22-21-103 which is at least ~~sixty (60)~~ one hundred ten (110) days after the expiration of the thirty (30) day period described in subsection (e) of this section.

**22-29-110. County clerk to publish proclamation; filing period.**

(a) ~~Not more than fifty (50) and not less than forty (40)~~ Between one hundred one (101) and ninety-one (91) days; before the an organizational election held in conjunction with a primary or other August election and between ninety (90) and seventy (70) days before an organizational election held in conjunction with a May, general or other November election, the county clerk shall publish at least once in a newspaper of general circulation in each county in which all or part of the proposed district is situated a proclamation setting forth the date of the election, what county clerk is the filing officer, the question of formation, what offices are to be filled including the terms of the offices, the filing period for the offices and other pertinent election information. Minor errors in the proclamation shall not invalidate the forthcoming election.

(b) ~~Not more than thirty-nine (39) and not less than thirty (30)~~ Between ninety-six (96) and eighty-one (81) days before the a formation election held in conjunction with a primary or other August election and between ninety (90) and seventy (70) days before a formation election held in conjunction with a May, general or other November election, candidates may file an application for election in the office of the county clerk. The principal act shall determine who is eligible to be a candidate. The application shall be in substantially the following form:

APPLICATION FOR ELECTION  
SPECIAL DISTRICT DIRECTOR

I, the undersigned, swear or affirm that I was born on ...., (year); that I have been a resident of .... district since ...., residing at ....; that I am an elector or landowner (check which one for eligibility) of said district and I do hereby request that my name, ...., be printed on the ballot of the formation (or other) election to be held on .... day of ...., (year) as a candidate for the office of director for a term of .... years. I hereby declare that if I am elected, I will qualify for the office.

Dated ....

Signature of Candidate

**35-2-401. Establishment of hospital district.**

(e) As an alternative to the procedures specified in subsection (d) of this section, a special hospital district may be established and subsequent elections held through the following procedures:



(i) The board of county commissioners may, by resolution, submit the question of establishing the special hospital district to the electors of the proposed district at the next general election or another date as provided by W.S. 22-2-104. The board shall provide notice that it will consider the resolution at least thirty (30) days prior to the meeting at which the resolution will be considered. Notice of the election shall be given as required by W.S. 22-29-110;

(ii) If a majority of the voters in the proposed district voting at the election specified in paragraph (i) of this subsection vote for the establishment of the district the board of county commissioners shall enter that fact upon its record and the district is established;

(iii) Any subsequent election for a special hospital district established under this subsection shall be held as set forth in the Special District Elections Act of 1994.

**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 14, 2018.

## Chapter 102

### REAL PROPERTY AS A COLLATERAL BOND

Original Senate File No. 56

AN ACT relating to environmental quality; authorizing real property to qualify as a collateral bond for purposes of land quality permitting as specified; authorizing rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 35-11-417(b) and by creating a new subsection (g) is amended to read:

**35-11-417. Bonding provisions.**

(b) All bonds shall be signed by the operator as principal, by a good and sufficient corporate surety licensed to do business in the state, and be made payable to the state of Wyoming. At the discretion of the director, the record mineral owner of the land to be mined may also be required to join as principal. This subsection shall not apply to collateral bonds issued pursuant to subsection (g) of this section.

(g) The council may, consistent with the requirements of 30 CFR 800.21(c), promulgate rules and regulations that allow the administrator to accept real property posted as a collateral bond without separate surety, provided that the real property is located in this state, the bond provides a perfected first

lien security interest in the real property in favor of the department and the protection provided by the bond is consistent with the objectives and purposes of this act.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

### Chapter 103

#### SCHOOL FINANCE RECALIBRATION-TRANSPORTATION

Original Senate File No. 72

AN ACT relating to school finance; requiring the department of education to evaluate and provide recommendations on fiscal efficiencies in transportation funding; requiring reports; and providing for an effective date.

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

##### **Section 1.**

(a) The legislature recognizes the importance effective transportation plays in ensuring all students in the state have an equal opportunity to receive a quality education. The legislature also recognizes the state has an interest in ensuring public school transportation is funded in a cost effective manner. The department of education shall evaluate the transportation funding system in place prior to the enactment of 2017 Wyoming Session Laws, Chapter 205, identify fiscal efficiencies within the system and provide recommendations for how to implement those efficiencies through statute or rule. In this study, the department shall evaluate and provide recommendations on:

- (i) Existing department rules on minimum student walking distances;
- (ii) Existing department rules relating to physical barriers and safety hazards within walking zones. The department shall evaluate school districts' methods of evaluating physical barriers and safety hazards and school districts' methods for confirming those designations;
- (iii) The sharing of transportation personnel and services among school districts, including department rules on sharing transportation services;
- (iv) The use of contracts with parents and guardians to provide compensation for transportation of students;
- (v) Existing department rules on what a school district must demonstrate to the department in order to increase the size of its bus fleet. The department shall consider:
  - (A) How the rules could be developed to enhance school bus routing efficiency; and

(B) How the rules could be developed to enhance transportation efficiencies by using buses with greater seating capacity.

- (vi) Existing department rules on school bus life cycles;
  - (vii) Existing department rules on the review of a school district's fleet when a district's average daily membership decreases by fifteen percent (15%) or more in a three (3) year period;
  - (viii) Existing department rules on allowable and nonallowable costs;
  - (ix) Opportunities to reduce the number of school district buses. The department shall identify circumstances where school districts may adopt multiple routing, including circumstances where adjustment of school schedules would allow use of multiple routing;
  - (x) Incentives for school districts to adopt and use modern school transportation routing software, navigation systems and related programs and training;
  - (xi) Any other mechanism in the state's transportation funding system that would increase efficiencies;
  - (xii) Possible use of regional transportation service districts to provide cost savings and improve efficiency for school district transportation operations;
  - (xiii) Opportunities to phase in school buses equipped with seat belts.
- (b) To the extent the department determines regional meetings of school districts around the state are necessary to complete the requirements of this section, the department is authorized to conduct the meetings. Appropriate school district personnel shall attend regional meetings at the request of the department.
- (c) The department of education may request any executive branch agency or any school district of the state to provide information necessary to the department in its studies. Agencies and school districts shall comply promptly with any request.

**Section 2.** Not later than June 1, 2018, the department of education shall report to the joint education interim committee its preliminary evaluation and recommendations on the studies conducted pursuant to section 1 of this act. Not later than September 1, 2018, the department shall report its final evaluation and recommendations to the joint education interim committee.

**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 14, 2018.

**Chapter 104****VERTICAL TAKEOFF AND LANDING AIRCRAFT-REGULATION**

Original Senate File No. 79

AN ACT relating to aeronautics; authorizing the Wyoming aeronautics commission to promulgate rules regarding vertical takeoff and landing aircraft; amending provisions related to unmanned aircraft to include to vertical takeoff and landing aircraft; authorizing the Wyoming department of transportation to seek federal and other funding assistance related to vertical takeoff and landing aircraft; requiring coordination of marketing and advocacy efforts for specified purposes related to vertical takeoff and landing aircraft; and providing for an effective date.

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

**Section 1.** W.S. 10-1-101(a) by creating a new paragraph (xi) and by renumbering (xi) as (xii), 10-3-201(e) and (j), 10-3-301 and 10-4-303(a)(intro), (b) and (c) are amended to read:

**10-1-101. Definitions.**

(a) As used in this act:

(xi) "Vertical takeoff and landing aircraft" means a piloted or autonomous aircraft or unmanned aircraft capable of vertical takeoff, vertical landing and transfer to forward motion, excluding rotorcraft;

~~(xi)~~(xii) "This act" means W.S. 10-1-101 through 10-6-104.

**10-3-201. Powers and duties generally.**

(e) The commission shall assist communities in coordinating efforts, facilitating, recruiting and attracting and promoting the development, improvement and retention of commercial air service and accommodating military air service in the state. The assistance may include studying airline, aircraft, ~~and~~ unmanned aircraft and vertical takeoff and landing aircraft profitability, route analysis, air fare monitoring and recommendations for legislative changes to enhance air services in the state.

(j) The commission shall promulgate reasonable rules governing where unmanned aircraft or vertical takeoff and landing aircraft may take off and land, giving consideration to public health and safety, aesthetics and the general welfare. Unless otherwise prohibited by or previously provided for in federal law, the commission may also promulgate reasonable rules governing the operation of unmanned aircraft or vertical takeoff and landing aircraft. In promulgating any rules ~~governing unmanned aircraft under this subsection~~, the commission shall coordinate with the appropriate industry in Wyoming and political subdivisions of the state. The commission shall not have the power to regulate unmanned aircraft or vertical takeoff and landing aircraft operation in navigable airspace.

**10-3-301. Conducting investigations and hearings; accidents to be reported.**

The commission may conduct investigations, inquiries and hearings concerning the laws of this state relating to aeronautics and accidents or injuries incident to the operation of aircraft, including unmanned aircraft or vertical takeoff and landing aircraft, occurring within this state. Members of the commission may administer oaths and affirmations, certify to all official acts, issue subpoenas and compel the attendance and testimony of witnesses and the production of papers, books and documents. All accidents or injuries incident to the operation of aircraft occurring within this state shall be immediately reported to the commission.

**10-4-303. Low or dangerous flight; landing on land or water of another.**

(a) Flight of aircraft, including unmanned aircraft or vertical takeoff and landing aircraft, over the lands and waters of this state is lawful unless it is:

(b) The landing of an aircraft, including an unmanned aircraft or vertical takeoff and landing aircraft, on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner, operator or lessee of the aircraft or the airman shall be liable for actual damage caused by the forced landing.

(c) Except as provided in subsection (a) of this section, nothing in this chapter shall be construed to prevent an operator or pilot from operating an aircraft, including an unmanned aircraft or vertical takeoff and landing aircraft, over his own property.

**Section 2.** The Wyoming department of transportation may seek any federal or other funding assistance related to vertical takeoff and landing aircraft.

**Section 3.** The Wyoming aeronautics commission shall coordinate with the Wyoming business council and political subdivisions of the state to market and advocate for vertical takeoff and landing aircraft innovation, technology development, testing, manufacturing and production in this 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 14, 2018.

## Chapter 105

### HUNTING COLORS-FLUORESCENT PINK

Original Senate File No. 61

AN ACT relating to hunting; specifying that hunters can wear fluorescent pink when hunting big or trophy game animals; and providing for an effective date.

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

**Section 1.** W.S. 23-3-113(a) is amended to read:

**23-3-113. Hunters required to wear colored clothing.**

(a) No person other than archers and crossbow hunters hunting during a special archery season shall hunt any big or trophy game animal in Wyoming without wearing in a visible manner one (1) or more exterior garments which shall include a hat, shirt, jacket, coat, vest, or sweater of a fluorescent orange or fluorescent pink color.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 106

### OPIOID ADDICTION TASK FORCE

Original Senate File No. 78

AN ACT relating to controlled substances; creating an opioid addiction task force; specifying task force duties, membership and staffing; requiring coordination between the advisory council on palliative care and the opioid addiction task force; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 35-1-1202(g)(v) is amended to read:

**35-1-1202. Advisory council on palliative care.**

(g) The council shall:

(v) Seek opportunities to open a dialogue with law enforcement, ~~and~~ regulatory bodies and the opioid addiction task force on how to accommodate the legitimate uses of prescription drugs for palliative care with efforts to control the dangerous and illegal uses of those drugs;

**Section 2.**

(a) There is created the opioid addiction task force. The task force shall consider the following issues:

(i) Prescription drug monitoring programs and electronic prescribing systems, including the controlled substances prescription tracking program under W.S. 35-7-1060 and patient prescription history verification requirements;

(ii) Grants relating to substance abuse education, prevention, treatment and recovery made available by the federal government, the state of Wyoming and other organizations;

(iii) The availability and use of naloxone and other prescription drugs to counteract opioid overdoses;

(iv) The quality and availability of treatment for opioid addiction and overdoses in Wyoming;

(v) Strategies to reduce the administration of opioids including promotion of alternative treatments, methods and possible limits on the quantity of opioids that a health care provider is authorized to prescribe;

(vi) Authorized uses of opioids and any needed legal exceptions for authorized uses;

(vii) Strategies for community engagement, including outreach to stakeholders and support for families of persons who have been impacted by opioids;

(viii) Strategies for the state of Wyoming to undertake a focused, unified and cross agency approach relating to opioid education, prevention and treatment;

(ix) Prescriber and dispenser education relating to opioids;

(x) Necessary law enforcement strategies and tools;

(xi) Any relevant findings developed by the advisory council on palliative care; and

(xii) Any other matter relating to opioids determined to be relevant by the task force.

(b) The task force shall consist of fourteen (14) members as follows:

(i) Two (2) members of the senate, appointed by the president of the senate, one of whom shall be designated chairman of the task force by the president;

(ii) Two (2) members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be designated vice chairman of the task force by the speaker;

(iii) One (1) member who shall be the director of the department of health or his designee;

(iv) One (1) member who shall be a mental health care provider specializing in mental health and substance abuse, appointed by the governor;

(v) One (1) member who shall be a law enforcement officer specializing in drug enforcement, appointed by the governor;

(vi) Two (2) members of the public, appointed by the governor, one (1) of whom shall be a practicing physician in the state of Wyoming;

(vii) One (1) member from the attorney general's office, appointed by the governor;

(viii) One (1) member who shall be a practicing pharmacist, appointed by the governor;

(ix) One (1) member who shall be a board of pharmacy member familiar with the prescription drug monitoring program, appointed by the governor;

(x) One (1) member who is chairman of the advisory council on palliative care, or his designee;

(xi) One (1) member who shall be engaged in the treatment of chronic pain, appointed by the governor.

(c) Legislative members of the task force shall be paid salary, mileage and per diem expenses as provided in W.S. 28-5-101, but no salary for preparation, for their official duties as members of the task force. Nonlegislative members of the task force shall not receive a salary, but shall be paid mileage and per diem expenses as provided in W.S. 9-3-102 for their official duties as members of the task force. A state or local government employee's service on the task force shall be considered within the scope of the employee's regular duties and the employee's regular pay shall be earned.

(d) The task force shall submit a preliminary report on or before October 1, 2018 to the joint labor, health and social services interim committee, joint appropriations committee, management council and the governor. The report shall summarize the work of the task force, the task force's efforts to address the issues set forth in subsection (a) of this section and any recommendations for action. The task force shall submit a final report addressing the issues required by this subsection, including any recommendations for action, on or before October 1, 2019.

(e) The task force shall be staffed by the legislative service office.

(f) The task force shall terminate on December 31, 2019.

### **Section 3.**

(a) There is appropriated twenty-five thousand dollars (\$25,000.00) from the general fund to the legislative service office. This appropriation shall only be expended for salary, mileage and per diem expenses for legislative members appointed to the task force pursuant to section 2 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, 2020.

(b) There is appropriated forty thousand dollars (\$40,000.00) from the general fund to the office of the governor. This appropriation shall only be expended for mileage and per diem expenses for nonlegislative members appointed to the task force pursuant to section 2 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, 2020.

**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 14, 2018.



**Chapter 107****PROFESSIONAL LICENSING-APPLICANT CRIMINAL RECORDS**

Original Senate File No. 42

AN ACT relating to professions and occupations; clarifying requirements for licensing, certification and registration related to a person's background and criminal record; requiring any disqualifying offense to relate to the profession or occupation or the ability to practice the profession or occupation; providing considerations for licensing boards, commissions, commissioners and authorities regarding applicable convictions; providing immunity from civil liability as specified; requiring professional licensing boards, commissions, commissioners and authorities to review their rules for consistency with this act; and providing for an effective date.

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

**Section 1.** W.S. 33-1-304 is created to read:

**33-1-304. Considering criminal convictions**

(a) Except as specifically required by its licensure, certification or registration statutes, every board, commission, commissioner or authority authorized to establish examination, inspection, permit, license, certification or registration requirements or fees for any profession or occupation regulated under this title or under W.S. 7-4-211, 11-25-105, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109 and who considers criminal convictions as part of its regulatory duties shall not consider prior convictions that do not affect the practice of the profession or occupation or the ability to practice the profession or occupation regulated by the board, commission, commissioner or authority. Specifically, the board, commission, commissioner or authority may cite as state policy the following:

(i) It is public policy to reduce recidivism by addressing barriers to employment and encouraging appropriate employment and licensure of persons with arrest and conviction records;

(ii) It is public policy to consider whether the elements of an offense are directly related to the specific duties and responsibilities of that profession or occupation;

(iii) It is public policy to consider whether the profession or occupation offers the opportunity for the same or a similar offense to occur;

(iv) It is public policy to consider the relationship of the offense to the purposes of regulating the profession or occupation; and

(v) It is public policy to consider whether there is ample opportunity for a person denied a license due to a prior criminal conviction to appeal the denial.

(b) A board or commission licensing, certifying or registering a person to practice or perform a profession or occupation that heals or treats humans may always determine that a crime of violence or sexual misconduct is relevant to the ability to practice the profession or occupation, but in making a licensing,

certification or registration decision may consider the circumstances of the offense.

(c) No board, commission, commissioner or authority authorized to regulate through licensure, certification or registration a profession or occupation under this title, or under W.S. 7-4-211, 11-25-105, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall consider evidence of any conviction more than twenty (20) years old, or for a lesser period of time if expressly provided by statute, when analyzing a person's criminal history pursuant to the board's, commission's, commissioner's or authority's regulatory duties, except when:

(i) The sentence, including all incarceration, parole and probation, for the conviction is incomplete or has been completed within fewer than the last ten (10) years; or

(ii) The conviction is related to the duties and responsibilities of the profession or occupation or as otherwise permitted by licensure, certification or registration statutes.

(d) Any board, commission, commissioner or authority shall be immune from civil liability for acting in accordance with this section with regard to licensing, certifying or registering a person to practice or perform a profession or occupation.

**Section 2.** W.S. 17-4-412(d)(iii), 21-2-802(e)(i), 23-2-416(a)(iii), 26-1-102(a) by creating a new paragraph (xlii), 26-9-211(a)(vi) and by creating new subsections (e) and (f), 26-23-321(b), 26-37-117(a)(iv), 26-37-120(a)(v), 33-3-121(a)(v), 33-10-110(a)(iii), 33-15-108(a), 33-15-120(a), 33-16-523, 33-22-108(a)(i), 33-23-110(b)(iii), 33-24-116(a)(iii), 33-24-122(a)(i), 33-24-135(e)(iii), 33-24-301(f)(iv), 33-26-402(a)(xxvii)(K), 33-28-106(g)(iii), 33-28-111(a)(xxii), 33-29-402(a)(i) and (b)(i), 33-29-403(a)(i), (b)(i) and (c)(i), 33-29-406(a)(i) and (b)(i), 33-30-206(a), 33-30-212(a)(iv), 33-30-224(a)(ii) and (iii), 33-33-305(a)(iii), 33-35-115(b)(i), 33-37-111(a)(i), 33-38-106(a)(ii), (b)(ii), (c)(ii), (d)(ii), (e)(iii), (j)(ii), (k)(ii), (m)(ii) and (n)(iii), 33-38-110(c)(i), 33-39-123(a)(ii), 33-44-105(a)(viii), 33-44-106(a)(i), 33-45-111(a)(iii), 33-49-111(a)(iii) and 40-22-108(a)(ii) are amended to read:

**17-4-412. Denial, revocation, suspension, withdrawal, restriction, condition, or limitation of registration.**

(d) A person may be disciplined under subsections (a) through (c) of this section if the person:

(iii) Has been convicted of a felony that relates to practice in securities and investing or to the ability to practice as a broker-dealer, agent, investment adviser, or investment adviser representative, as identified in rule by the secretary of state consistent with W.S. 33-1-304, or within the previous ten (10)

years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

**21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.**

(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:

(i) The applicant shall be required to verify under oath whether he has been convicted of a felony. The board may deny certification of any applicant who has been convicted of a felony that relates to the practice of teaching or to the ability to practice as a teacher and may annul a certificate for misrepresentation by an applicant of his criminal history. Any felony related to a sexual offense shall be considered to relate to the practice of teaching. Action by the board to annul a certificate shall be taken following a hearing conducted in accordance with the Wyoming Administrative Procedure Act, unless the person holding the certification waives the right to a hearing;

**23-2-416. License suspension and revocation; grounds; payment of damages; proceedings.**

(a) The board may require a licensee to pay damages as provided by subsection (b) of this section, may refuse to issue or renew or may suspend or revoke a license issued under this act or may otherwise discipline a licensee for any of the following causes:

(iii) Conviction of a felony that relates to the practice of professional guiding or outfitting or to the ability to practice as a professional guide or outfitter;

**26-1-102. Definitions.**

(a) As used in this act:

(xlii) A natural person who engages in or conducts the "business of insurance" means a person has duties that require licensure under this code or

that are a major part of a person's duties and require specialized knowledge of insurance, which knowledge has been acquired through training and experience and is sufficient that close supervision from a person licensed under this code is not needed. A person is not engaged in the business of insurance who performs tasks often found in business offices not engaged in insurance and who requires close supervision from a person licensed under this code to engage in tasks requiring specialized insurance knowledge. A person in training who performs duties requiring specialized knowledge of insurance is not engaged in the business of insurance if that person is under close supervision from a person licensed under this code.

**26-9-211. License denial, nonrenewal or revocation.**

(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, revoke or refuse to issue or renew an insurance producer's license or other license issued under this code, 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:

(vi) Having been convicted of a felony that relates to the insurance profession or to the ability to practice as an insurance producer. For agents whose home state of licensure is not Wyoming, the commissioner may rely on licensure and disciplinary actions by the agent's home state of licensure;

(e) For persons for whom Wyoming is the home state of licensure, if the commissioner is aware at the time the commissioner takes an action under subsection (a) of this section that a person will require the written consent of an insurance regulatory official to engage in the business of insurance pursuant to 18 U.S.C. § 1033 and the result of the action under subsection (a) of this section is that the person will receive or retain a license under this code, the commissioner shall, upon request, issue the written consent.

(f) If an employer becomes aware that an employee who is engaged in the business of insurance needs the commissioner's consent to continue to engage in the business of insurance, the employer may direct the employee to obtain the necessary consent and, if the consent is denied, shall take action so that the employee is not engaged in the business of insurance. In cases arising under this subsection the commissioner shall give special weight to evidence, including statements from the employer, as to whether the employee has or has not engaged in any activity that relates to the offense requiring the written consent and that relates adversely to the insurance profession.

**26-23-321. Title agents; refusal, suspension or revocation of license; fine instead of suspension.**

(b) The commissioner may revoke the title agent's license of any person

convicted by final judgment of a felony that relates to the title insurance profession or to the ability to practice as a title insurance agent.

**26-37-117. Mechanical breakdown insurance organizations; qualifications for dealer's license.**

(a) In addition to conditions specified under W.S. 26-37-116, the commissioner shall issue a mechanical breakdown insurance dealer's license only to an individual otherwise complying with this chapter furnishing evidence satisfactory to the commissioner that he:

(iv) Has never been convicted of a felony that relates to the mechanical breakdown insurance profession or to the ability to practice as a mechanical breakdown insurance dealer. The commissioner shall have discretion as to whether to issue a license if there has been a relevant conviction.

**26-37-120. Mechanical breakdown insurance organizations; grounds for suspension, revocation or refusal to renew dealer's license generally.**

(a) The commissioner may suspend, revoke or refuse to renew any mechanical breakdown insurance dealer's license issued under this chapter for any cause specified by this chapter including the following:

(v) A conviction by final judgment of a felony that relates to the mechanical breakdown insurance profession or to the ability to practice as a mechanical breakdown insurance dealer;

**33-3-121. Certificates and permits; disciplinary action; grounds.**

(a) After notice and hearing, the board may revoke, refuse to renew, reprimand, censure, limit the scope of practice, place on probation with or without terms, conditions or limitations, or may suspend for a period not to exceed two (2) years, any certificate issued under this act or practice privilege or may revoke, suspend, limit the scope of practice, or refuse to renew any permit issued under this act or may censure the holder of a permit for any of the following causes:

(v) Conviction of a felony that relates to the practice of accounting or to the ability to practice accounting under the laws of Wyoming or any other state or of the United States;

**33-10-110. Prohibited acts; refusal, revocation or suspension of license; appeals.**

(a) The board may deny, refuse to renew, suspend, revoke or otherwise restrict a license under this act for any of the following acts:

(iii) To commit or be convicted of a felony that relates to the practice of chiropractic or to the ability to practice chiropractic;

**33-15-108. Licensing; qualifications; examinations; fees.**

(a) Any person of good moral character who has a background that does not

evidence conduct adverse to the practice of dentistry or to the ability to practice dentistry, who has graduated and attained the degree of doctor of dental surgery or doctor of dental medicine from a college or university in the United States or Canada accredited by the commission on dental accreditation of the American Dental Association, may apply to the board to have the applicant's qualifications considered for licensure to practice dentistry. The applicant shall pass a written and practical examination in a manner satisfactory to the board. The written examination shall consist of part I and part II of the national board of dental examinations administered by the joint commission on national dental examinations of the American Dental Association and an examination on the Wyoming Dental Practice Act and the rules and regulations of the board of dental examiners. The clinical practical examination shall be based on satisfactory completion of a clinical examination acceptable to the board.

**33-15-120. Dental hygienists; qualifications; examination; fees and license.**

(a) ~~Any person of good moral character who has a background that does not evidence conduct adverse to the practice of dental hygiene or to the ability to practice dental hygiene~~ who is a graduate of a dental hygiene program accredited by the commission on dental accreditation of the American Dental Association, who has passed in a manner satisfactory to the board the dental hygiene national board examination administered by the joint commission on national dental examinations of the American Dental Association and who passes any clinical board accepted by the board may apply to the board to have the person's qualifications considered for licensure to practice dental hygiene. Applicants shall be required to pass a written examination satisfactory to the board.

**33-16-523. Investigation of applicants for license; granting or refusing license.**

Upon receipt of an application for an establishment license under this act, the board may cause an investigation to be made as to the character of the applicant, including its officers or members if the application is by or in behalf of business entity, and may require a showing that will reasonably prove ~~the good character of the applicant that the applicant does not have a background evidencing~~ conduct adverse to the practice of funeral service or to the ability to practice funeral service. The board may subpoena witnesses and administer oaths upon proper notice. After proper hearing, the board shall grant a license if it finds the applicant ~~is of good character does not have a background evidencing conduct adverse to the practice of funeral service or to the ability to practice funeral service~~ and the proposed funeral establishment is, or will be, constructed and equipped as required by this act. Every application shall be granted or refused within ninety (90) days from the date of the filing of the application.

**33-22-108. Powers and duties of board.**

(a) The board shall:

(i) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who ~~are of good character~~ have backgrounds that do not evidence conduct adverse to the practice of nursing home administration or to the ability to practice nursing home administration and are otherwise suitable, and who, by training or experience, in the field of institutional administration, are qualified to serve as nursing home administrators;

**33-23-110. Refusal, suspension or revocation of license.**

(b) “Unprofessional and dishonest conduct” as used in this act means:

(iii) Being guilty of offenses ~~involving moral turpitude, that relate to the practice of optometry or to the ability to practice optometry or involving~~ habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect;

**33-24-116. Qualifications of applicants for licensure as a pharmacist by examination.**

(a) Any person seeking licensure by examination to practice pharmacy in this state may make application in writing to the board. The applicant shall:

(iii) Be ~~possessed of good moral character~~ a background that does not evidence conduct adverse to the practice of pharmacy or to the ability to practice pharmacy;

**33-24-122. Revocation or suspension of license and registration; letter of admonition; summary suspension; administrative penalties; probation; grounds.**

(a) The license and registration of any pharmacist may be revoked or suspended by the board of pharmacy or the board may issue a letter of admonition, refuse to issue or renew any license or require successful completion of a rehabilitation program or issue a summary suspension for any of the following causes:

(i) Conviction of a felony or high misdemeanor ~~involving moral turpitude that relates to the practice of pharmacy or to the ability to practice pharmacy~~, in which case the record of conviction or a copy thereof certified by the clerk or judge of the court in which the conviction is had shall be conclusive evidence;

**33-24-135. Internship.**

(e) The board may issue a letter of admonition or suspend or revoke a pharmacy intern's license for any:

(iii) Conviction of a felony or misdemeanor ~~involving moral turpitude that relates to the practice of pharmacy or to the ability to practice as a pharmacy intern~~;

**33-24-301. Pharmacy technicians; licensing; definitions; revocation or suspension of license; letter of admonition; information required for background checks.**

(f) The board may issue a letter of admonition or suspend or revoke a pharmacy technician's license or the board may assess an administrative penalty against that person not to exceed one thousand dollars (\$1,000.00) for each violation for any:

(iv) Conviction of a felony or misdemeanor ~~involving moral turpitude that relates to the practice of pharmacy or to the ability to practice as a pharmacy technician;~~ or

**33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action.**

(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or more of the following grounds:

(xxvii) Unprofessional or dishonorable conduct not otherwise specified in this subsection, including but not limited to:

(K) Engaging in conduct that ~~constitutes moral turpitude~~ relates adversely to the practice of medicine or to the ability to practice medicine, including but not limited to conviction of or pleading guilty or nolo contendere to domestic abuse, stalking, sexual assault, sexual abuse or unlawful exploitation of a minor, indecent exposure, incest or distribution of pornography;

**33-28-106. Application for license; qualifications; sworn statement; commission approval of course of study; statement of responsible broker; denial of license; issuing licenses.**

(g) The commission may consider prior revocation, conduct or conviction in its determination of whether to grant an applicant a license if the applicant:

(iii) Has been convicted of any felony that relates to the practice of real estate activity or to the ability to practice the duties of a responsible real estate licensee or any felony sexual offense or violent crime.

**33-28-111. Censure of licensee and suspension or revocation of license; grounds.**

(a) The commission shall upon a written sworn complaint or may upon its own motion investigate the actions of any licensee conducting real estate advertising, self promotion as a licensee or real estate activity regarding real estate located in Wyoming, impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense and may censure a licensee, place a licensee on probation and set the terms of probation, suspend or revoke any license issued under this act for any of the following:



(xxii) Conviction of a felony that relates to the practice of real estate activity or to the ability to perform the duties of a licensee or any felony sexual offense or violent crime;

**33-29-402. Requirements for intern certificate.**

(a) An applicant for a certificate as an engineer intern shall submit evidence satisfactory to the board showing that the applicant:

(i) ~~Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of engineering or to the ability to practice as an engineer intern;~~

(b) An applicant for a certificate as a land surveyor intern shall submit evidence satisfactory to the board showing that the applicant:

(i) ~~Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of land surveying or to the ability to practice as a land surveyor intern;~~

**33-29-403. Requirements for professional license.**

(a) An applicant for a license as a professional engineer who has not graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

(i) ~~Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of engineering or to the ability to practice engineering;~~

(b) An applicant for a license as a professional engineer who has graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

(i) ~~Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of engineering or to the ability to practice engineering;~~

(c) An applicant for a license as a professional land surveyor shall submit evidence satisfactory to the board showing that the applicant:

(i) ~~Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of land surveying or to the ability to practice land surveying;~~

**33-29-406. License on the basis of comity.**

(a) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying may be issued a professional license provided:

(i) The applicant has submitted evidence satisfactory to the board that the applicant ~~is of good moral character and repute~~ has a background that does not

evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying;

(b) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying, and who has held the license for fifteen (15) years immediately prior to submitting the application, may be issued a professional license provided the applicant:

(i) Is possessed of good moral character and repute a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

**33-30-206. Application for license; fee; determination of qualifications.**

(a) Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is an adult, subscribes to and will uphold the principles incorporated in the constitution of the United States, is a graduate of a college of veterinary medicine, a person of good moral character has a background that does not evidence conduct adverse to the practice of veterinary medicine or to the ability to practice veterinary medicine, is of good physical and mental health, and shall provide such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

**33-30-212. Denial, suspension and revocation of licenses.**

(a) Upon written complaint sworn to by any person, the board may after a fair hearing and by a concurrence of all members, deny, revoke or suspend for a certain time the license of, or reprimand, any applicant or licensed veterinarian who upon proof to the satisfaction of the board:

(iv) Has been convicted of a felony, involving moral turpitude, that relates to the practice of veterinary medicine or to the ability to practice veterinary medicine or has entered a plea of nolo contendere upon being charged with commission of such a felony;

**33-30-224. Requirements for certification.**

(a) The board may issue a certificate as an animal euthanasia technician to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions that relate to the practice of animal euthanasia or to the ability to practice as an animal euthanasia technician;

(iii) The applicant has no misdemeanor convictions involving moral turpitude that relate to the practice of animal euthanasia or to the ability to practice as an animal euthanasia technician and no criminal violations relating

to cruelty to animals or animal neglect;

**33-33-305. Suspension and revocation of license.**

(a) The board may after an opportunity for hearing, deny, refuse to renew, suspend or revoke a license or impose probationary conditions upon a licensee for any one (1) of the following:

(iii) A plea or verdict of guilty, or a conviction following a plea of nolo contendere, made to a criminal charge that relates to the practice of speech-language pathology or audiology or to the ability to practice speech-language pathology or audiology, if the acts committed are found by the board to have a direct bearing on whether he should be entrusted to serve the public in that particular capacity;

**33-35-115. Complaints; grounds for revocation or suspension of license.**

(b) Any person registered under this act may have his license revoked or suspended for a period fixed by the board for any of the following causes:

(i) Conviction of a felony or a misdemeanor ~~involving moral turpitude~~ that relates to the practice of fitting, dealing or dispensing hearing aids or to the ability to fit, deal or dispense hearing aids;

**33-37-111. Discipline of licensee.**

(a) A person licensed pursuant to this act may be censured or placed on probation or may have his license revoked, suspended or restricted, or both, by the board for any of the following causes:

(i) Conviction of a felony or high misdemeanor ~~involving moral turpitude~~ that relates to the practice of applying ionizing radiation or radiopharmaceutical agents to humans or to the ability to apply ionizing radiation or radiopharmaceutical agents to humans;

**33-38-106. Requirements for licensure and certification.**

(a) The board shall issue a license as a professional counselor, marriage and family therapist, clinical social worker or addictions therapist to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude~~ that relate adversely to the practice of counseling, marriage and family therapy, clinical social work or addictions therapy or to the ability to practice counseling, marriage and family therapy, clinical social work or addictions therapy, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(b) Certification under this subsection shall allow practice as a certified social worker only under the supervision of a qualified clinical supervisor and

subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified social worker to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of clinical social work or to the ability to practice clinical social work~~, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(c) Certification under this subsection shall allow practice as a certified addictions practitioner only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified addictions practitioner to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of addictions therapy or to the ability to practice addictions therapy~~, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(d) Provisional licensure is a means to continue progress towards satisfactory completion of all licensure requirements under this act. Upon review and approval by the designated board member or board, the board shall issue a provisional license to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of counseling, marriage and family therapy, clinical social work or addictions therapy or to the ability to practice counseling, marriage and family therapy, clinical social work or addictions therapy~~, although exemptions to this requirement may be granted by the board if consistent with public interest;

(e) The board shall issue a license without examination as a licensed professional counselor, licensed clinical social worker, licensed marriage and family therapist or a licensed addictions therapist to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(iii) The applicant has no felony convictions; and no misdemeanor

convictions ~~involving moral turpitude that relate adversely to the practice of counseling, marriage and family therapy, clinical social work or addictions therapy or to the ability to practice counseling, marriage and family therapy, clinical social work or addictions therapy~~, although exemptions to this requirement may be granted by the board if consistent with the public interest;

(j) The board shall grant certification without examination as a certified social worker to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of clinical social work or to the ability to practice clinical social work~~, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(k) The board shall grant certification without examination as a certified addictions practitioner to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of addictions therapy or to the ability to practice addictions therapy~~, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(m) The board shall issue certification without examination as a certified mental health worker to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(ii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of counseling or mental health work or to the ability to practice counseling or mental health work~~, although exemptions to this requirement may be granted by the board if consistent with public interest;

(n) Certification under this subsection shall allow practice as a certified addictions practitioner assistant only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. Unless extended, an applicant has six (6) months from the date of employment to become certified. The board may for good cause grant an extension of this period. The board shall grant certification as a certified addictions practitioner assistant to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the

following:

(iii) The applicant has no felony convictions; and no misdemeanor convictions ~~involving moral turpitude that relate adversely to the practice of~~ addictions therapy or to the ability to practice as an addictions practitioner assistant, although exceptions to this requirement may be granted by the board if consistent with the public interest;

**33-38-110. Prohibited acts; penalties.**

(c) The board may refuse to renew, or may deny, suspend, revoke or otherwise restrict licensure or certification under this act for any of the following causes:

(i) Conviction of a felony or misdemeanor ~~involving moral turpitude that relates adversely to the practice of~~ counseling, marriage and family therapy, clinical social work or addictions therapy or to the ability to practice counseling, marriage and family therapy, clinical social work or addictions therapy, including pleas of nolo contendere. A certified copy of the conviction shall be conclusive evidence of the conviction;

**33-39-123. Disciplinary proceedings.**

(a) The board shall upon a written sworn complaint or may upon its own motion investigate the actions of any certified real estate appraiser and may impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense, censure the permittee, place the permittee on probation and set the terms of the probation, suspend or revoke any permit issued under this act for any of the following:

(ii) Being convicted of a felony that relates to the practice of real estate appraisal or to the ability to practice real estate appraisal or any felony sexual offense or violent crime;

**33-44-105. Athlete agent disclosure form; requirements.**

(a) The athlete agent disclosure form shall be in a record executed in the name of an individual and signed by the athlete agent under penalty of perjury and, except as otherwise provided in subsection (b) of this section, must state or contain:

(viii) Whether the athlete agent or any other person named pursuant to paragraph (vii) of this subsection has been convicted of a crime that, if committed in this state, would be a felony or other crime ~~involving moral turpitude that relates to the practice of~~ serving as an athlete agent or to the ability to serve as an athlete agent, and identify the crime;

**33-44-106. Disqualifications.**

(a) No person may engage in the business of an athlete agent who has:

(i) Been convicted of a crime that, if committed in this state, would be a felony or other crime ~~involving moral turpitude that relates to the practice of~~ serving as an athlete agent or to the ability to serve as an athlete agent;

**33-45-111. Disciplinary action; suspension and revocation of license.**

(a) After the hearing authorized by subsection (b) of this section, the board may deny a license or refuse to renew a license, may suspend or revoke a license or may impose probationary conditions if the licensee or the applicant has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. For purposes of this section, unprofessional conduct includes:

(iii) Being convicted of a felony that relates to the practice of athletic training or to the ability to practice athletic training;

**33-49-111. Disciplinary action; suspension and revocation of license; application for reinstatement.**

(a) After any hearing conducted pursuant to W.S. 33-49-110, the board may approve, deny, suspend, revoke or refuse to renew a license or impose probationary conditions on the license if the licensee or applicant has engaged in unprofessional conduct. For purposes of this section, unprofessional conduct includes any of the following:

(iii) Being convicted of a felony that relates to the practice of acupuncture or to the ability to practice acupuncture;

**40-22-108. Application for license.**

(a) Each application for a license shall be made in writing and in a form prescribed by the commissioner. Each application shall include the following:

(ii) The applicant's history of material litigation and criminal convictions that relate to the practice of money transmission or to the ability to practice money transmission for the five (5) year period prior to the date of the application;

**Section 3.** Any board, commission, commissioner or authority authorized to regulate licensing, certification or registration for any profession or occupation under title 7, 11, 15, 17, 21, 23, 26, 33, 35 or 40 shall review its rules for consistency with this act.

**Section 4.** This act is effective July 1, 2018.

Approved March 14, 2018.

**Chapter 108****REVISOR'S BILL**

Original Senate File No. 70

AN ACT relating to the revision of statutes; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-15-505(a)(intro), 3-1-111(b), 6-3-203(c)(v) and (vi), 6-4-403(f), 7-12-308, 7-13-105(b)(i), (ii) and (c)(ii), 9-2-123(q)(i), 9-2-1035(a)(v)(intro), 9-2-1036(b)(iii), 9-2-1037(a)(i) and (iii), 9-2-1704(c), 9-17-119(g), 11-28-103(a), 11-31-301(m), 16-3-107(g), 17-29-203(a)(v), 18-8-101(a)(ii), 23-2-209, 26-3-122(b), 31-2-206(h), 33-27-119(b), 35-7-1002(a)(i)(intro) and 40-10-122(a)(xviii)(B)(I) are amended to read:

**1-15-505. Service of writ; notice to judgment debtor in continuing garnishment; payment to clerk of court.**

(a) The judgment creditor shall serve two (2) copies of the writ of continuing garnishment upon the garnishee, one (1) copy of which the garnishee shall deliver to the judgment debtor as provided in W.S. 1-15-506. The writ shall be served on the garnishee in the same manner as a summons under Rule 4(d) of the Wyoming Rules of Civil Procedure or by certified mail sent to the garnishee at the address of its principal place of business in accordance with Rule ~~4(t)~~4(r) of the Wyoming Rules of Civil Procedure. The writ shall include notice to the judgment debtor of the formula used to calculate:

**3-1-111. Complaint against guardian or conservator.**

(b) The clerk shall immediately send a copy of the complaint report to the guardian or conservator in the manner provided for service of process under Rule ~~4(t)(2)~~4(r)(2) of the Wyoming Rules of Civil Procedure.

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

(c) A person commits aggravated cruelty to animals if he:

(v) Knowingly permits any act prohibited under paragraphs (ii) or (iv) of this subsection on any premises under his charge or control; ~~or~~

(vi) Promotes any act prohibited under paragraphs (ii) or (iv) of this subsection; or

**6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim".**

(f) Prior to the filing of an information or indictment charging a violation of W.S. 6-4-403(b)(ii), (iii) or ~~(v)(D)~~ ~~or (E)~~ ~~(vi)(D)~~, neither the name of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.

**7-12-308. Right to counsel.**

A convicted person is entitled to counsel during a proceeding under this act.



Upon request of the person, the court shall appoint counsel for the convicted person if the court determines that the person is needy and the person wishes to submit a motion under W.S. 7-12-303(c). Counsel shall be appointed as provided in W.S. ~~7-6-104(c)(viii)~~ 7-6-104(c)(vii).

**7-13-105. Certificate of restoration of rights; procedure for restoration in general; procedure for restoration of voting rights for nonviolent felonies; filing requirements.**

(b) The department of corrections shall issue a certificate of restoration of voting rights as provided in this subsection and subsection (c) of this section. Upon issuance of a certificate, voting rights lost pursuant to W.S. 6-10-106 shall be deemed restored. The department of corrections shall automatically issue a person convicted of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events a certificate of restoration of voting rights if:

(i) The person has not been convicted of any other felony other than convictions arising out of the same occurrence or related course of events for which restoration of rights is certified; and

(ii) The person has completed all of his sentence, including probation or parole; ~~and~~

(c) The department of corrections shall issue a certificate of restoration of voting rights to eligible persons as follows:

(ii) For persons convicted outside of Wyoming or under federal law of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, the department shall ~~require an~~ issue each eligible person a certificate of restoration of voting rights upon receipt of a written request on a form prescribed by the department and following a determination that the person has completed his sentence, including probation and parole.

**9-2-123. Wyoming investment in nursing loan and grant program; eligibility criteria; procedures.**

(q) A recipient of a WYIN loan under this section and attending a master's or doctorate nursing level program may begin loan repayment through qualified work as authorized under subsections (e) and (f) of this section concurrently with enrollment in the nursing education program, subject to the following:

(i) If the recipient is enrolled in a master's nursing degree program, the recipient shall perform qualified work for not less ~~that~~ than one (1) year following completion of the education program;

**9-2-1035. Definitions.**

(a) As used in this act:

(v) "Public financial information" means official public records as defined in W.S. 16-4-201(a)(vi)(A) that are required to be made available on the

Wyoming public finance and expenditure of funds website as required by this act, but shall not include any information:

**9-2-1036. Wyoming public finance and expenditure of funds website.**

(b) The purpose of the Wyoming public finance and expenditure of funds website is to:

(iii) Allow the public to search public financial information on the Wyoming public finance and expenditure of funds website using criteria established by the department;

**9-2-1037. Rulemaking authority.**

(a) The department shall adopt rules to:

(i) Require participating state entities to provide public financial information for inclusion on the Wyoming public finance and expenditure of funds website provided legislative appropriations are available to permit entities to generate the information;

(iii) Establish procedures for obtaining, submitting, reporting, storing and providing public financial information on the Wyoming public finance and expenditure of funds website which may include a specified reporting frequency and form.

**9-2-1704. Reorganization plan; structure; time frame.**

(c) ~~Notwithstanding subsection (b) of this section,~~ The legislature may establish temporary agencies for periods not exceeding four (4) years which are not within a department or the office of an official specified in subsection (a) of this section. At the expiration of four (4) years, the agency and all its programs and functions shall either terminate or be assigned within an established department.

**9-17-119. Prize proceeds subject to attachments, garnishments or executions; validation of winning tickets; prohibited purchases; money dispensing machines; unclaimed prize money.**

(g) Unclaimed prize money shall not constitute net ~~lottery~~ proceeds. A portion of unclaimed prize money, not to exceed two hundred thousand dollars (\$200,000.00) annually, shall be used by the corporation to develop, in consultation with the department of health programs for the treatment of compulsive gambling disorder and educational programs related to the disorder. In addition, unclaimed prize money may be added to the pool from which future prizes are to be awarded or used for special prize promotions.

**11-28-103. Constructing of unlawful wire fence; liability and penalty; reconstruction required; penalty for failure.**

(a) Any person who constructs or maintains any unlawful wire fence contrary to this ~~act~~ chapter, is liable in a civil action for all damages to animals that may

occur by reason of the unlawful enclosure. The owner of any unlawful wire fence is guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and for each subsequent offense the fine shall not be less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

**11-31-301. Public nuisance; notice; penalties; rules and regulations; animal control districts and officers.**

(m) Except as provided in subsection (e) of this section regarding impounding an animal to determine disease status, nothing in this section shall apply to any livestock guarding animal which is actively engaged in protecting livestock. Except in the case of gross or willful negligence, no liability shall accrue to the owner, or his agent, of any livestock guarding animal for any injury to any person or animal received from any livestock guarding animal which was actively engaged in protecting livestock. ~~As used in this subsection, "animal" means as defined in W.S. 11-29-101(a)(i).~~

**16-3-107. Contested cases; general procedure.**

(g) In all contested cases the taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26, 28 through 37 (excepting Rule 37(b)(1) and ~~37(b)(2)(D)~~ 37(b)(2)(A)(vii) therefrom) of the Wyoming Rules of Civil Procedure in effect on the date of the enactment of this act and any subsequent rule amendments thereto. All references therein to the "court" shall be deemed to refer to the appropriate "agency"; all references to the use of the subpoena power shall be references to subsection (c) of this section; all references to "trial" shall be deemed references to "hearing"; all references to "plaintiff" shall be deemed references to "a party". If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the agency in which the action is pending, the refusal to obey the agency order shall be enforced in the same manner as is provided in subsection (c) of this section.

**17-29-203. Signing of records to be delivered for filing to secretary of state.**

(a) A record delivered to the secretary of state for filing pursuant to this chapter shall be signed as follows:

(v) A statement of cancellation under W.S. ~~17-29-201(d)(ii)~~ 17-29-201(e)(ii) shall be signed by each organizer that signed the initial articles of organization, but a personal representative of a deceased or incompetent organizer may sign in the place of the decedent or incompetent;

**18-8-101. Definitions.**

(a) As used in W.S. 18-8-102 through 18-8-109 the words:

(ii) "Medical facilities" includes but is not limited to diagnostic or

treatment centers, rehabilitation facilities and nursing homes, as those terms are defined in the federal act Public Law 482, 83 congress, July 12, 1954, (C. 471, sec. 4(c)-(f), 68 Stat. 465-466); ~~(42 U.S.C., § 291i);~~

**23-2-209. Wyoming sport fishing day; fishing exempt from licensure.**

The commission may annually designate not more than one (1) day each calendar year as a free sport fishing day. Residents and nonresidents may during the designated free sport fishing day, without payment of any fee and without acquiring a license pursuant to W.S. 23-2-201 or a conservation stamp under W.S. ~~23-3-306~~ 23-2-306, exercise the privileges of sport fishing licenses subject to limitations imposed upon licensees by law and commission rule and regulation.

**26-3-122. Service of process; service generally.**

(b) In case the process is issued by ~~a justice of the peace or other an~~ inferior court, it may be directed to and served in duplicate by an officer authorized to serve process in the city or county of the commissioner's office, at least fifteen (15) days before the return day thereof, and that service confers jurisdiction.

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

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

**33-27-119. Practice without license.**

(b) Unless exempt under W.S. 33-27-114, any person who represents himself as a psychologist and who engages in the practice of psychology in violation of this act, is guilty of a misdemeanor punishable by a fine of not more ~~that than~~ seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation shall constitute a separate offense.

**35-7-1002. Definitions.**

(a) As used in this act:

(i) “Administer” means ~~the direct application of~~ directly applying a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

**40-10-122. Powers and duties of the director.**

(a) The director shall:

(xviii) Verify advertised prices, price representations and point-of-sale systems, as necessary to determine:

(B) The accuracy of prices printed or recalled from a database in systems utilizing scanning or coding means in lieu of manual entry. In carrying out the provisions of this paragraph, the director shall:

(I) Employ recognized procedures, as adopted by the National Conference on Weights and Measures and published in the ~~United~~ United States Department of Commerce National Institute of Standards and Technology Handbook 130, “Uniform Laws and Regulations, Examination Procedures for Price Verification”; and

**Section 2.** W.S. 35-7-2104(b) as created by 2017 Wyoming Session Laws, Chapter 212, Section 1 is amended to read:

**35-7-2104. Industrial hemp seed certification; power of department to examine seeds; purchase of samples; authority to make rules; fees and disposition thereof.**

(b) The department shall certify varieties of seeds and shall promulgate rules and regulations necessary to ensure the production of certified seed of high quality that complies with the requirements of this act. The department may charge reasonable fees for certification and shall use the funds received to defray the cost of conducting the certification program.

**Section 3.** W.S. 5-9-104 and 9-2-1016(h)(iii) are repealed.

**Section 4.** 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 5.** This act is effective July 1, 2018.

Approved March 14, 2018.

**Chapter 109****VETERANS TUITION PROGRAM LIMITS**

Original Senate File No. 36

AN ACT relating to veterans and higher education; specifying education that a combat veteran, surviving spouse or dependent may pursue under the free tuition program; limiting costs the program covers; reducing the number of semesters the program covers; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 19-14-106(a) by creating a new paragraph (vi), (b), (d), (f), (j) and (k) is amended to read:

**19-14-106. Free tuition for education of war orphans and veterans; definitions.**

(a) As used in this section:

(vi) “Successive education” means the pursuit of a degree or certificate at a higher level than the student has previously earned using benefits received under this section.

(b) ~~The state or any political educational subdivision shall provide free tuition, matriculation and other fees to all eligible persons who are residents of this state and who are attending or may attend any state institutions in elementary, secondary and college grades, business colleges, state vocational training schools or other educational institutions of this state the University of Wyoming or a Wyoming community college for the purpose of successive education, where courses of instruction are provided in subjects which would tend to enable the eligible persons to engage in any useful trade, occupation or profession. Funds provided under this section shall not exceed the University of Wyoming current undergraduate rate per semester, regardless of the education level, degree or certification a student pursues.~~

(d) The community college commission shall reimburse the University of Wyoming and each community college for the costs of tuition ~~and fees~~ provided under this section. If insufficient funds are appropriated, the reimbursement shall be proportionally reduced based on tuition ~~and fee~~ expenses. The commission shall promulgate rules for the implementation of the free tuition ~~and fees~~ pursuant to subsections (f) through (k) of this section, including the reimbursement to the university and community colleges.

(f) Any person who is a Vietnam veteran, not presently receiving education benefits under the Servicemen’s Readjustment Act of 1944, as amended, an overseas combat veteran, a combat veteran surviving spouse or a combat veteran dependent shall receive free tuition ~~and fees~~ for up to a total of ~~ten (10)~~ eight (8) semesters of study at the University of Wyoming or any Wyoming community college. The University of Wyoming and all Wyoming community

colleges shall cooperate to ensure that a total of not more than ~~ten (10)~~ eight (8) semesters is provided under this section to any recipient. No person shall be eligible for the benefits provided under this section for any semester commencing more than eight (8) academic years after the semester in which the person initially receives benefits under this section. The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(d).

(j) A person who had qualified for free tuition ~~and fees~~ under subsection (f) or (g) of this section, shall be deemed eligible for the free tuition ~~and fees~~ at any Wyoming community college or the University of Wyoming up to the maximum number of semesters of study allowed under subsection ~~(a)~~ (f) of this section, if the person transfers to another institution specified in subsection ~~(a)~~ (b) of this section.

(k) To remain eligible for benefits under this section, by the end of the spring semester completing the student's third or fourth semester of attendance, the student shall have a cumulative grade point average of at least two point zero (2.0) and shall maintain a cumulative grade point average of at least two point zero (2.0) at the end of each subsequent spring semester to continue to receive the free tuition, ~~and fees~~.

**Section 2.** Notwithstanding W.S. 19-14-106 as amended by this act, students receiving initial benefits before the effective date of this act, shall be eligible for free tuition and fees for up to a total of ten (10) semesters if such benefits are exercised before August 31, 2020. Students receiving benefits subject to this section may continue work in the certificate or degree based program in which they are currently enrolled regardless of successive education or University of Wyoming undergraduate rate requirements.

**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 14, 2018.

## Chapter 110

### MILITARY SPOUSE UNEMPLOYMENT SUNSET REPEAL

Original Senate File No. 34

AN ACT relating to labor and employment; removing the sunset provision terminating military spouse unemployment benefits; and providing for an effective date.

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

**Section 1.** W.S. 27-3-311(a)(i)(D) is amended to read:

**27-3-311. Disqualifications from entitlement; grounds; forfeiture.**

(a) An individual shall be disqualified from benefit entitlement beginning with the effective date of an otherwise valid claim or the week during which the failure occurred, until he has been employed in an employee-employer relationship and has earned at least eight (8) times the weekly benefit amount of his current claim for services after that date, if the department finds that he:

(i) Left his most recent work voluntarily without good cause attributable directly to his employment, except:

(D) If unemployed as a result of relocation due to the transfer of the unemployed individual's spouse, either within or outside the state, from which it is impractical to commute to the place of employment, and upon arrival at the new residence, the individual is in all respects able and available for suitable work and registers for work with the department of workforce services or an equivalent agency of another state where the individual is residing. To qualify under this subparagraph, the individual shall be married to a member of the United States armed forces whose relocation is the result of an assignment on active duty as defined in 10 U.S.C. 101(d)(1), active guard or reserve duty as defined in 10 U.S.C. 101(d)(6), active duty pursuant to title 10 of the United States Code, or training or other duty performed by a member of the army national guard of the United States or the air national guard of the United States under section 316, 502, 503, 504 or 505 of title 32 of the United States Code. Any benefits awarded under this subparagraph shall be noncharged benefits and shall not affect an employer's experience rating account.—This subparagraph is repealed effective July 1, 2018.

**Section 2.** 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 14, 2018.

## Chapter 111

### STATE FAIR BOARD-2

Original Senate File No. 45

AN ACT relating to agriculture; amending provisions for the general supervision, operation and maintenance of the annual state fair and fairgrounds; amending the purpose of the state fair; reconstituting the state fair advisory board as the state fair board; specifying composition of the state fair board; specifying duties of the state fair board, the department of agriculture, the Wyoming tourism board and the state construction department; making conforming amendments; conforming provisions relating to the state fair malt beverage permit; providing an appropriation; and providing for an effective date.



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

**Section 1.** W.S. 11-10-101, 11-10-102, 11-10-104 through 11-10-108, 11-10-115 and 12-4-505(a) are amended to read:

**11-10-101. Annual state fair; where held; purpose.**

~~The state fair board, with the assistance of the department of agriculture, shall hold an annual state fair at Douglas, Wyoming, where all important products of the state shall be recognized according to merit by premiums or rewards for excellence offered out of an appropriation provided by the legislature. No person shall collect any award until he furnishes to the department a complete history in writing of how the exhibit was produced and all other information concerning the entry that would be of interest or benefit to~~ dedicated to honoring Wyoming's agricultural heritage and culture by cultivating Wyoming's agricultural future through competitions, educational displays and experiential exhibits for youth producers and the general public.

**11-10-102. Duties and responsibilities with respect to the annual state fair and fairgrounds.**

~~(a) The general charge and supervision of the state fair is under the director of state fair board with the assistance of the department of agriculture. The director may employ a competent manager and other employees necessary for the proper conduct and management of the fair and fairgrounds.~~

(b) The department shall prepare budget requests on behalf of and subject to the approval of the state fair board for the conduct and management of the annual state fair and for the operation and maintenance of the state fairgrounds, including building and facility needs for major maintenance and repair. The director is responsible for the proper disbursement of all funds appropriated for the operation and maintenance of the annual state fair and fairgrounds.

(c) The state fair board shall:

- (i) Select from among its voting members a chairman and a vice-chairman;
- (ii) Hold at least four (4) regular meetings per year at such times and places as the chairman shall specify. Special meetings may be called by the chairman or upon request of a majority of the voting members. A majority of the voting members of the state fair board shall constitute a quorum for the transaction of business;
- (iii) Be administratively supported by the department;
- (iv) Provide for the year round operation and maintenance of the state fairgrounds in a manner that:
  - (A) Maximizes revenues but does not disrupt the annual state fair;
  - (B) Ensures the facilities are maintained in good working order.
- (v) Monitor any state fairgrounds facility needs assessment conducted by

the state construction department and, subject to available funding, implement recommendations received under subsection (d) of this section to prioritize and remediate the identified needs;

(vi) To the extent the employment of a state fair manager would aid in accomplishing the duties required by this chapter, appoint a state fair manager to conduct and supervise the annual state fair and to manage the year round operation and maintenance of the state fairgrounds. Any appointment shall be made with the approval of the governor and shall be subject to removal authority provided by W.S. 9-1-202. The state fair board may hire and provide for the supervision of other employees necessary to accomplish the duties required by this chapter and may contract for services to advertise and promote the annual state fair and the fairgrounds;

(vii) To the extent establishing a subcommittee would aid in executing the annual state fair, appoint a subcommittee of state fair board members to plan, conduct or supervise the annual state fair. The director shall serve as chairman of any subcommittee appointed under this paragraph.

(d) The state construction department shall, in addition to the comprehensive needs assessment conducted pursuant to W.S. 9-5-107, and upon request of the state fair board:

(i) Assess the state fairground buildings and facility needs; and

(ii) Submit recommendations to the state fair board to prioritize and remediate the identified needs.

(e) The Wyoming tourism board shall promote the annual state fair throughout the state of Wyoming and adjoining states.

#### **11-10-104. Catalogues.**

At least three (3) months before any annual fair, the ~~director of the department of agriculture~~ state fair board shall have a catalogue prepared and copies available for distribution to any person requesting it.

#### **11-10-105. Entry fees.**

A fee may be charged for any in-state or out-of-state exhibit to be entered in the state fair at an amount set by ~~the director of the department of agriculture and the state fair board.~~

#### **11-10-106. Admission charges; other revenues.**

(a) There shall be charged at the gates of the fairground an admission fee to be set by the state fair board. An extra charge may be made for seats in the grandstand or other structure providing added comforts. The charge for vehicles driven or stock ridden into the grounds may be fixed by the state fair board. All fees collected shall be deposited in the Wyoming state fair account.

(b) The department of agriculture may receive any money or property of

any kind or character donated, granted or bequeathed for any activities of the state fair. Monies shall be credited to the state fair account. The department, on behalf of the state fair board, shall include within its biennial budget request submitted under W.S. 9-2-1013 a report itemizing all gifts, income and expenditures under this subsection for each of the immediately preceding two (2) fiscal years.

**11-10-107. Power of state fair board to acquire land; authority to make rules and regulations; renting and use of fairgrounds.**

~~The~~ Consistent with W.S. 9-5-106(a) and (c), the state fair board may acquire by donation or lease in the name of the state any lands necessary for conducting the annual state fair, and may make all rules and regulations necessary for the conduct and government of the exhibitions, the sale of privileges, and the proper control, operation and conduct of the annual state fair and the state fairgrounds not inconsistent with the constitution and laws of this state. The state fair board may rent out or donate the use of the state fairgrounds for stabling and training stock and holding stock sales. The grounds may be used free of charge for encampment grounds for the state militia under the direction of the adjutant general of the state. The board ~~may~~ shall permit the grounds and facilities to be used for other purposes and ~~may~~ shall charge fees as it deems necessary to maximize revenues and pay the expenses of maintaining the grounds and facilities. ~~The board shall not permit any gambling device of any nature to be operated on the grounds, or permit any unlawful betting, or permit any intoxicating liquors to be sold thereon except as provided by W.S. 12-4-505.~~

**11-10-108. Rodeos; generally.**

~~The director of the department of agriculture and the state fair board~~ may provide a rodeo as part of the state fair program, provided there is no restriction on any Wyoming resident who desires to participate in the rodeo other than the prescribed entry fee, unless the restriction is required by a sanctioning body as part of the terms and conditions to sanction the rodeo. Any contract entered into with any person to provide entertainment under this section is void if it in any manner excludes a Wyoming resident from participation in the entertainment because of membership or nonmembership in any organization or group.

**11-10-115. State fair board; membership; terms; compensation.**

~~(a) There is created the state fair advisory board which shall serve as advisor to the board of agriculture on the operation of the state fair and the operation and maintenance of the state fairgrounds. The state fair advisory board shall consist of ten (10) consisting of the following members;~~

~~(i) One (1) voting member appointed by each of the seven (7) members of the board of agriculture appointed pursuant to W.S. 11-2-102(b), the governor~~

from each of the four (4) quadrants specified in W.S. 11-2-102(e)(i) through (iv). Each of these members shall be engaged primarily in agricultural work and shall be selected to represent a cross section of the agriculture industry. Appointments shall rotate consecutively among all the counties of the quadrants;

(ii) One (1) voting member jointly appointed by a majority vote of both the Converse county board of commissioners and the governing body of the city of Douglas;

(iii) One (1) voting member appointed by the dean of the University of Wyoming college of agriculture from the Wyoming cooperative extension service; and

(iv) One (1) voting member selected by the Wyoming vocational agricultural teachers association from its membership; ~~The state fair advisory board members shall receive no salary in the performance of their duties but shall receive mileage and per diem the same as state employees as provided by W.S. 9-3-102.~~

(v) One (1) voting member appointed by the governor from the department of state parks and cultural resources;

(vi) One (1) voting member appointed by the governor from the Wyoming business council;

(vii) One (1) voting member appointed by the governor from the Wyoming tourism board or a representative of the Wyoming tourism board;

(viii) One (1) voting member appointed by the governor from the energy industry;

(ix) One (1) at-large voting member who is engaged primarily in agricultural work, appointed by the governor;

(x) The director shall serve as a voting member;

(xi) The governor or his designee and the dean of the University of Wyoming college of agriculture, or the dean's designee, shall serve as nonvoting ex officio members.

~~(b) The members of the state fair advisory board member appointed by the Converse county board of commissioners, the state fair advisory board member appointed by the dean of the University of Wyoming college of agriculture and the state fair advisory board member selected by the Wyoming vocational agriculture teachers association shall serve a four (4) year term. All other state fair advisory board members shall serve at the pleasure of the person who appointed the state fair advisory board member and in no event shall the term of any state fair advisory member exceed the corresponding term of the appointing board of agriculture member. appointed under paragraph (a)(i) of this section shall serve for a term of six (6) years. The members of the state~~

fair board appointed under paragraphs (a)(ii) through (ix) of this section shall serve for a term of four (4) years. Any state fair board member appointed by the governor is subject to removal as provided in W.S. 9-1-202.

(c) Except as provided in this section, the state fair board members shall be paid a salary of one hundred dollars (\$100.00) per day for attending and traveling to and from official state fair board meetings and shall receive mileage and per diem in the same manner as state employees as provided by W.S. 9-3-102. Members who are government employees or public officials appointed to the state fair board to represent an agency, department, board or institution of the state, including the University of Wyoming, shall receive no salary but shall be considered on official business when performing duties as members of the state fair board and shall receive mileage and per diem in the manner provided by the agency, department, board or institution the member represents.

**12-4-505. Malt beverage permit for annual state fair.**

(a) Upon application, the appropriate licensing authority shall issue to the ~~director of the department of agriculture~~ state fair board a malt beverage permit for the sale of malt beverages only on the state fairgrounds during the annual state fair. W.S. 12-5-201 does not apply to this subsection. The issuance of a malt beverage permit under this subsection shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201. Malt beverages shall only be sold for consumption under this permit on the state fairgrounds during the annual state fair in areas specifically designated by the ~~director of the department of agriculture~~ state fair board.

**Section 2.** The governor and other entities responsible for appointing members to the state fair board shall solicit applications and consider applicants for appointments to the state fair board. Appointments of members to the state fair board shall be made before September 1, 2018. Members appointed to the state fair board pursuant to this act shall begin their terms on September 1, 2018.

**Section 3.** There is appropriated fifty-five thousand dollars (\$55,000.00) 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, 2020. This appropriation shall only be expended for payment of salary, per diem and mileage for state fair board members authorized under W.S. 11-10-115(c). 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, 2020. This appropriation shall be included in the 2021-2022 standard biennial budget request submitted on behalf of the state fair board by the department of agriculture.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective September 1, 2018.

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

Approved March 14, 2018

## Chapter 112

### GOVERNMENT EFFICIENCY PROJECT

Original Senate File No. 120

AN ACT relating to the operation of government; creating a program and account from which to pursue and fund government efficiency initiatives; providing authority to conduct efficiency related activities and to fund those activities; authorizing incentive awards and use of funds from efficiency savings; continuing the Wyoming spending and government efficiency commission; modifying commission membership; requiring reports; authorizing positions; providing appropriations; and providing for an effective date.

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

#### **Section 1.**

(a) The purpose of this act is to continue the work started by the 2017 Wyoming spending and government efficiency commission, created by 2017 Senate File 156, 2017 Wyoming Session Laws, Chapter 183, and to accomplish the purposes stated in this act. Pursuant to 2017 Wyoming Session Laws, Chapter 183, the commission worked with the governor's office and various executive branch agencies during the 2017 interim to identify potential savings and efficiency initiatives that could be implemented in Wyoming state government. To aid in this effort, the law creating the commission provided an appropriation to the governor's office for the retention of a government efficiency consultant. During the 2017 interim, the governor used the appropriation to retain the services of Alvarez & Marsal Public Sector Service, LLC. In August, September and October of 2017, Alvarez & Marsal studied Wyoming's state government and, on November 6, 2017, issued a report containing preliminary recommendations for potential savings and efficiency initiatives. The report is on file with and available for public inspection from the Wyoming legislative service office. The recommendations made by Alvarez & Marsal in its November 6, 2017 report should be further studied and implemented pursuant to the terms of this act. Additional efforts should be made to identify new savings and efficiency opportunities that exist in the operation of Wyoming's state government. The purpose of this act is to accomplish these goals.

#### **State Savings and Efficiency Initiatives**

(b) The state savings and efficiency initiatives account is hereby created. Funds in the account shall be continuously appropriated for expenditure in

accordance with this act and shall not revert until June 30, 2022. Funds in the account shall only be expended for the purpose of funding the projects, entities and initiatives authorized by this act and only with the direction and approval of the governor.

(c) The governor's office may accept proposals for the funding of savings and efficiency related projects that, upon the governor's approval, shall be funded from the state savings and efficiency initiatives account. Funding from the account shall only be provided to the extent that existing biennium budgets or current biennium cost savings from the operation of the approved project are insufficient to fund the project. Projects identified as priority items by the Wyoming spending and government efficiency commission, and the following enumerated projects shall be given consideration for funding, based upon the governor's determination of the likelihood for providing savings or increasing efficiencies in government operations:

- (i) Integrating technology across state agencies;
- (ii) Developing regional services centers for school districts;
- (iii) Implementing and expanding shared services throughout the state's agencies, including human resource services and financial systems;
- (iv) Conducting a statewide organizational and line of service review to reveal overlapping responsibilities and assure that appropriate and efficient organizational and managerial structures are being utilized;
- (v) Increasing staffing levels for key audit and collections positions;
- (vi) Conducting a strategic sourcing review within the state's procurement system and implementing strategic sourcing solutions as practical and appropriate;
- (vii) Identifying and exporting to other state agencies beneficial best practices and process improvements already in use;
- (viii) Establishing a pilot program for performance based budgeting for up to three (3) agencies with the aim of submitting performance based budgets to the legislature as soon as the 2019 general session.

(d) Prior to funding a project, the project proponent or the governor's office shall develop a means of identifying and quantifying any savings that may be realized as result of the project as demonstrated by the following:

- (i) Clear goals and defined purposes for the project;
- (ii) Specific metrics by which to measure the progress and success of the project;
- (iii) The project's incorporation of incentives to encourage those affected by the project to implement and support it;
- (iv) A detailed project budget with an explanation of the expenditures

required for the project;

(v) A detailed budget of the savings or revenues expected from the project and a detailed description of any process improvements or increased efficiencies expected to be realized through the project; and

(vi) An analysis of the potential for implementing the project's efficiencies, cost savings or process improvements in other agencies and political subdivisions.

(e) The governor's office shall adopt procedures to evaluate projects and to identify and quantify savings which are anticipated to result from a project. Prior to funding a project, the methodology which will be applied to identify and quantify savings from the project shall be specified by the governor's office. If it is not feasible to determine a methodology prior to the commencement of a project, the methodology may be developed and implemented as the project progresses. The governor's office may implement an award and recognition program under which funds within the state savings and efficiency initiatives account may be used to reward employees of a state agency or other governmental entity for savings generated by the agency or entity under this act. The awards may include both cash and authorized leave awards, but the value of an award shall not exceed five thousand dollars (\$5,000.00) to any individual employee. The total value of awards relating to any one (1) project shall not exceed the savings generated by the project and shall be deducted from the savings certified under subsection (f) of this section. Awards provided pursuant to this section shall not be subject to state compensation plan provisions established under W.S. 9-2-1022.

(f) Prior to the end of each fiscal year the department of administration and information shall, by applying the methodology for identifying and quantifying savings for each project, certify to the state auditor and state treasurer the amount of savings realized by the state as a result of a project funded under this act. To the extent unobligated and unencumbered funds exist in the account or fund from which monies would have been expended but for the savings resulting from the project, the amount of savings shall be deposited to the state savings and efficiency initiatives account at the end of that fiscal year. Nothing in this act shall affect the governor's authority under W.S. 9-2-1005 or flex authority in the general appropriations bill, whether that authority is exercised in regard to funds identified as savings or in regard to other funds.

(g) The governor's office shall biannually provide to the legislature's management council, the joint appropriations committee and the Wyoming spending and government efficiency commission a report summarizing all projects being funded pursuant to this act. The report shall include a description of each project, the project's purpose or goals, the amount pledged to the project, the amount expended on the project, the status of the project, the revenues, savings or efficiencies anticipated from the project, the methods



being used to recognize and measure any savings realized from the project and any savings that have been realized as a result of the project.

(h) The governor's office may use monies from the state savings and efficiency initiatives fund to employ one (1) or more persons and to contract with one (1) or more entities having expertise in government efficiency for purposes of this act. Other than individuals retained as employees of the governor's office, every entity contracted with under this subsection shall be selected pursuant to a competitive process and subject to standard procurement procedures. The governor's office may retain the services of employees of other executive department agencies to carry out the duties of the office under this act.

(j) The governor may designate an employee or employees to provide technical and tactical assistance to governmental entities in identifying, prioritizing, qualifying for, obtaining, tracking and maintaining appropriate and available federal funding. The employee or employees also may act as a special point of contact for governmental entities and provide information resources and grants training. The governor and state auditor offices may develop a grants management system as determined beneficial to the state's needs. If a grants management system is developed it shall include functionality allowing for potential fiscal agent responsibilities for school district grant oversight.

#### **Annual Ideas Festival**

(k) Funds in the state savings and efficiency initiatives fund may be used by the governor's office to create and fund an annual ideas festival, intended to incentivize state employees to identify and implement initiatives for revenue generation, savings and efficiencies in the operation of state government. Up to twenty-five thousand dollars (\$25,000.00) per year may be awarded to contestant winners, but not more than five thousand dollars (\$5,000.00) per team member shall be awarded.

#### **Section 2.**

(a) The Wyoming spending and government efficiency commission, created by 2017 Senate File 156, 2017 Wyoming Session Laws, Chapter 183, is hereby continued and shall be staffed by the legislative service office.

(b) The commission shall be composed of twelve (12) members. Five (5) members shall be appointed by the management council of the legislature of whom one (1) shall be from the private sector and two (2) each from the senate and house of representatives. Four (4) members shall be appointed by the governor, of whom two (2) shall be from the private sector and one (1) shall be a member of the governor's staff. The state auditor, or the auditor's designee, shall be a member of the commission. The chief information officer of enterprise technology services, or an appropriate designee, and the director of the department of administration and information, or an appropriate designee, shall also serve as members of the commission. All members of the commission

shall be voting members except the chief information officer or his appointee and the director of the department of administration and information or his designee. The commission shall elect a chairman from among its legislative members.

(c) The members of the commission shall be appointed not less than thirty (30) days after the effective date of this act.

(d) Members who are not legislators shall receive per diem and travel expenses in the same manner and amount provided under W.S. 28-5-101.

(e) The commission shall meet at the call of the chairman or the governor as necessary to complete the following duties:

(i) The commission shall monitor and, where appropriate, provide recommendations with regard to all savings and efficiency activities initiated under this act or as a result of the commission's work during the 2017 interim;

(ii) The commission shall work with the governor's office and any efficiency consultants retained by the governor's office to keep apprised of new or continuing savings and efficiency opportunities that are or might be pursued by the state and, where appropriate, make recommendations on the opportunities;

(iii) The commission shall monitor expenditures from the state savings and efficiency initiatives account and shall keep apprised of any progress made on projects funded from the account;

(iv) The commission shall act as a conduit between the executive branch and the legislature to assure a coordinated effort in accomplishing all savings and efficiency initiatives pursued under this act. The commission shall accept for consideration any legislative changes identified by the governor's office or any other entity assigned duties under this act as necessary to accomplish any initiatives pursued under this act.

(f) On or before November 30, 2018 and again on or before November 30, 2019, the commission shall provide a report to the governor, the management council of the legislature and the joint appropriations committee summarizing its activities. The report may provide recommendations regarding any activity undertaken under this act and shall include an outline of any legislative changes recommended to the commission during the course of its work or which are independently identified by the commission. In the report due on or before November 30, 2019, the commission shall recommend whether the commission should be continued beyond June 30, 2020.

(g) The commission shall exist until June 30, 2020.

### **Section 3.**

(a) There is appropriated ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the state auditor's office to be

deposited into the state savings and efficiency initiatives account which is created by this act. This appropriation shall only be expended and shall revert as provided in section 1(b) of this act.

(b) There is appropriated thirty thousand dollars (\$30,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of providing reimbursement for members of the Wyoming spending and government efficiency commission appointed by the management council. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(c) There is appropriated four thousand dollars (\$4,000.00) from the general fund to the governor's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of providing reimbursement for members of the Wyoming spending and government efficiency commission appointed by the governor. 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, 2020.

**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 14, 2018.

## Chapter 113

### RESEARCH AND WILDLIFE INFORMATION-CONFIDENTIALITY

Original House Bill No. 6

AN ACT relating to public records; limiting public inspection of details of research projects and of sensitive wildlife location data as specified; and providing for an effective date.

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

**Section 1.** W.S. 16-4-203(b)(iii) and by creating a new paragraph (viii) is amended to read:

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(b) The custodian may deny the right of inspection of the following records,

unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by a state institution, agency or any other person;

(viii) Sensitive wildlife location data in the custody of the game and fish department which could be used to determine the specific location of an individual animal or a group of animals.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 114

### PENITENTIARY SAVINGS FUND-AMENDMENTS

Original House Bill No. 162

AN ACT relating to the Wyoming state penitentiary; directing funds to the Wyoming state penitentiary capital construction account within the strategic investments and projects account as specified; providing for the investment of the account and directing investment earnings as specified; providing legislative findings; and providing for an effective date.

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

**Section 1.** W.S. 9-4-220, 9-4-220.1 and 9-4-715(p) by creating a new paragraph (vi) are amended to read:

**9-4-220. Strategic investments and projects account created; purposes.**

The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4, Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. The governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund, except as provided by W.S. 9-4-220.1(a).

**9-4-220.1. Wyoming state penitentiary capital construction account; funds transferred to the account.**

(a) There is created the Wyoming state penitentiary capital construction account within the strategic investments and projects account created by W.S. 9-4-220. Funds in the account shall only be expended upon legislative appropriation. Through the fiscal year ending June 30, 2034, all funds within the account shall be invested in the pool A investment account by the state treasurer and pursuant to W.S. 9-4-715(p). Thereafter, all funds within the

account shall be invested as determined by the state treasurer. All investment earnings from the account shall be credited to the general fund account. For purposes of accounting and investing only, the Wyoming state penitentiary capital construction account shall be treated as a separate account from the strategic investments and projects account.

(b) Beginning on June 30, ~~2019-2021~~ for fiscal year ~~2019-2021~~ and June 30 of each fiscal year thereafter as provided in this subsection, ~~one-half (1/2) of the total fund balance in the state treasurer shall transfer ten million dollars (\$10,000,000.00), or as much thereof as is available, from any unobligated funds within~~ the strategic investments and projects account, ~~at the end of each fiscal year shall be deposited into~~ to the Wyoming state penitentiary capital construction account. The state treasurer shall cease ~~depositing~~ transferring funds ~~into~~ to the Wyoming state penitentiary capital construction account pursuant to this subsection ~~when the balance of the account reaches or exceeds two hundred fifty million dollars (\$250,000,000.00) on July 1, 2038.~~

**9-4-715. Permissible investments.**

(p) There is created the pool A investment account. The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, upon written authority as provided in subsections (c) and (d) of this section and after consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, may invest up to seventy percent (70%) of the monies comprising the pool A investment account in equities including stocks of corporations. The state loan and investment board, in consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, shall annually review the state investment policy statements for the investment pool created by this subsection as required under W.S. 9-4-716. Monies in the following funds shall be invested in the pool A investment account:

(vi) Through the fiscal year ending June 30, 2034, the Wyoming state penitentiary capital construction account created by W.S. 9-4-220.1(a).

**Section 2.** The legislature finds that remediation and maintenance efforts in the form of structural repairs, surface grading and surface drainage to correct structural movement and damage at the Wyoming state penitentiary, in conjunction with localized repairs and diligent maintenance and moisture management efforts will allow the existing facilities to remain useful and occupied for at least twenty (20) years. As such, it is the intent of the legislature that the Wyoming state penitentiary capital construction account be funded through transfers and investment earnings over a twenty (20) year period, after which the legislature may expend the account as it may determine.

**Section 3.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 115

### PURCHASE OF WATER RIGHTS AND FACILITIES

Original House Bill No. 66

AN ACT relating to water projects; authorizing the Lake DeSmet Reservoir project; describing the project; specifying terms and conditions of funding for the project; creating an account; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 99-1-601 and 99-1-602 are created to read:

#### ARTICLE 6

#### LAKE DESMET RESERVOIR

##### **99-1-601. Definitions.**

(a) As used in this article:

- (i) “Commission” means the Wyoming water development commission;
- (ii) “Select water committee” means the select water committee created by W.S. 28-11-101;
- (iii) “Office” means the Wyoming water development office created by W.S. 9-2-2014;
- (iv) “Water development account I” means the account created by W.S. 41-2-124(a)(i).

##### **99-1-602. Lake DeSmet Reservoir project.**

- (a) Authorization is granted for the Lake DeSmet Reservoir project as provided in this section.
- (b) Project – Lake DeSmet Reservoir:
  - (i) Project sponsor: State of Wyoming;
  - (ii) Project purpose: Agriculture, municipal, rural domestic and industrial water supply;
  - (iii) Project description: The purchase of:
    - (A) Water storage capacity in Lake DeSmet;
    - (B) Approximately four hundred forty-five (445) acres of land containing Healy Reservoir, the Clear Creek diversion structure and pumping facilities;
    - (C) Transmission pipeline related to the project;

(D) Funding for the Lake DeSmet Reservoir account as provided in subparagraph (vi)(D) of this subsection; and

(E) Associated water rights, easements and appurtenances necessary to make the project function in the manner intended. The project may also include closing costs as provided in subparagraph (vi)(C) of this subsection.

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

(v) Appropriation: There is appropriated from water development account I to the commission four million five hundred thousand dollars (\$4,500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2021;

(vi) Special conditions:

(A) The office is hereby authorized to negotiate a purchase agreement with the owner of the project. The purchase agreement shall be submitted to the commission and governor for approval;

(B) Upon approval of a purchase agreement by the commission and governor, the commission is authorized to expend up to two million five hundred thousand dollars (\$2,500,000.00) to purchase project components described in the approved purchase agreement;

(C) In addition to the authorized purchase price in the approved agreement, the office may use appropriated funds to pay fifty percent (50%) of the closing costs;

(D) Upon approval by the commission, any remaining funds from the appropriation under this section up to two million dollars (\$2,000,000.00) shall be deposited in the Lake DeSmet Reservoir account created by W.S. 99-99-1001(a)(ix);

(E) Upon completion of the purchase of the project the office, with oversight from the commission, shall manage the project for the benefit of water users in this state.

**Section 2.** W.S. 99-99-1001(a) by creating a new paragraph (ix) and by creating a new subsection (n) is amended to read:

**99-99-1001. Creation; use of funds; interest.**

(a) The following accounts are created:

(ix) Lake DeSmet Reservoir account.

(n) All revenues received by the state from the lease, sale, assignment or transfer of ownership of power or water resulting from the state's interest in the Lake DeSmet Reservoir, Healy Reservoir and Dam, and associated facilities as provided in W.S. 99-1-602 shall be deposited in the account created by

paragraph (a)(ix) of this section. The Wyoming water development commission shall administer the account and use any monies in the account to meet the operation, maintenance and replacement obligations of the state related to the Lake DeSmet Reservoir, Healy Reservoir and Dam, and associated facilities. The Wyoming water development commission shall report on operations of Lake DeSmet Reservoir and Healy Reservoir and Dam and administration of the Lake DeSmet Reservoir account to the joint appropriations committee and the select water committee not later than December 31 of each year through December 31, 2020.

**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 14, 2018.

## Chapter 116

### IMPERSONATION THROUGH ELECTRONIC MEANS-SPOOFING

Original House Bill No. 69

AN ACT relating to crimes and offenses; amending the crime of impersonation through electronic means as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-3-902(a) is amended to read:

**6-3-902. Unlawful impersonation through electronic means; penalties; definitions; civil remedies.**

(a) ~~Any~~ A ~~person who knowingly and without consent intentionally impersonates another actual person through, or on, an internet website or by other electronic means, including, but not limited to spoofing and causes or attempts to cause harm,~~ is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both; if he knowingly and without consent intentionally impersonates another person through, or on, an internet website or by other electronic means, including, but not limited to spoofing, and:

- (i) Causes or attempts to cause harm;
- (ii) Harasses or attempts to harass another person while using false self-identifying information related to the person impersonated; or
- (iii) Uses or attempts to use false self-identifying information related to the person impersonated as an unauthorized deceptive means to facilitate contact with another person.



**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 117

### SPEEDING FINES AMENDMENTS-2

Original House Bill No. 93

AN ACT relating to regulation of traffic on highways; amending and reorganizing provisions relating to fines and fees for speeding violations; imposing a police officer continuing education and training fee; and providing for an effective date.

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

**Section 1.** W.S. 5-3-205(a) by creating a new paragraph (iii), 5-9-144, 9-1-633(n), 31-5-1201(d)(v), by creating new paragraphs (vi) through (viii), (e), (g) and by creating a new subsection (h) are amended to read:

**5-3-205. Collection of fees in advance; payment to treasurer; liability for collection.**

(a) All fees prescribed by statute for civil business, shall be collected in advance by the clerk and except as otherwise provided in this section shall be paid to the treasurer of the county at the end of each month. The clerk shall be liable under his bond for the collection and payment of such fees. The clerk shall remit:

(iii) The police officer continuing education and training fee prescribed by W.S. 31-5-1201(h) to the account in the enterprise fund under W.S. 9-1-633(n) at the end of each month.

**5-9-144. Receipts for money paid into court.**

When any money is paid into a circuit court, a receipt for said amount shall be issued promptly upon a form prescribed by the Wyoming supreme court. The receipts shall be prenumbered in numerical sequence. The original copy shall be delivered to a payor making payment by cash or in person, otherwise the original shall be attached to the court file. A copy shall be filed in the office of the issuing judge. The receipts shall be prenumbered by the printer, and the printer shall give to the supreme court a receipt showing the numbers so printed. Except as provided in W.S. 5-9-106, the circuit court shall pay all fines, forfeitures and other penalties to the county treasurer and all fees, costs and other receipts to the state treasurer. The court automation fee prescribed by W.S. 5-9-135 or established by court rule shall be deposited by the state treasurer into the judicial systems automation account established by W.S. 5-2-120. The indigent civil legal services fee prescribed by W.S. 5-9-135 shall be deposited by the state treasurer into the indigent civil legal services account established by W.S. 5-2-121. The police officer continuing education and

training fee prescribed by W.S. 31-5-1201(h) shall be deposited by the state treasurer into the account in the enterprise fund under W.S. 9-1-633(n).

**9-1-633. Wyoming law enforcement academy; director; appointment; term; qualifications; employees; salaries; curriculum and training programs; fees; disposition.**

(n) Revenues received pursuant to subsections (e), (f), (g), (j) and (m) of this section and W.S. 9-1-635 and 31-5-1201(h) shall be credited to an account in the enterprise fund and are continuously appropriated to the attorney general to be expended for the actual direct and indirect costs of providing the services generating for which the revenues are generated.

**31-5-1201. Violation of provisions to constitute misdemeanor; penalties; officer training fee.**

(d) Except as provided in subsection (g) of this section:

(v) Notwithstanding W.S. 5-9-107, court fees and costs for violations of W.S. 31-5-301(b)(iii), (iv), (vi) or (vii) or (c) and the training fee imposed under subsection (h) of this section shall not be assessed for speeds up to through five (5) miles per hour over the speed limits authorized by W.S. 31-5-301(b)(iii), (iv), (vi) or (vii); or (c);

(vi) Except for violations in construction or school zones, every person convicted of a violation of W.S. 31-5-301(b)(iii), (iv), (vi), (vii) or (c):

(A) For speeds less than six (6) miles per hour over the legal speed limit, shall be fined five dollars (\$5.00) for each mile per hour in excess of the legal speed limit not to exceed twenty-five dollars (\$25.00);

(B) For speeds six (6) through ten (10) miles per hour over the legal speed limit, shall be fined thirty dollars (\$30.00) plus two dollars (\$2.00) for each mile per hour in excess of five (5) miles per hour over the legal speed limit plus assessed fees and costs;

(C) For speeds eleven (11) through twenty (20) miles per hour over the legal speed limit, shall be fined forty-five dollars (\$45.00) plus five dollars (\$5.00) for each mile per hour in excess of ten (10) miles per hour over the legal speed limit plus assessed fees and costs;

(D) For speeds more than twenty (20) miles per hour over the legal speed limit, shall be fined ninety-five dollars (\$95.00) plus five dollars (\$5.00) for each mile per hour in excess of twenty (20) miles per hour over the legal speed limit plus assessed fees and costs.

(vii) Every person convicted of a violation of W.S. 31-5-301(b)(ii) or speeding in a construction zone:

(A) For speeds less than six (6) miles per hour over the legal speed limit, shall be fined sixty-five dollars (\$65.00) plus two dollars (\$2.00) for each mile

per hour in excess of the legal speed limit;

(B) For speeds six (6) through ten (10) miles per hour over the legal speed limit, shall be fined forty dollars (\$40.00) plus seven dollars (\$7.00) for each mile per hour in excess of five (5) miles per hour over the legal speed limit plus assessed fees and costs;

(C) For speeds eleven (11) through twenty (20) miles per hour over the legal speed limit, shall be fined ninety-five dollars (\$95.00) plus seven dollars (\$7.00) for each mile per hour in excess of ten (10) miles per hour over the legal speed limit plus assessed fees and costs;

(D) For speeds more than twenty (20) miles per hour over the legal speed limit, shall be fined one hundred ninety-five dollars (\$195.00) plus seven dollars (\$7.00) for each mile per hour in excess of twenty (20) miles per hour over the legal speed limit plus assessed fees and costs.

(viii) Every person convicted of a violation of speeding in a school zone under W.S. 31-5-301(b)(i):

(A) For speeds less than six (6) miles per hour over the legal speed limit, shall be fined fifty dollars (\$50.00) plus two dollars (\$2.00) for each mile per hour in excess of the legal speed limit;

(B) For speeds six (6) through ten (10) miles per hour over the legal speed limit, shall be fined ninety-five dollars (\$95.00) plus ten dollars (\$10.00) for each mile per hour in excess of five (5) miles per hour over the legal speed limit plus assessed fees and costs;

(C) For speeds more than ten (10) miles per hour over the legal speed limit, shall be fined two hundred dollars (\$200.00) plus ten dollars (\$10.00) for each mile per hour in excess of ten (10) miles per hour over the legal speed limit plus assessed fees and costs;

(D) Upon any subsequent conviction of exceeding the legal speed limit in a school zone as provided in W.S. 31-5-301(b)(i) by more than ten (10) miles per hour within one (1) year, a person shall be fined not less than three hundred ninety-five dollars (\$395.00) nor more than one thousand dollars (\$1,000.00) plus assessed fees and costs.

(e) Any person convicted of a violation of W.S. 31-5-507(a) ~~or convicted of exceeding the posted speed limit in a school zone as provided in W.S. 31-5-301(b)(i) by more than ten (10) miles per hour~~ shall be fined not less than ~~two hundred dollars (\$200.00)~~ one hundred ninety-five dollars (\$195.00) nor more than ~~seven hundred fifty dollars (\$750.00)~~ seven hundred forty-five dollars (\$745.00) plus assessed fees and costs. Upon any subsequent conviction of either a violation of W.S. 31-5-507(a) ~~or a conviction of exceeding the posted speed limit in a school zone as provided in W.S. 31-5-301(b)(i) by more than ten (10) miles per hour~~ within one (1) year, a person shall be fined not less than

~~four hundred dollars (\$400.00) three hundred ninety-five dollars (\$395.00) nor more than one thousand dollars (\$1,000.00) nine hundred ninety-five dollars (\$995.00) plus assessed fees and costs.~~

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b), ~~(iii), (iv), (vi), (vii) or~~ (c) or 31-5-302 by exceeding the posted legal speed limit by six (6) or more miles per hour; while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding thirty-nine thousand (39,000) pounds shall be fined ~~three hundred dollars (\$300.00) two hundred ninety-five dollars (\$295.00) plus assessed fees and costs.~~

(h) Every person convicted of a violation for which a fine or penalty is set forth under this section shall have imposed in addition to the prescribed fine or penalty and any court fees a police officer continuing education and training fee of five dollars (\$5.00) except as provided in paragraph (d)(v) of this section. The fee shall be for police officer as defined in W.S. 31-5-102(a)(xxxiii) continuing education and training that complies with standards promulgated by the peace officers standards and training commission and shall be remitted as provided by W.S. 5-3-205(a)(iii) and 5-9-144 to the account in the enterprise fund under W.S. 9-1-633(n).

**Section 2.** W.S. 31-5-1201(d)(i) through (iii) is repealed.

**Section 3.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 118

### ELECTION CODE REVISIONS

Original House Bill No. 40

AN ACT relating to elections; defining candidates subject to the provisions of the Election Code; revising provisions relating to nominating petition signatures and write-in candidates; providing procedures for a write-in candidate to decline election to public office; clarifying provisions relating to vacancies in certain public offices; modifying provisions concerning the distance from a polling place in which electioneering is prohibited; repealing provisions relating to write-in candidates and payments to referendum circulators; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 22-1-102(a) by creating a new paragraph (liii), 22-5-305(c) and (d), 22-16-103(c)(viii)(C)(II) and (E)(II), 22-16-106(a), (b) and by creating a new subsection (d), 22-18-111(a)(i), (ii), (iii)(A), (C), (vi), (b) and (c) and 22-26-113 are amended to read:

#### **22-1-102. Definitions.**

(a) The definitions contained in this chapter apply to words and phrases used

in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(liii) "Candidate" means any person who knowingly seeks nomination or election to public office by:

(A) Filing an application for nomination by primary election, nomination by political party convention or by petition for nomination;

(B) Write-in, except that this subparagraph shall not apply to a person elected to public office by write-in at a general or special election who did not seek or campaign for election to the office;

(C) Forming a campaign committee; or

(D) Receiving contributions or making expenditures, or giving consent for any individual to receive contributions or make expenditures, in order to secure nomination or election to public office.

**22-5-305. When petitions may be circulated; use of copies; requirements.**

(c) An elector signing a petition must also print on the petition; ~~his~~

(i) The elector's first and last name;;

(ii) The date of signing the petition; and his residence

(iii) The elector's physical residential address.

(d) ~~The name of one (1) voter signature of an elector who has signed to more than one (1) petition for nomination to the same office shall not be counted on more than one (1) petition~~ a petition in accordance with this section shall only count once per candidate toward the number of signatures required under W.S. 22-5-304.

**22-16-103. County canvass procedures.**

(c) The county canvassing board shall:

(viii) Ensure abstracts contain the following information:

(C) The full name of each of the following receiving votes:

(II) ~~Valid~~ Write-in candidates, if the candidate received a sufficient number of votes; and

(E) The number of votes cast for each of the following receiving votes:

(II) ~~Valid~~ Write-in candidates, if the candidate received a sufficient number of votes;

**22-16-106. Write-in candidates.**

(a) Each write-in candidate nominated at a primary election, who has not previously filed an application, ~~accepts for nomination~~ shall accept nomination by filing an application for nomination and paying the filing fee; in the office

in which he would have been required to file an application for nomination to that office.

(b) The chief election officer shall notify a write-in candidate who has been nominated ~~for~~ at a primary election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination in the manner prescribed in subsection (a) of this section within five (5) days after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110, results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

(d) A write-in candidate elected to public office at a general or special election may decline election before taking the oath of office by filing written notice with the county clerk where the candidate resides and the secretary of state. Notice provided under this subsection shall immediately create a vacancy in the office which shall be filled in the manner prescribed in W.S. 22-18-101 through 22-18-112.

**22-18-111. Vacancies in other offices; temporary appointments.**

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor. The person appointed shall serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. Provided, if a vacancy in a four (4) year term of office occurs in the term's second or subsequent years after the first day for filing an application for nomination pursuant to W.S. 22-5-209, no election to fill the vacancy shall be held and the temporary successor appointed shall serve the remainder of the unexpired term. The following apply:

(i) If a vacancy occurs in the office of United States senator or in any state office other than the governor, member of the state legislature, the office of justice of the supreme court and the office of district court judge, the governor shall immediately notify in writing the chairman of the state central committee of the political party which the last incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman shall call a meeting of the state central committee to be held not later than fifteen (15) days after he receives notice of the vacancy.

At the meeting the state central committee shall select and transmit to the governor the names of three (3) persons qualified to ~~fill the vacancy~~ hold the office. Within five (5) days after receiving these three (3) names, the governor shall fill the vacancy by temporary appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not represent a political party at the time of his election, or at the time of his appointment if not elected to office, the governor shall notify in writing the chairman of all state central committees of parties registered with the secretary of state. The state central committees shall submit to the governor, within fifteen (15) days after notice of the vacancy, the name of one (1) person qualified to ~~fill the vacancy~~ hold the office. The governor shall also cause to be published in a newspaper of general circulation in the state notice of the vacancy in office. ~~Qualified~~ Persons qualified to hold the office who do not belong to a party may, within fifteen (15) days after publication of the vacancy in office, submit a petition signed by one hundred (100) registered voters, seeking consideration for appointment to the office. Within five (5) days after receiving the names of ~~qualified persons~~ qualified to hold the office, the governor shall fill the vacancy by temporary appointment to the office, from the names submitted or from those petitioning for appointment;

(ii) If a vacancy occurs in a county elective office, except as provided in W.S. 18-3-524, the board of county commissioners of the county in which the vacancy occurs shall immediately notify in writing the chairman of the county central committee of the political party which the last incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman shall call a meeting of the county central committee to be held not later than fifteen (15) days after he receives notice of the vacancy. At the meeting the county central committee shall select and transmit to the board of county commissioners the names of three (3) persons qualified to ~~fill the vacancy~~ hold the office. Within five (5) days after receiving these three (3) names, the board of county commissioners shall fill the vacancy by appointment of one (1) of the three (3) to hold the office. If the incumbent who has vacated office did not represent a political party at the time of his election, or at the time of his appointment if not elected to office, the county commissioners shall publish in a newspaper of general circulation in the county, notice that within fifteen (15) days after publication any ~~qualified~~ person qualified to hold the office may make application directly to the county commissioners for appointment to fill the vacancy. Within twenty (20) days after the publication of the vacancy in office the county commissioners shall fill the vacancy by appointment of one (1) person qualified to hold the office from those submitting applications;

(iii) If a vacancy occurs in the office of a member of the state legislature:

(A) For vacancies other than resignations, the board of county commissioners of the county or counties in which the vacancy occurs shall

immediately notify in writing the chairman of the state central committee of the political party which the former incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. For resignations, the governor shall notify the appropriate state central committee or the appropriate board of county commissioners in accordance with W.S. 28-1-106. For all vacancies in which the incumbent represented a political party at the time of his election or appointment to the office, the state central committee of the political party of the former incumbent shall notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committeewomen at which they will select a list of three (3) persons qualified to hold the office to fill the vacancy. Only those persons serving as committeemen and committeewomen at least thirty (30) days prior to the vacancy, or if the vacancy occurs within thirty (30) days after the first Monday in January in odd-numbered years, those precinct committeemen and committeewomen elected at the immediate past primary election and those selected by appointment prior to December 2 of the year in which the election occurred for vacant positions, shall be authorized to vote under this subparagraph. The meeting shall be held not later than fifteen (15) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

(C) If the incumbent who has vacated office did not represent a political party at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office, the county commissioners shall proceed in accordance with the provisions of this subparagraph. The county commissioners shall publish in a newspaper of general circulation in the county, notice that within fifteen (15) days after publication, any qualified person qualified to hold the office may make application directly to the county commissioners for appointment to fill the vacancy. Within twenty (20) days after publication of the notice of the vacancy in office, the county commissioners shall fill the vacancy by ~~appointment of~~ appointing one (1) person qualified to hold the office from among those submitting applications;

(vi) If the county commissioners fail to fill any vacancy as required in this section within the time specified, any ~~qualified elector of person residing in the county or legislative district who is qualified to hold the office~~ qualified elector of person residing in the county or legislative district may file a petition with the clerk of the district court of the county or legislative district in which the vacancy occurred requesting the judge of the district court to fill the vacancy. Within thirty (30) days after the petition is filed the judge shall fill the vacancy by appointing a ~~qualified elector of person residing in the county or legislative district~~ qualified elector of person residing in the county or legislative district belonging to the same political party as the incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the



time of his appointment if not elected to office, who is qualified to hold the office. If the incumbent did not represent any political party at the time of his election or at the time of his appointment if not elected to office, the judge may appoint any qualified elector of person residing in the county or legislative district who is qualified to hold the office to fill the vacancy.

(b) The trustees of a school or community college district shall fill a vacancy in office by temporary appointment in a manner provided by law. If the trustees fail to appoint a qualified person qualified to hold the office to fill a vacancy within thirty (30) days from the date the vacancy occurs, or if, for any reason, the entire membership of the board of trustees of a school or community college district is depleted, the board of county commissioners of the county or counties involved, within ten (10) days of either occurrence, shall appoint a qualified person qualified to hold the office to fill each vacancy until the next election at which time an election shall be held to fill the unexpired term, and each appointee shall serve until his successor is elected and qualified. Each appointee shall be a resident of the trustee residence area, or election subdistrict, if any, previously represented.

(c) For purposes of this section:

(i) A person shall be considered to "represent" a political party if he was a nominee of that political party when elected to office or when appointed to fill a vacancy in office;

(ii) "Qualified to hold the office" means a person meets all applicable qualifications to be elected to a public office which are set forth in the United States and Wyoming constitutions and Wyoming law, as applicable, on the date of the person's appointment to the public office.

#### **22-26-113. Electioneering too close to a polling place.**

(a) Electioneering too close to a polling place or absentee polling place under W.S. 22-9-125 when voting is being conducted, consists of any form of campaigning, including the display of campaign signs or distribution of campaign literature, the soliciting of signatures to any petition or the canvassing or polling of voters, except exit polling by news media, within one hundred (100) yards on the day of a primary, general or special election and within one hundred (100) feet on all other days, of the any public entrance to the building in which the polling place is located. This section shall not apply to bumper stickers affixed to a vehicle while parked within or passing through the distance specified in this subsection, provided that:

(i) There is only one (1) bumper sticker per candidate affixed to the vehicle;

(ii) Bumper stickers are no larger than four (4) inches high by sixteen (16) inches long; and

(iii) The vehicle is parked within the distance specified in this subsection only during the time the elector is voting.

**Section 2.** W.S. 22-1-102(a)(xxxiii), 22-5-501 and 22-24-420(a) are repealed.

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

Approved March 14, 2018.

## Chapter 119

### PUBLIC EMPLOYEE RETIREMENT PLAN-CONTRIBUTIONS

Original House Bill No. 109

AN ACT relating to public employees; increasing employee and employer contributions in the public employee retirement plan; requiring the increased employee contributions to be paid through a reduction in cash salary of the employee as specified; repealing archaic provisions; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-3-412(a), (c)(iii) and (iv) and 9-3-413 are amended to read:

**9-3-412. Members' contributions; payroll deductions; employer authorized to pay employee's share.**

(a) Except as otherwise provided in this section and W.S. 9-3-431 and 9-3-432, every member covered under this article, shall pay into the account ~~seven and one-half percent (7.5%) of his salary for the period from September 1, 2013 through June 30, 2014, and thereafter eight and one-quarter percent (8.25%)~~ eight and one-half percent (8.5%) of his salary for the period from September 1, 2018 through June 30, 2019, eight and three-quarters percent (8.75%) of his salary for the period from July 1, 2019 through June 30, 2020, nine percent (9%) of his salary for the period from July 1, 2020 through June 30, 2021 and thereafter nine and one-quarter percent (9.25%) of his salary. Every firefighter member covered under this article shall pay into the account seven percent (7%) of his salary. Payments shall be deducted each pay period from each member's salary by the chief fiscal officer of each participating employer. Employee contributions shall be transferred to the account in accordance with subsection (c) of this section.

(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 member. The employer may pay these contributions by a reduction in cash salary of the member 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:

(iii) For state employee members five and fifty-seven hundredths percent

(5.57%); except that for the period from September 1, 2013 through June 30, 2014 five and eighty-two hundredths percent (5.82%), for the period from July 1, 2014 through June 30, 2016 six and one hundred ninety-five thousandths percent (6.195%), and for the period from July 1, 2016 through June 30, 2017 five and nine hundred forty-five thousandths percent (5.945%); of the member's salary shall be paid by the employer without any salary reduction or offset. The remaining portion of the state employee's contribution shall be paid through a reduction in cash salary of the state employee unless specified otherwise by legislative act; and

(iv) For full-time brand inspection contract employees authorized to participate in the state retirement system under W.S. 9-2-1022(a)(xi)(F)(IV), not more than five and fifty-seven hundredths percent (5.57%); except that for the period from September 1, 2013 through June 30, 2014 five and eighty-two hundredths percent (5.82%), for the period from July 1, 2014 through June 30, 2016 six and one hundred ninety-five thousandths percent (6.195%), and for the period from July 1, 2016 through June 30, 2017 five and nine hundred forty-five thousandths percent (5.945%); of the contract employee's salary shall be paid by the livestock board unless specified otherwise by legislative act.

**9-3-413. Employer's contributions; payable monthly; transfer to account; interest imposed upon delinquent contributions; recovery.**

Except as provided by W.S. 9-2-1022(a)(xi)(F)(III) or (IV), 9-3-431 and 9-3-432, each employer ~~including~~ excluding employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to ~~seven and twelve hundredths percent (7.12%) until June 30, 2014, of the salary paid to each of its members covered under this article. For the period from July 1, 2014 through June 30, 2015, each employer, excluding employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to seven and sixty-two hundredths percent (7.62%) of the salary paid and thereafter eight and thirty-seven hundredths percent (8.37%) of the salary paid. After June 30, 2014 eight and sixty-two hundredths percent (8.62%) of the salary paid to each of its members covered under this article for the period from September 1, 2018 through June 30, 2019, eight and eighty-seven hundredths percent (8.87%) of the salary paid for the period from July 1, 2019 through June 30, 2020, nine and twelve hundredths percent (9.12%) of the salary paid for the period from July 1, 2020 through June 30, 2021 and thereafter nine and thirty-seven hundredths percent (9.37%) of the salary paid.~~ Employers of firefighter members shall pay into the account a contribution equal to seven and twelve hundredths percent (7.12%) of the salary paid. Employer contributions for any month, together with the members' contributions for that month, if any, shall be transferred to the board not later than the twelfth day of the following month. These contributions shall be credited to the account in a manner as directed by the board. Any employer failing to transfer contributions under this section in sufficient time for the board to receive the contributions by the twenty-fifth

day of the month due shall be assessed interest at the assumed rate of return as determined by the board, compounded annually. Interest imposed under this section shall be payable not later than the twelfth day of the next succeeding month. If the contributions and any interest imposed under this section are not transferred to the board when due, they may be recovered, together with court costs, in an action brought for that purpose in the first judicial district court in Laramie County, Wyoming.

**Section 2.**

(a) There is appropriated to the state auditor from the general fund the following amounts:

(i) Twenty thousand dollars (\$20,000.00) for legislative branch employer contributions;

(ii) Thirty-six thousand dollars (\$36,000.00) for judicial branch employer contributions;

(iii) One million four hundred seventeen thousand dollars (\$1,417,000.00) for state executive branch employer contributions;

(iv) Three hundred ninety thousand dollars (\$390,000.00) for community college employer contributions;

(v) Five hundred ninety-two thousand dollars (\$592,000.00) for University of Wyoming employer contributions.

(b) There is appropriated to the state auditor six million two hundred thirty-eight thousand dollars (\$6,238,000.00) from the school foundation program account.

(c) For state agency employers whose retirement contributions are made from nongeneral fund sources there is appropriated from those accounts and funds amounts necessary to provide payment of the increase in employer contribution rates required by W.S. 9-3-413, as amended by this act.

(d) The appropriations under paragraphs (a)(i) through (iii) and subsection (c) of this section shall only be expended to provide payment of the increase in each state agency's employer contribution rates required by 9-3-413, as amended by this act for the 2019-2020 fiscal biennium. The appropriation under paragraphs (a)(iv) and (v) of this section shall only be expended for the purpose of providing payment of the increase in the University of Wyoming and community college employer contribution rates required by W.S. 9-3-413, as amended by this act, and to provide like contributions under W.S. 21-19-101 through 21-19-106 corresponding to the increased employer contributions under this act for the 2019-2020 fiscal biennium.

(e) The appropriation under subsection (b) of this section shall only be expended for the purpose of providing each school district's increased employer contribution required by W.S. 9-3-413 as amended by this act, for the 2019-

2020 fiscal biennium. The auditor shall transfer the funds to the state retirement system or to the department of education for distribution to individual school districts as determined by the department of education to be necessary to meet the provisions of this act. Any unexpended school foundation program account appropriation remaining on June 30, 2020 shall revert to the school foundation program account.

(f) No part of these appropriations shall be used to provide the increased employee contribution required by this act.

(g) 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, 2020.

(h) The auditor shall transfer the funds to the state retirement system or to individual state agencies as determined by the department of administration and information to be necessary to meet the provisions of this act.

(j) As used in this section “state agency” includes each state executive, legislative or judicial department, board, commission or other agency or instrumentality of the state, and for purposes of subsection (c) of this section includes the University of Wyoming and each community college.

**Section 3.** This act is effective September 1, 2018.

Approved March 14, 2018.

## Chapter 120

### GENETIC INFORMATION PRIVACY

Original House Bill No. 119

AN ACT relating to genetic information privacy; prohibiting the collection, retention and disclosure of genetic information without informed consent as specified; providing exceptions; providing for the retention and destruction of genetic information; providing a criminal penalty; providing for a civil cause of action; and providing for an effective date.

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

**Section 1.** W.S. 35-31-101 through 35-31-104 are created to read:

#### CHAPTER 31

#### GENETIC INFORMATION PRIVACY

##### **35-31-101. Definitions.**

(a) As used in this chapter:

(i) “Authorized representative” means a person authorized by state or federal law to make health care decisions for an individual;

- (ii) "DNA" means deoxyribonucleic acid;
- (iii) "Genetic analysis" means a test of an individual's DNA, gene products or chromosomes to determine the presence or absence of genetic characteristics in an individual or family;
- (iv) "Genetic characteristic" means a gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder, trait or syndrome, or to identify an individual or a blood relative;
- (v) "Genetic information" means information about the genetic characteristics of an individual or members of an individual's family that are the results of genetic analysis;
- (vi) "Informed consent" means the signing of a consent form or forms in writing or by electronic signature as defined in W.S. 40-21-102(a)(viii) by an individual or an individual's authorized representative which includes a description of:
  - (A) Any genetic analysis to be performed and how the genetic analysis or resulting genetic information will be used;
  - (B) How any genetic information will be retained or disclosed;
  - (C) An individual's rights under W.S. 35-31-103.

**35-31-102. Genetic testing; prohibitions; exceptions.**

- (a) Except as provided in subsection (b) of this section, no person conducting genetic analysis shall do any of the following without the informed consent of the individual or the individual's authorized representative:
  - (i) Obtain an individual's genetic information;
  - (ii) Perform a genetic analysis on an individual;
  - (iii) Retain an individual's genetic information;
  - (iv) Disclose an individual's genetic information.
- (b) Except as otherwise prohibited by law, an individual's genetic information may be obtained, retained, disclosed and used without informed consent for:
  - (i) Disclosures to the individual or the individual's authorized representative;
  - (ii) Law enforcement purposes otherwise authorized by law;
  - (iii) The state DNA database created by W.S. 7-19-402 or the comparable provisions of another jurisdiction;
  - (iv) The registration of sex offenders pursuant to W.S. 7-19-302;
  - (v) Determining paternity in accordance with a court or administrative order;

- (vi) Determining the identity of a deceased individual;
- (vii) Newborn screening requirements under W.S. 35-4-801;
- (viii) The provision of emergency medical treatment;
- (ix) Complying with an order of a court of competent jurisdiction;
- (x) Anonymous research where the identity of the individual will not be released;
- (xi) Services limited to storage, retrieval, handling or transmission of genetic information by a third party service provider pursuant to a contract or other obligation;
- (xii) Diagnosis or treatment of the individual if performed by a clinical laboratory that has received a specimen referral from the individual's treating physician or another clinical laboratory. Nothing in this paragraph shall be deemed to waive the requirement that a treating physician obtain specific informed consent for the taking of a specimen when required.

**35-31-103. Genetic information; inspection; retention.**

- (a) An individual or the individual's authorized representative may inspect, correct and obtain genetic information about the individual.
- (b) A person conducting genetic analysis shall destroy an individual's genetic information upon request by the individual or the individual's authorized representative unless:
  - (i) The information was obtained pursuant to W.S. 35-31-102(b); or
  - (ii) Retention of the information is necessary for a purpose disclosed to the individual or representative in the informed consent.
- (c) Genetic information about an individual obtained pursuant to W.S. 35-31-102(b) shall be used solely for the purposes obtained and shall be destroyed or returned to the individual or the individual's authorized representative upon completion of the purposes for which the information was obtained or in accordance with law.

**35-31-104. Criminal penalty; private right of action.**

- (a) Any person violating the provisions of this chapter is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) for each violation.
- (b) An individual whose rights have been violated under the provisions of this chapter may bring a civil action to enjoin or restrain any violation of this chapter and may in the same action seek damages from the person violating this chapter. A prevailing party in an action brought under this subsection may recover all costs and expenses reasonably associated with the action, including but not limited to reasonable attorney fees.

**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 14, 2018.

## Chapter 121

### OMNIBUS WATER BILL-CONSTRUCTION

Original House Bill No. 78

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

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

**Section 1.** W.S. 99-3-2301 through 99-3-2305 are created to read:

#### ARTICLE 23

#### 2018 CONSTRUCTION PROJECTS

**99-3-2301. Definitions.**

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

**99-3-2302. General authorization.**

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

**99-3-2303. 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 – Gillette Regional Extensions Phase IV - 2018:

- (i) Project sponsor: City of Gillette;
- (ii) Project purpose: Municipal and rural domestic water supply;
- (iii) Project description: Design and construction of transmission pipelines and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Two million 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 the project an amount not to exceed 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 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, 2023;

(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:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County.

(c) Project – Glenrock Transmission Pipeline 2018:

(i) Project sponsor: Town of Glenrock;

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

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

(iv) Total project budget: Seven hundred eighty-five thousand dollars (\$785,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred twenty-five thousand nine hundred fifty dollars (\$525,950.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development

account I to the commission five hundred twenty-five thousand nine hundred fifty dollars (\$525,950.00) 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, 2023;

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

(d) Project – Lusk Water System Improvements 2018:

(i) Project sponsor: Town of Lusk;

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

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

(iv) Total project budget: Eight hundred fifteen thousand dollars (\$815,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred forty-six thousand fifty dollars (\$546,050.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission five hundred forty-six thousand fifty dollars (\$546,050.00) 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 I on July 1, 2023;

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

(e) Project – Melody Ranch Water System Improvements 2018:

(i) Project sponsor: Melody Ranch Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: one million four hundred ten thousand dollars (\$1,410,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and

construction of the project an amount not to exceed nine hundred forty-four thousand seven hundred dollars (\$944,700.00) 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 nine hundred forty-four thousand seven hundred dollars (\$944,700.00) 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, 2023;

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

(f) Project – Newcastle Well 2018:

(i) Project sponsor: City of Newcastle;

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

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

(iv) Total project budget: Seven hundred forty thousand dollars (\$740,000.00);

(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 ninety-five thousand eight hundred dollars (\$495,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission four hundred ninety-five thousand eight hundred dollars (\$495,800.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2023;

(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 is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) 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.

(g) Project – Northwest Rural Water System Improvements 2018:

- (i) Project sponsor: Northwest Rural Water District;
  - (ii) Project purpose: Municipal and rural domestic water supply;
  - (iii) Project description: Design and construction of new storage tanks, transmission pipelines and appurtenances necessary to make the project function in the manner intended;
  - (iv) Total project budget: One million six hundred seven thousand dollars (\$1,607,000.00);
  - (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 seventy-six thousand six hundred ninety dollars (\$1,076,690.00) 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 seventy-six thousand six hundred ninety dollars (\$1,076,690.00) 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, 2023;
  - (vii) Special conditions: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.
- (h) Project – Sheridan North Side Transmission Pipeline 2018:
- (i) Project sponsor: City of Sheridan;
  - (ii) Project purpose: Municipal and rural domestic water supply;
  - (iii) Project description: Design and construction of a transmission pipeline and appurtenances necessary to make the project function in the manner intended;
  - (iv) Total project budget: two million five hundred ninety thousand dollars (\$2,590,000.00);
  - (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million seven hundred thirty-five thousand three hundred dollars (\$1,735,300.00) 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 seven hundred thirty-five thousand three hundred dollars (\$1,735,300.00) 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,

2023;

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

(j) Project – Sundance Tank 2018:

(i) Project sponsor: Town of Sundance;

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

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

(iv) Total project budget: One million seventy-nine thousand dollars (\$1,079,000.00);

(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 twenty-two thousand nine hundred thirty dollars (\$722,930.00) 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 twenty-two thousand nine hundred thirty dollars (\$722,930.00) 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, 2023;

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

(k) Project – Weather Modification Wind River Mountains 2019:

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Wind River Mountain Range;

(iii) Project description: Conduct an operational winter snowpack augmentation program during the 2018-2019 fall, winter and spring seasons;

(iv) Total project budget: Four hundred ninety thousand dollars (\$490,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one hundred six thousand dollars (\$106,000.00) 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, 2020;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Ten thousand dollars (\$10,000.00) of the total appropriation is allocated for this purpose;

(B) The state of Wyoming shall participate at a rate of twenty percent (20%) of actual project operations costs not to exceed seventy thousand dollars (\$70,000.00);

(C) Prior to commencing project operations, the Wyoming water development office shall acquire funding commitments from other Colorado River basin water users or other interested parties for eighty percent (80%) of actual project operations costs;

(D) If the state of Wyoming is unable to secure adequate funding commitments and the project is cancelled, the Wyoming water development office is authorized to use the appropriated funds to remove weather modification equipment and reclaim project sites.

**99-3-2304. 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 – Casper Alcova Irrigation District Underdrain 2018:

(i) Project sponsor: Casper Alcova Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred twenty-two thousand dollars (\$622,000.00);

(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 four hundred sixteen thousand seven hundred forty dollars (\$416,740.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred sixteen thousand seven hundred forty dollars (\$416,740.00) 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, 2023;

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

(c) Project – Cottonwood Irrigation District Pipeline Replacement 2018:

- (i) Project sponsor: Cottonwood Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of replacement pipelines and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: eight hundred thirty-four thousand dollars (\$834,000.00);
- (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 five hundred fifty-eight thousand seven hundred eighty dollars (\$558,780.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;
- (vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account 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-five thousand two hundred twenty dollars (\$275,220.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);
- (vii) Appropriation: There is appropriated from water development account II to the commission eight hundred thirty-four thousand dollars (\$834,000.00) 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, 2023.

(d) Project – Deaver Irrigation District Rehabilitation 2018:

- (i) Project sponsor: Deaver Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of a replacement flume, lateral improvements and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Four hundred sixty-four thousand dollars (\$464,000.00);
- (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 as approved by the commission an amount not to exceed two hundred thirty thousand dollars

(\$230,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred thirty thousand dollars (\$230,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2023;

(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 as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(e) Project – Goshen Irrigation District Check Structure 2018:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred ninety-nine thousand dollars (\$699,000.00);

(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 four hundred sixty-eight thousand three hundred thirty dollars (\$468,330.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred sixty-eight thousand three hundred thirty dollars (\$468,330.00) 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, 2023;

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

(f) Project – Hanover Irrigation District Cottonwood Spill/Check Replacement 2018:

(i) Project sponsor: Hanover Irrigation District;



- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of a spill/check structure and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Four hundred fourteen thousand dollars (\$414,000.00);
- (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 two hundred seventy-seven thousand three hundred eighty dollars (\$277,380.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;
- (vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred thirty-six thousand six hundred twenty dollars (\$136,620.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of fifteen (15) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);
- (vii) Appropriation: There is appropriated from water development account II to the commission four hundred fourteen thousand dollars (\$414,000.00) 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, 2023.
- (g) Project – Heart Mountain Irrigation District Rattlesnake Liner Replacement:
  - (i) Project sponsor: Heart Mountain Irrigation District;
  - (ii) Project purpose: Agricultural water supply;
  - (iii) Project description: Design and construction of a replacement canal liner and appurtenances necessary to make the project function in the manner intended;
  - (iv) Total project budget: 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 II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million eight hundred nine thousand dollars (\$1,809,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred ninety-one thousand dollars (\$891,000.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of forty (40) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission two million seven hundred thousand dollars (\$2,700,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2023.

(h) Project – Midvale Irrigation District Rehabilitation 2018:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: one million four hundred ninety thousand dollars (\$1,490,000.00);

(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 as approved by the commission an amount not to exceed nine hundred ninety-five thousand dollars (\$995,000.00) 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 ninety-five thousand dollars (\$995,000.00) 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, 2023;

(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 as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(j) Project – Riverton Valley Irrigation District Rehabilitation 2018:

- (i) Project sponsor: Riverton Valley Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of canal rehabilitation and restoration, and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Two million one hundred seventy thousand dollars (\$2,170,000.00);
- (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 five hundred forty-two thousand five hundred dollars (\$542,500.00) or twenty-five percent (25%) of the actual development costs, whichever is less;
- (vi) Appropriation: There is appropriated from water development account II to the commission five hundred forty-two thousand five hundred dollars (\$542,500.00) 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, 2023;
- (vii) Special conditions: The sponsor is responsible for acquiring seventy-five percent (75%) of the total project budget from other sources.

(k) Project – Sidon Irrigation District Rehabilitation 2018:

- (i) Project sponsor: Sidon Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of lateral pipelines and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: One million three hundred twenty-one thousand two hundred thirty dollars (\$1,321,230.00);
- (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 as approved by the commission an amount not to exceed eight hundred twenty-three thousand dollars (\$823,000.00) 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 eight hundred twenty-three thousand dollars (\$823,000.00) 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, 2023;

(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 as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

**99-3-2305. Level III construction projects – dams and reservoirs.**

(a) Authorization is granted for the Level III dams and reservoirs construction projects identified in this section subject to the general conditions specified in W.S. 99-3-106.

(b) Project – West Fork Reservoir:

(i) Project sponsor: Savery-Little Snake Water Conservancy District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Construction of a new dam on the West Fork Battle Creek to create a reservoir impoundment of approximately ten thousand acre-feet (10,000 AF) and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seventy-three million dollars (\$73,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission an amount not to exceed four million six hundred ninety-eight thousand dollars (\$4,698,000.00) to identify, investigate and acquire suitable lands for the purpose of an exchange of lands with the federal government. Funds granted under this section may be expended:

(A) For environmental and cultural investigations, title review for both surface and subsurface ownership, access and easement agreements, appraisals, purchase options and land procurements;

(B) To perfect agreements or other instruments for the financial participation of project beneficiaries in the state of Colorado on a pro rata basis.

(vi) Appropriation: There is appropriated from water development account III to the commission four million six hundred ninety-eight thousand dollars (\$4,698,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required for the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction. Unexpended funds appropriated under this subsection shall revert to water development

account III on July 1, 2021;

(vii) Special conditions: Funds from this appropriation shall not be expended until the project sponsor and the Wyoming water development commission have secured additional funding commitments from project beneficiaries in both Wyoming and Colorado on a pro rata basis. Funds from this appropriation shall not be expended until the expenditure is approved by the legislature.

[AMENDMENTS TO PRIOR PROJECTS]

**Section 2.** W.S. 99-3-1503(g)(vi), 99-3-1603(e)(vi) and (f)(vii), 99-3-1803(f)(vi) and (j)(vii), 99-3-1804(h)(vii), 99-3-1903(k)(iv) through (vi), 99-3-1904(m)(iv) through (vi), 99-3-2004(d)(iv) through (vi) and 99-3-2203(e)(iii) through (vii) are amended to read:

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

(g) Project – Ethete Water Supply:

(vi) 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, ~~2018~~2021;

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

(e) Project – Douglas Box Elder Spring:

(vi) Appropriation: There is appropriated from water development account I to the commission nine million four hundred forty-seven thousand dollars (\$9,447,000.00) 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, ~~2019~~2021;

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

(vii) Appropriation: There is appropriated from water development account I to the commission 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, ~~2018~~2020;

**99-3-1803. Level III construction projects – new development.**

(f) Project – Evansville Emergency Connection:

(vi) Appropriation: There is appropriated from water development account I to the commission one hundred forty-one thousand three hundred seventy dollars (\$141,370.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2018~~2019;

(j) Project – Mountain View Acres Connection:

(vii) Appropriation: There is appropriated from water development account I to the commission ninety-five thousand dollars (\$95,000.00) 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, ~~2018~~ 2021.

**99-3-1804. Level III construction projects – rehabilitation.**

(h) Project – Savery Creek Diversions Phase II:

(vii) Appropriation: There is appropriated from water development account II to the commission one million nine hundred thousand dollars (\$1,900,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2018~~ 2019;

**99-3-1903. Level III construction projects – new development.**

(k) Project - Small Water Development Projects - 2014:

(iv) Total project budget: ~~Three million seven hundred thousand dollars (\$3,700,000.00)~~ Five million two hundred thousand dollars (\$5,200,000.00);

(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 eight hundred fifty thousand dollars (\$1,850,000.00)~~ two million six hundred thousand dollars (\$2,600,000.00) 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 eight hundred fifty thousand dollars (\$1,850,000.00)~~ two million six hundred thousand dollars (\$2,600,000.00) 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;

**99-3-1904. Level III construction projects – rehabilitation.**

(m) Project - Small Water Development Projects - 2014:

(iv) Total project budget: ~~Two million dollars (\$2,000,000.00)~~ Two million two hundred thousand dollars (\$2,200,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million dollars~~

~~(\$1,000,000.00)~~ one million one hundred thousand dollars (\$1,100,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million dollars (\$1,000,000.00)~~ one million one hundred thousand dollars (\$1,100,000.00) 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 II;

**99-3-2004. Level III construction projects – rehabilitation.**

(d) Project – Dull Knife Reservoir Spillway Rehabilitation:

(iv) Total project budget: ~~Five million six hundred twenty thousand dollars (\$5,620,000.00)~~ Six million two hundred forty thousand dollars (\$6,240,000.00);

(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 ~~one million nine hundred sixty-seven thousand dollars (\$1,967,000.00)~~ two million one hundred eighty-four thousand dollars (\$2,184,000.00) or thirty-five percent (35%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million nine hundred sixty-seven thousand dollars (\$1,967,000.00)~~ two million one hundred eighty-four thousand dollars (\$2,184,000.00) 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, 2020;

**99-3-2203. Level III construction projects – new development.**

(e) Project – Gillette Regional Extensions 2017:

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

(iv) Total project budget: ~~Five hundred forty thousand dollars (\$540,000.00)~~ Four million one hundred ten thousand dollars (\$4,110,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, ~~and~~ project land procurement, construction engineering and construction of the project an amount not to exceed ~~three hundred sixty-one thousand eight hundred dollars (\$361,800.00)~~ two million seven hundred fifty-three thousand seven hundred dollars (\$2,753,700.00) 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 ~~three hundred sixty-one thousand eight hundred dollars (\$361,800.00)~~ two million seven hundred fifty-three thousand seven hundred dollars (\$2,753,700.00) 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, 2022;

(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:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County.

**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 14, 2018.

## Chapter 122

### STATE FAIR ENDOWMENT

Original House Bill No. 130

AN ACT relating to the state fair; creating the state fair endowment account to be administered by the state treasurer; authorizing distribution of investment earnings as specified; amending provisions for the establishment of fees; providing for the distribution of fee revenue as specified; providing appropriations; removing restrictions on the use of state fairgrounds; and providing for an effective date.

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

**Section 1.** W.S. 11-10-118 is created to read:

**11-10-118. State fair endowment account; administration; distributions; purposes.**



(a) The state fair endowment account is created. The state treasurer is authorized to accept cash gifts for the account. Funds within the account including all funds deposited to the account from any source are intended to be inviolate and constitute a permanent or perpetual trust fund. The state treasurer shall invest funds within the endowment account in accordance with law. Seventy-five percent (75%) of investment earnings shall be credited to the endowment account. Twenty-five percent (25%) of investment earnings shall be distributed in accordance with subsection (b) of this section.

(b) The state treasurer shall distribute twenty-five (25%) percent of investment earnings from the state fair endowment account to the Wyoming state fair account quarterly.

**Section 2.** W.S. 11-10-106 and 11-10-107 are amended to read:

**11-10-106. Admission charges; other revenues.**

(a) There shall be charged at the gates of the fairground an admission fee to be set by the board. An extra charge may be made for seats in the grandstand or other structure providing added comforts. The charge for vehicles driven or stock ridden into the grounds may be fixed by the board. All fees collected shall be deposited in the Wyoming state fair account, except fees directed by law to the state fair endowment account.

(b) The department of agriculture may receive any money or property of any kind or character donated, granted or bequeathed for any activities of the state fair. Monies shall be credited to the Wyoming state fair account except as otherwise provided by W.S. 11-10-107 and 11-10-118. The department shall include within its biennial budget request submitted under W.S. 9-2-1013 a report itemizing all gifts, income and expenditures under this subsection, W.S. 11-10-107 and 11-10-118 for each of the immediately preceding two (2) fiscal years.

**11-10-107. Power of board to acquire land; authority to make rules and regulations; renting and use of fairgrounds; fees; gambling and liquor prohibited.**

(a) The board may acquire by donation or lease in the name of the state any lands necessary for conducting the state fair, and may make all rules and regulations necessary for the conduct and government of the exhibitions, the sale of privileges, and the proper control, operation and conduct of the state fair not inconsistent with the constitution and laws of this state.

(b) The board may rent out or donate the use of the state fairgrounds for stabling and training stock and holding stock sales. The grounds may be used free of charge for encampment grounds for the state militia under the direction of the adjutant general of the state. The board may permit the grounds and facilities to be used for other purposes and may charge fees as it deems necessary to pay the expenses of maintaining the grounds and facilities. ~~The~~

board shall not permit any gambling device of any nature to be operated on the grounds, or permit any unlawful betting, or permit any intoxicating liquors to be sold thereon except as provided by W.S. 12-4-505 One percent (1%) of any revenue generated under this subsection shall be distributed to the state fair endowment account and the remainder of any revenue generated under this subsection shall be distributed to the Wyoming state fair account.

**Section 3.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the state fair endowment account created in W.S. 11-10-118(a).

(b) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the state treasurer's office for the purpose of matching cash gifts received by the department of agriculture and deposited to the state fair endowment account created in W.S. 11-10-118(a). The state treasurer shall transfer the appropriation to the state fair endowment account only upon certification by the department of agriculture that the appropriation has been fully matched. 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, 2020.

**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 14, 2018.

## Chapter 123

### EDUCATION-COMPUTER SCIENCE AND COMPUTATIONAL THINKING

Original Senate File No. 29

AN ACT relating to education; adding computer science and computational thinking to the state educational program; eliminating keyboarding from the state educational program; providing that computer science courses may satisfy certain high school graduation requirements and certain Hathaway scholarship requirements; providing a date by which the state board of education must adopt uniform content and performance standards for computer science; requiring a report; repealing an obsolete provision; providing applicability; and providing for effective dates.

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

**Section 1.** W.S. 21-2-304(a)(iii)(C), 21-9-101(b)(i) by creating a new subparagraph (O) and (iii)(C) and 21-16-1307(b)(i)(D) and (d)(i)(D) are amended to read:

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(iii) By rule and regulation and in consultation and coordination with local school districts, prescribe uniform student content and performance standards for the common core of knowledge and the common core of skills specified under W.S. 21-9-101(b), and promulgate uniform standards for programs addressing the special needs of student populations specified under W.S. 21-9-101(c) that ensure these student populations are provided the opportunity to learn the common core of knowledge and skills as prescribed by the uniform student content and performance standards pursuant to this paragraph. Student content and performance standards prescribed under this paragraph shall include standards for graduation from any high school within any school district of this state. The ability to prescribe content and performance standards shall not be construed to give the state board of education the authority to prescribe textbooks or curriculum which the state board is hereby forbidden to do. Graduation standards imposed under this paragraph shall require the successful completion of the following components, as evidenced by passing grades or by the successful performance on competency-based equivalency examinations:

(C) Three (3) school years of science, one (1) year of which may be satisfied by one (1) year of computer science; and

**21-9-101. Educational programs for schools; standards; core of knowledge and skills; special needs programs; class size requirements; cocurricular activities.**

(b) Each school district within the state shall provide educational programs sufficient to meet uniform student content and performance standards at the level established by the state board of education in the following areas of knowledge and skills:

(i) Common core of knowledge:

(O) Computer science.

(iii) Common core of skills:

(C) ~~Keyboarding~~ Computational thinking and computer applications;

**21-16-1307. Success curriculum; test standards.**

(b) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2018-2019 school year and each school year thereafter shall be as follows:

(i) Math – four (4) years of math to include those specified in subparagraphs (A) through (D) of this paragraph. Courses which are the functional equivalent of the specified courses, including courses taken before grade nine (9), may be used to satisfy the level of the requirements of subparagraphs (A) through (C) of this paragraph:

(D) An additional math or computer science course taken in grades nine (9) through twelve (12). A computer science course shall not satisfy a requirement of this paragraph if the computer science course is used to satisfy one (1) year of science under paragraph (iii) of this subsection.

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

(i) Math – four (4) years of math to include those specified in subparagraphs (A) through (D) of this paragraph. Courses which are the functional equivalent of the specified courses, including courses taken before grade nine (9), may be used to satisfy the level of the requirements of subparagraphs (A) through (C) of this paragraph:

(D) An additional math or computer science course taken in grades nine (9) through twelve (12). A computer science course shall not satisfy a requirement of this paragraph if the computer science course is used to satisfy one (1) year of science under paragraph (iii) of this subsection.

**Section 2.** W.S. 21-9-101(b)(i)(M) is repealed.

**Section 3.**

(a) The department of education shall conduct a thorough analysis of all changes and costs necessary to implement this act in every school district in the state. In conducting this analysis the department shall conduct site visits and shall consult with Wyoming school districts currently offering computer science programs and courses. The department shall report the results of the analysis to the joint education interim committee not later than October 31, 2018.

(b) The department of education shall work with the professional teaching standards board, nonprofit organizations and industry to develop a computer science endorsement for elementary, middle and high schools that can be implemented in every district in the state.

(c) By January 1, 2022, the state board of education shall promulgate uniform student content and performance standards for computer science to be effective beginning with the 2022-2023 school year.

**Section 4.** Amendments to W.S. 21-2-304 and 21-16-1307 contained in this act shall only apply to those students graduating high school on or after July 1, 2018.

**Section 5.** To the extent this act conflicts with 2018 House Bill 53, this act shall be given precedence and shall prevail over any conflicting provision.

**Section 6.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 124

### COMMERCIAL AIR SERVICE IMPROVEMENT

Original Senate File No. 40

AN ACT relating to aeronautics; establishing the Wyoming Commercial Air Service Improvement Act; providing legislative findings; creating the Wyoming commercial air service improvement council; prescribing duties; providing for a commercial air service improvement plan; providing a sunset date; transferring rights, duties, obligations and liabilities of the council as specified; authorizing the aeronautics commission to enter into contracts related to commercial air service improvement; requiring reports; creating an account; providing appropriations; and providing for an effective date.

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

#### **Section 1.**

(a) The legislature finds that:

(i) The reliability and quality of commercial air service directly affects Wyoming's ability to promote and achieve the goals of the legislative and executive branches' economic initiatives;

(ii) There is an imminent need to develop and pursue a long-term plan for commercial air service in Wyoming through a coordinated approach to enable:

(A) Increased economic competitiveness, expansion and diversification in Wyoming;

(B) Wyoming and its citizens to secure reliable commercial air service in this state; and

(C) The legislative and executive branches to promote and achieve the goals of their economic initiatives.

(iii) Coordinated efforts between the state, local communities and industry to improve commercial air service in Wyoming are necessary to fulfill the purposes of the Wyoming Commercial Air Service Improvement Act created by section 2 of this act.

**Section 2.** W.S. 10-7-101 through 10-7-105 are created to read:

#### CHAPTER 7

#### COMMERCIAL AIR SERVICE IMPROVEMENT

##### **10-7-101. Short title.**

This chapter may be cited as the "Wyoming Commercial Air Service Improvement Act."

##### **10-7-102. Definitions.**

(a) As used in this chapter:

(i) "Commercial air service improvement plan" means a coordinated and comprehensive ten (10) year plan intended to improve commercial air service in this state, as developed by the council pursuant to this chapter;

(ii) "Council" means the Wyoming commercial air service improvement council created by this chapter.

**10-7-103. Wyoming commercial air service improvement council; creation; transfer of rights, duties, obligations and liabilities.**

(a) There is created the Wyoming commercial air service improvement council consisting of eleven (11) voting members and four (4) nonvoting members. For administrative purposes, the council shall be within the department.

(b) There shall be two (2) legislative voting members on the council as follows:

- (i) One (1) member of the senate appointed by the president of the senate;
- (ii) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(c) With the advice and consent of the commission and subject to the requirements of this section, the governor shall appoint the remaining nine (9) voting members to the council. Appointments to the council shall include, to the extent practicable, at least one (1) resident of each county served by an airport with commercial air service and shall include:

- (i) Two (2) members of the commission;
- (ii) Two (2) business members of the economically needed diversity options for Wyoming (ENDOW) executive council or other business representatives participating in ENDOW executive council initiatives;
- (iii) One (1) member of the Wyoming association of municipalities;
- (iv) One (1) member of the Wyoming county commissioners association;
- (v) One (1) commercial air service member of the Wyoming airport operators association;
- (vi) Two (2) members from the public at-large, including one (1) who shall represent a critical need community and one (1) who shall represent a growth community as designated by the commission.

(d) The following four (4) nonvoting members or their designees shall also serve on the council:

- (i) The governor;
- (ii) The director of the department;
- (iii) The executive director of the office of tourism;
- (iv) The chief executive officer of the Wyoming business council.

(e) The governor may, in accordance with W.S. 9-1-202, remove any voting member he appoints.

(f) If a vacancy occurs with respect to a voting member, the vacancy shall be filled by the governor, with a person holding the same or similar qualifications

as the person who vacated the position. The new member shall serve the remainder of the term for which the vacating member was appointed.

(g) The voting members of the council shall elect a chairman from among their members.

(h) Members of the council shall not receive compensation, but when engaged in the performance of their duties they may receive reimbursement for travel expenses in the same manner and amount as state employees.

(j) The council shall meet as often as necessary to conduct business or at the request of the chairman or the governor. A majority of voting members shall constitute a quorum for the transaction of business and for the exercise of any power or function of the council.

(k) The department shall provide administrative services and staffing for the council.

(m) Funding for expenses of the council shall come from the budget of the department.

(n) Not later than August 1, 2018, the council shall prepare and, with the approval of the commission, submit a commercial air service improvement plan to the governor for his approval and to the joint minerals, business and economic development interim committee and the joint appropriations committee. The commercial air service improvement plan shall include the following:

(i) A summary of the activities of the commission, other state agencies, boards, commissions and councils and local communities related to achieving sustainability in commercial air service for the benefit of citizens, tourists, local communities and the state;

(ii) Recommendations for initiatives and specific actions:

(A) To develop efficient and effective implementation of a long-term, viable strategy for sustainable commercial air service in this state, which may include decreasing costs, increasing passengers and providing industry standard reliability to commercial air service communities. To the extent feasible, the recommended strategy shall include a one (1) carrier system offering up to three (3) daily flights to a major hub from each participating commercial air service community in the state; and

(B) That are coordinated with the commission and local communities to ensure state and community commercial air service projects are developed in furtherance of the purposes of this chapter and individual community needs.

(iii) Performance benchmarks, policy recommendations, budget requests, a time period for formulating marketing, and a schedule for full implementation of steps necessary to establish and maintain sustainable, reliable and quality commercial air service in this state.

(o) In developing the commercial air service improvement plan, the council shall:

(i) Not take any action intended to interfere with existing commercial air services operating out of commercial air service communities in this state;

(ii) Determine the level of financial support required of participating commercial air service communities.

(p) Not later than November 15, 2018, the council shall prepare and submit a status report on the implementation of the commercial air service improvement plan to the commission, the governor and the joint minerals, business and economic development interim committee.

(q) Effective March 15, 2019, the council shall cease to exist and all its rights, duties, obligations and liabilities under this section shall be transferred to the commission. The commission may make reasonable adjustments to the level of financial support determined by the council under paragraph (o)(ii) of this section.

**10-7-104. Contracts to improve commercial air service.**

The commission may, after competitive bidding, enter into contracts to procure commercial air service, to obtain professional, financial or technical assistance directly related to the commercial air service improvement plan or for any other purposes necessary to implement the commercial air service improvement plan. The attorney general shall review and approve any contract under this subsection before it is executed. Beginning September 30, 2019, and by September 30 annually thereafter, the commission shall provide a report on any contracts entered into under this subsection to the governor, the joint minerals, business and economic development interim committee, the joint appropriations committee and the air transportation liaison committee. The report shall describe any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under this subsection, and shall analyze the performance of any recipient of funds under any contract.

**10-7-105. Wyoming commercial air service improvement account.**

There is created the Wyoming commercial air service improvement account. Funds in the account are continuously appropriated to the account and shall be expended only on contracts and other expenses necessary to implement the commercial air services improvement plan pursuant to W.S. 10-7-104 and then only after further legislative authorization. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any funds within the account and any interest earned thereon shall not lapse or revert until directed by the legislature.

**Section 3.** W.S. 10-1-101(a)(xi) is amended to read:

**10-1-101. Definitions.**

(a) As used in this act:



(xi) "This act" means W.S. 10-1-101 through ~~10-6-104~~ 10-7-105.

#### **Section 4.**

(a) There is appropriated fifteen million dollars (\$15,000,000.00) from the legislative stabilization reserve account to the Wyoming commercial air service improvement account, as created by this act.

(b) In addition to the appropriation contained in subsection (a) of this section, there is appropriated one million dollars (\$1,000,000.00) from the legislative stabilization reserve account to the aeronautics commission for continuation of the air service enhancement program. These funds shall only be expended in the period beginning July 1, 2019 and ending June 30, 2020. 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 to legislative stabilization reserve account on June 30, 2020.

(c) Upon the effective date of this section:

(i) The appropriation contained in 2018 House Bill 0001, section 321(a)(ii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced fifteen million dollars (\$15,000,000.00);

(ii) 2018 House Bill 0001, section 321(a)(ii)(C) shall not be effective.

**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 14, 2018.

## **Chapter 125**

### **ECONOMIC DIVERSIFICATION AND DEVELOPMENT**

Original Senate File No. 108

AN ACT relating to economic diversification and development; modifying membership and authority of the economically needed diversity options for Wyoming (ENDOW) executive council; expanding agriculture marketing program within the Wyoming business council; providing for international trade representatives; specifying additional economic diversification and development studies; providing for subaccounts within the economic diversification account; providing appropriations; modifying other appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-12-105(a)(vii), 9-12-109, 9-12-1401(a), 9-12-1402(a) by creating a new paragraph (xii) and 9-12-1404 are amended to read:

**9-12-105. Economic development services.**

(a) It shall be the duty of the council to encourage, stimulate and support the development and expansion of the economy of the state. The council is charged with the following duties and responsibilities:

(vii) To encourage the export of products and services from the state to national and international markets. In addition to conducting international and other market research as authorized in W.S. 9-12-106(b), the council shall employ or contract with persons for purposes of developing new markets and expanding foreign trade efforts, including expanding international markets for Wyoming services, Wyoming agricultural and other products and commodities, and targeted consumer advertising; and

**9-12-109. Promotion of agriculture.**

(a) The council shall encourage and promote the development of agriculture in the state including horticulture, apiculture, livestock, poultry, dairying and the kindred industries and including the development of new value-added agribusiness and product uses and markets for Wyoming agricultural products.

(b) The council shall solicit input from industry groups and in consultation with the economically needed diversity options for Wyoming (ENDOW) executive council:

(i) Develop a strategy to create small regionally located beef processing plants inspected by the United States department of agriculture and mid-to-large sized processing plants for international sales;

(ii) Market Wyoming grown agricultural products in-state, regionally, nationally and internationally, through market development, trade shows and social media and other media outlets; and

(iii) Enhance the council's website to promote Wyoming grown agricultural products including match making services between key food system partners.

**9-12-1401. Economically needed diversity options for Wyoming executive council; creation; appointment and terms of members.**

(a) There is created the economically needed diversity options for Wyoming (ENDOW) executive council. The members shall represent existing, new and emerging economic sectors or subsectors or have demonstrated executive level experience. The council shall consist of not more than ~~fifteen (15)~~ twenty (20) voting members, appointed by the governor with the advice and consent of the senate. The presiding officers of the house and senate and the chairmen of the house and senate minerals, business and economic development committees shall be ex officio, nonvoting members. The governor may remove any appointed member as provided in W.S. 9-1-202. If an appointed member's position is vacant the governor shall appoint a new member as provided in W.S. 28-12-101. The governor, or his designee, shall be a member and ~~cochairman~~ chairman of the council, but shall not vote. The council shall elect

a ~~cochairman~~ vice-chairman from among the appointed members. One-half plus one (1) of the appointed members shall have initial terms of four (4) years and the remaining members shall have initial terms of two (2) years. Thereafter, appointed members shall serve for terms of four (4) years.

**9-12-1402. General powers and duties of the council; economic diversification policy and strategy; authority of governor.**

(a) The ENDOW executive council shall:

(xii) In consultation with the University of Wyoming, community colleges, the department of education, department of workforce services and Wyoming business council, review existing career technical education programs and develop recommendations regarding opportunities to better coordinate existing public and private programs, and develop or acquire existing career technical education facilities to further technical education opportunities in the state. The recommendations shall be included in the council's twenty (20) year economic diversification strategy and may be included in the council's four (4) year action plan as determined appropriate by the council.

**9-12-1404. Economic diversification account created; authorized expenditures.**

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used ~~solely~~ for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(i) The agriculture marketing subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for purposes of W.S. 9-12-109.

(b) The governor may accept, and shall deposit to the account, or to the appropriate subaccount within the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article or other ENDOW related program.

**Section 2.** Notwithstanding W.S. 9-12-1401(a), of the additional five (5) members appointed to the ENDOW council pursuant to this act, two (2) members shall be appointed for an initial term ending March 31, 2021 and three (3) members shall be appointed for an initial term ending March 31, 2023.

**Section 3.**

(a) There is appropriated four hundred thousand dollars (\$400,000.00) from the general fund to the Wyoming business council to conduct international marketing and trade activities authorized under W.S. 9-12-105(a)(vii) and 9-12-106(b). Notwithstanding any other provision of law, funds appropriated under this subsection shall not be transferred or expended for any other purpose. Unobligated, unencumbered funds appropriated in this subsection shall revert on June 30, 2020.

(b) There is appropriated from the legislative stabilization reserve account two million dollars (\$2,000,000.00) to the agricultural marketing subaccount within the economic diversification account. Upon the effective date of this act:

(i) The appropriation contained in 2018 House Bill 0001, section 321(a)(ii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced two million dollars (\$2,000,000.00); and

(ii) 2018 House Bill 0001, section 321(a)(ii)(A) introductory subparagraph and subdivisions (A)(I) through (III) shall not be effective.

**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 14, 2018.

**Chapter 126****ECONOMIC DIVERSIFICATION-BROADBAND SERVICES**

Original Senate File No. 100

AN ACT relating to economic diversification; creating a broadband development program; specifying requirements for providing funds for projects under the program; providing for administration by the Wyoming business council; requiring rules and specifying procedures; providing for the establishment of a broadband advisory council; providing for the position of broadband coordinator; providing appropriations; restricting appropriations as specified; modifying other appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-12-1501 through 9-12-1509 are created to read:

**9-12-1501. Broadband development program established; purposes; eligibility; definitions.**

(a) A broadband funding program is established under the Wyoming business council to provide funds to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(b) Funds may be provided under this article for the acquisition, deployment and installation of infrastructure that supports broadband service at a

minimum of at least twenty-five (25) megabits per second download and three (3) megabits per second upload in residential areas and one (1) gigabits per second download speed and one hundred (100) megabits per second upload speed in business corridors.

(c) Except as provided in subsection (d) of this section, eligible applicants for funding awarded under this article are public private partnerships which include:

(i) A business entity authorized to be formed under title 17 of the Wyoming statutes, or the laws of another state that are the functional equivalent, which is authorized to transact business in this state and has experience installing broadband infrastructure and providing broadband services in rural areas; and

(ii) A government entity specified in the following:

(A) A city, town or county or joint powers board; or

(B) A tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation.

(d) A governmental entity specified in subparagraph (c)(ii)(A) or (B) of this section shall develop a request for proposals, as prescribed by the council, on such a form as may be promulgated by the council, inviting business entities to participate in a project proposed for funding under this article. If no eligible business entity responds to the request for proposal with a proposal meeting the requirements specified, the governmental entity may apply individually, or jointly with any other governmental entity specified in subsection (c) of this section.

(e) As used in this article, until established otherwise by rule of the Wyoming business council pursuant to subsection (f) of this section, “unserved area” is an area in which there exists no fixed terrestrial broadband service, or in which the maximum fixed terrestrial broadband speed available:

(i) To residential customers is ten (10) megabits per second download and one (1) megabit per second upload;

(ii) To a business corridor within a municipality:

(A) With a population of less than two thousand (2,000), is twenty-five (25) megabits per second download and three (3) megabits per second upload;

(B) With a population of two thousand (2,000) or more, is fifty (50) megabits per second download and five (5) megabits per second upload.

(iii) To a business corridor in an unincorporated area of a county, is twenty-five (25) megabits per second download and three (3) megabits per second upload.

(f) The Wyoming business council shall, by rule effective on July 1, 2020, modify the definition of “unserved area” for purposes of this article. The rule

shall only modify the definition by providing for upload and download speeds exceeding those specified in subsection (e) of this section as the business council determines appropriate for technological conditions prevailing as of July 1, 2020.

(g) The Wyoming business council shall by rule establish a definition of “business corridor” for purposes of this article. An area shall not be considered a business corridor unless multiple businesses are, or have undertaken permitting, construction or other substantial steps to be, located in proximity to each other such that the provision of broadband services at the speeds specified in subsections (e) and (f) of this section is technologically and economically feasible.

**9-12-1502. Application process.**

(a) An eligible applicant shall submit an application to the council on a form prescribed by the council. The council shall develop administrative procedures governing the application and funding process by September 1, 2018. The council shall be responsible for receiving and reviewing applications, entering into contracts and authorizing the distribution of funds under this article, subject to approval by the governor or his designee.

(b) The council shall provide for funding periods not less frequently than biannually. At least thirty (30) days prior to the first day of the funding period for which applications may be submitted, the council shall publish on its official website the specific criteria and any quantitative weighting scheme or scoring system the council will use to evaluate or rank applications.

(c) Funding under this article to a public private partnership shall not require of the partnering business entity:

- (i) An open access network;
- (ii) Rates, terms and conditions that differ from those the provider offers in its other service areas;
- (iii) Rate regulation; or
- (iv) Time constraints to build which are not technologically feasible.

**9-12-1503. Application contents.**

(a) An applicant for funding under this article shall provide the following information on the application:

- (i) The location of the project;
- (ii) The kind and amount of broadband infrastructure to be deployed for the project, including initial speeds to be achieved and initial price of the service to be provided;
- (iii) Evidence regarding the unserved nature of the area where the project is to be located;

(iv) The number of households and businesses passed that will have access to broadband service as a result of the project, or whose broadband service will be upgraded as a result of the project;

(v) Significant community institutions and industries that will benefit from the project;

(vi) Evidence of community support for the project;

(vii) The total cost of the project, including a business plan;

(viii) Sources of funding or in-kind contributions for the project that will supplement any funding under this article, including an examination of any federal grants available to the project. The application shall identify the amount of funding for the project to be provided by each governmental entity and by any business entity participating in the project. Funding provided by any other state source shall be specifically identified;

(ix) Evidence that no later than six (6) weeks before submission of the application the applicant contacted, in writing, all entities who are listed with the counsel as providing broadband service in the proposed project area to ask for each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;

(x) The broadband service providers' written responses, if any, to the inquiry made under paragraph (ix) of this subsection;

(xi) Acknowledgement by the governing body, and any partnering business entity by a person with legal authority to bind the business entity, that funding may only be provided in accordance with a contract executed in conformance with this article and is subject to availability and approval of distribution of funds;

(xii) If the application is not submitted jointly with a business entity, an account of the request for proposals issued by the governmental entity applying and responses to the request, if any;

(xiii) Additional information requested by the council.

**9-12-1504. Challenge process.**

(a) Within three (3) business days of the close of the funding application process, the council shall publish on its official website the proposed geographic broadband service area and the proposed broadband service speeds for each application submitted. An existing broadband service provider may, within thirty (30) days of publication of the information, submit in writing to the council a challenge to an application. A challenge shall contain information demonstrating that:

(i) The provider currently provides or has begun construction or

undertaken permitting or other significant steps toward construction to provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application; or

(ii) The provider commits to complete construction of broadband infrastructure and provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application no later than eighteen (18) months after the funding determinations are to be made under this section for the application submitted.

(b) The council shall evaluate the information submitted in a provider's challenge under this section, and is prohibited from funding a project if the council determines the provider is currently providing broadband service or the provider's commitment to provide broadband service that meets the requirements of subsection (a) of this section in the proposed project area is credible.

(c) If the council denies funding to an applicant as a result of a broadband service provider's challenge made under this section, and the broadband service provider does not fulfill the provider's commitment to provide broadband service in the project area, the council is prohibited from denying funding to an applicant as a result of a challenge by the same broadband service provider for the following two (2) fiscal years, unless the council determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control.

**9-12-1505. Funding determinations.**

(a) In evaluating applications and providing funding under this article, the council shall give highest priority to applications which the council determines are public private partnerships.

(b) In evaluating applications and entering into agreements to provide funding, the council shall give priority to applications that meet one (1) or more of the following criteria, with additional priority given for meeting multiple criteria:

(i) Offer new or substantially upgraded broadband service to important community institutions and businesses;

(ii) Serve economically distressed areas of the state, as measured by indices of unemployment, poverty or population loss that are significantly greater than the statewide average;

(iii) Include a component to actively promote the adoption of the newly available broadband services in the community;



(iv) Provide evidence of strong support for the project from citizens, government, businesses and institutions in the community;

(v) Provide access to broadband service to a greater number of unserved households and businesses;

(vi) Provide comparability to service offered in urban areas, both in speed and pricing by reference to standards published by the Federal Communications Commission;

(vii) Provide access to very high speed broadband service to business districts or other business areas and are likely to secure economic benefits for the surrounding locality; or

(viii) Leverage greater amounts of funding for the project from other private and public sources.

(c) The council shall endeavor to award grants under this section to qualified applicants in geographically diverse regions of the state.

**9-12-1506. Limitations.**

(a) No agreement under this article may fund more than fifty percent (50%) of the total cost of a project. At least ten percent (10%) of the project cost shall be matched in total by the governmental entity or governmental entities submitting the application. The council may reduce the minimum local governmental match based upon the merits of the project. Grant funds from other state or federal grant programs may be used to meet the fifty percent (50%) minimum matching requirement under this article, but shall not be used to provide the minimum match required of governmental entities under this subsection unless the council determines the governmental entity is unable to otherwise provide the match.

(b) No single project shall exceed five million dollars (\$5,000,000.00) in funding provided under this article.

(c) The council shall, by rule, adopt provisions to ensure that adequate consideration is provided for the expenditure of public funds on projects funded under this article.

**9-12-1507. Application evaluation report.**

(a) By June 30 of each year, following adoption of the state broadband enhancement plan, the council shall publish on its website and provide to the joint minerals, business and economic development interim committee a list of all applications for funding under this article received during the previous year and, for each application:

(i) The results of any quantitative weighting scheme or scoring system the council used to fund the applications;

(ii) The amount of funding requested; and

(iii) The funding provided under this article, if any.

(b) Within ninety (90) days after a project's proposed completion date, the council shall review the project and provide in the report under subsection (a) of this section, its determination of whether the project was completed and services rendered in accordance with the agreement under this article. If the council reports that a project was not completed or services are not being rendered in accordance with an agreement, it shall report actions it has taken to enforce the agreement.

**9-12-1508. Minimum broadband speeds; rulemaking.**

The council shall establish by rule minimum business and residential upload and download speeds which broadband projects must meet upon completion of construction to qualify for funding under this article. In establishing minimum speeds the council shall consider speeds established by the federal communications commission as minimums necessary to be considered "advanced telecommunications capability" and speeds needed to attract businesses to Wyoming communities. Speeds adopted by the council shall meet or exceed a download speed of twenty-five (25) megabits per second and an upload speed of three (3) megabits per second. For projects primarily serving business entities the minimum speed adopted by the council shall be one (1) gigabits per second download speed and one hundred (100) megabits per second upload speed, commencing January 1, 2022.

**9-12-1509. Advisory council; broadband coordinator.**

(a) The business council shall, in consultation with the economically needed diversity options for Wyoming (ENDOW) executive council, establish a broadband advisory council consisting of eleven (11) members. One (1) member shall be the state chief information officer or his designee. Remaining members shall be appointed by the council from the public at-large, with geographic diversity and to include diverse interests, including backgrounds in economic development, state or local government entities, broadband providers, technology related businesses, health care, education, library services and public safety. At least one (1) representative of the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation shall be appointed to the advisory council. One (1) senator appointed by the president of the senate and one (1) representative appointed by the speaker of the house shall serve as legislative liaisons to the advisory council. Legislative liaisons shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 when attending meetings of the advisory council. Members of the advisory council shall receive no salary, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties.

(b) The advisory council shall provide advice and make recommendations to the business council on the following subjects:

(i) The development of an inventory and map of current broadband availability, as provided by voluntary submission from broadband providers and derived from other resources, including Federal Communications Commission reports, and identification of areas of the state unserved by broadband technology;

(ii) Needs, practices and technologies for providing broadband services in the most efficient manner possible, to accommodate economic growth, diversification and development, and enhance education opportunities;

(iii) Coordination with the ENDOW executive council, the state chief information officer and local and tribal governmental entities to ensure that state and local policies are conducive to development of broadband services;

(iv) Applications received under this article, as requested by the council;

(v) Propose to the council:

(A) A state broadband enhancement plan, for adoption by the council not later than September 1, 2018;

(B) Not later than March 1, 2020, propose recommended changes to upload and download speeds specified in the definition of unserved areas, including unserved residential and business corridors.

(c) The business council shall, in consultation with the ENDOW executive council and the governor's office, designate an employee of the business council as coordinator of broadband services. The person designated shall have expertise in telecommunications and specifically in the provision of broadband services. As directed by the business council, the coordinator shall staff the broadband advisory council. The coordinator shall, with approval of the business council, accomplish the tasks set forth in paragraphs (b)(i) through (v) of this section and undertake other duties as assigned by the business council in consultation with the governor's office. The business council may contract with a consultant to provide services to the broadband advisory council and to the business council under this act.

**Section 2.** W.S. 9-2-2906(b)(xii), 9-12-102(a)(viii), 9-12-103(f), 9-12-105(a)(vii) and by creating a new paragraph (ix) and 9-12-1404 are amended to read:

**9-2-2906. Office of the state chief information officer and director; authority; duties of department.**

(b) The department shall carry out the following coordination and management functions:

(xii) Enhance statewide broadband adoption and coordination among all governmental users ~~and where possible among the citizens of the state in coordination with the Wyoming business council and its broadband advisory council;~~

**9-12-102. Definitions.**

(a) As used in this act, the following terms have the following meanings, except where the context clearly indicates otherwise:

(viii) "This act" means W.S. 9-12-101 through ~~9-12-1312~~ 9-12-1509.

**9-12-103. Wyoming business council; creation; composition; compensation; termination; meetings; surety bonds; fiscal control.**

(f) The council may also form committees and advisory councils, which may include representatives who are not members of the board, to undertake more extensive study and discussion of the issues before the board. The council shall form an advisory council for broadband development and designate a broadband coordinator in accordance with W.S. 9-12-1509.

**9-12-105. Economic development services.**

(a) It shall be the duty of the council to encourage, stimulate and support the development and expansion of the economy of the state. The council is charged with the following duties and responsibilities:

(vii) To encourage the export of products and services from the state to national and international markets; ~~and~~

(ix) To adopt a state broadband enhancement plan.

**9-12-1404. Economic diversification account created; authorized expenditures.**

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used ~~solely~~ for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(i) The broadband development subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. 9-12-1501 through 9-12-1508.

(b) The governor may accept, and shall deposit to the account, or to the appropriate subaccount within the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article or other ENDOW related program.

**Section 3.**

(a) There is appropriated from the legislative stabilization reserve account:

(i) Three hundred fifty thousand dollars (\$350,000.00) to the Wyoming business council, for purposes of W.S. 9-12-1509;

(ii) Ten million dollars (\$10,000,000.00) to the broadband development subaccount within the economic diversification account. No funds from this appropriation shall be expended, obligated or encumbered until adoption of the broadband enhancement plan under W.S. 9-12-105(a)(ix). Notwithstanding any other provision of law, funds appropriated under this section shall not be transferred or expended for any purpose other than to provide funding for agreements entered into pursuant to W.S. 9-12-1501 through 9-12-1508, as requested by the Wyoming business council and approved by the governor or his designee. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the broadband development subaccount shall not lapse at the end of the fiscal period.

(b) Upon the effective date of this section:

(i) The appropriation contained in 2018 House Bill 0001, section 321(a)(ii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced two million dollars (\$2,000,000.00);

(ii) 2018 House Bill 0001, section 321(a)(ii)(B) shall not be effective;

(iii) The appropriation contained in 2018 House Bill 0001, section 321(a)(iii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced eight million dollars (\$8,000,000.00).

**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 14, 2018.

## Chapter 127

### KICKSTART WYOMING-ECONOMIC DIVERSIFICATION

Original Senate File No. 118

AN ACT relating to economic development and diversification; providing for matching funds for the small business innovation research program; creating the Wyoming research and innovation program; creating the "startup:Wyoming" and "kickstart:Wyoming" programs; specifying criteria for newly created and existing programs and initiatives; creating subaccounts within the economic diversification account; authorizing use of funds for approved projects; modifying duties of the Wyoming business council to reflect investment authority in start-up entities and to administer other programs; modifying duties of other economic diversification entities; requiring reports; requiring and otherwise providing for rulemaking; providing appropriations and for continuous appropriations; modifying other appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-12-408 and 9-12-409 are created to read:

**9-12-408. Wyoming research and innovation program fund created; authorized expenditures from the fund; rulemaking.**

(a) The council shall administer a Wyoming research and innovation program under which matching funds necessary to access federal research and development grant funds or other nonstate funds may be provided as specified in this section. To be eligible to receive funding under the program an entity shall present to the council its proposal to apply for or an existing application for an externally funded grant specific to a priority economic sector identified in the approved twenty (20) year comprehensive economic diversification strategy under W.S. 9-12-1402(a)(iv). The entity shall demonstrate that further research funding from nonstate funds is likely to be provided if funding is provided under this section.

(b) The Wyoming business council, in consultation with the ENDOW executive council and the University of Wyoming shall promulgate rules necessary to carry out the provisions of this section. The rules shall include but not be limited to application procedures, eligibility requirements, the amount of funding which may be provided for any single project, provision for ensuring adequate consideration to the state in exchange for funding any project which does not solely involve a state agency or institution or political subdivision of the state, recapture of funding if the recipient of funds breaches any agreement under the program and prioritization for funding requests. In establishing provisions for adequate consideration to the state, the council may include, but is not limited to, assessment of the following:

(i) The potential for the creation of a high-growth company and number of new jobs created;

(ii) The amount of nonstate or private financing leveraged to be used by the business in Wyoming;

(iii) Potential increase in Wyoming based patents;

(iv) Increase in Wyoming higher education institutions' capacity to respond to new research developments.

**9-12-409. Startup-Wyoming investments.**

(a) The Wyoming business council in coordination with the economically needed diversity options for Wyoming (ENDOW) executive council, shall prepare a proposal under which the business council will invest in high growth startup business entities which provide opportunity to advance the entrepreneurial ecosystem in Wyoming in priority economic sectors identified in the approved twenty (20) year comprehensive economic diversification strategy under W.S. 9-12-1402(a)(iv). The proposal shall be directed to investments for seed stage development or growth stage funding of business

entities. The council shall include in the proposal:

(i) A suggested entity or entities, if any, to oversee the council's investment decisions under this section;

(ii) The council's determination of whether existing statutory authority is sufficient to implement the program, and if additional statutory authority is required suggested legislation providing that authority;

(iii) Whether eligibility requirements for investment, beyond those specified in this section, should be provided by law;

(iv) Whether the council would propose additional rules to implement the program, together with a description of any such rules.

(b) The proposal shall be submitted to the ENDOW executive council not later than July 1, 2018. The ENDOW executive council shall include the proposal, together with changes recommended by the ENDOW executive council, in the twenty (20) year comprehensive economic diversification strategy plan submitted pursuant to W.S. 9-12-1402(a)(iv).

**Section 2.** W.S. 9-12-105(a)(i), (v), (vi), (viii) and by creating new subsections (b) through (f), 9-12-108 by creating a new subsection (c) and 9-12-1404 are amended to read:

**9-12-105. Economic development and diversification services; kick-start Wyoming grants; small business innovation research matching program.**

(a) It shall be the duty of the council to encourage, stimulate and support the development and expansion of the economy of the state. The council is charged with the following duties and responsibilities:

(i) To see that there are prepared and carried out effective economic development and diversification marketing and promotional programs;

(v) To encourage the coordination of the economic development and diversification efforts of public institutions, regions, communities and private industry and collect and maintain data on the development and utilization of economic development and diversification capabilities;

(vi) To establish such offices within and without the state that are necessary to the expansion and development of industries and trade. The council shall establish economic development and diversification regions and offices within the state based upon socioeconomic and geographic similarities;

(viii) To advise the University of Wyoming and the Wyoming community college commission in designating technical training and other educational programs in Wyoming's community colleges and the University of Wyoming beneficial to economic development and diversification activities in this state.

(b) The council, in consultation with the coordinator of economic diversification, shall implement the "startup:Wyoming" program in priority

economic sectors identified in the approved twenty (20) year comprehensive economic diversification strategy under W.S. 9-12-1402(a)(iv). The program shall:

(i) Foster connectivity between entrepreneurs, investors and mentors, aligning local entities through coordinated points of contact in participating Wyoming communities. The efforts shall include methods of communication designed to allow interaction between stakeholders on a regular and consistent basis;

(ii) Provide entrepreneurs with advanced resources to help their business succeed, including mentoring, marketing, legal and other business coaching services;

(iii) In conjunction with the University of Wyoming, community colleges, localities, chambers of commerce, industrial authorities and other public and private groups, develop incubators, accelerators, co-working spaces, makerspaces and other unique work spaces and equipment to foster entrepreneurialism.

(c) The council shall administer a “kickstart:Wyoming” program to provide funding to early stage ventures of Wyoming based entrepreneurs. Funding under this subsection shall be provided upon approval of the council. The council shall adopt rules for funding under this subsection in consultation with the coordinator of economic diversification. Funding shall be in amounts ranging from five thousand dollars (\$5,000.00) to fifty thousand dollars (\$50,000.00) and be provided under the following conditions:

(i) To individuals who reside in Wyoming and to business entities which are, or agree in writing to be, headquartered in Wyoming and organized under the laws of the state of Wyoming and which:

(A) Have committed to maintaining a meaningful nexus to the state of Wyoming, including after commercialization of a service, product, concept, design or any other marketable asset developed with the assistance of the funds;

(B) Proposes a service, product, concept, design or any other marketable asset which has a probability of providing an economic return to the state of Wyoming through creation of jobs, expanded tax base and diversification of the state’s economy;

(C) Agree to provide a report to the council on the progress to commercialize the service, product, concept, design or any other marketable asset developed with the assistance of the funds.

(ii) The recipient of funding meets other requirements established by rule of the council to ensure adequate consideration for the amount of the funding provided. In establishing provisions for adequate consideration to the state, the council may include, but is not limited to, requiring a recipient to



seek additional nonstate investment funding and specifying requirements for maintaining a nexus to the state.

(d) The council shall administer a small business innovation research matching program in accordance with this subsection. The program shall match federal funds approved for Wyoming based companies as provided in this subsection. The program shall be administered by the council in consultation with the University of Wyoming research office. The following shall apply to the program under this subsection:

(i) To be eligible to receive funding, an entity shall:

(A) Be headquartered in Wyoming and organized under the laws of the state of Wyoming;

(B) Maintain a meaningful nexus to the state of Wyoming, including for not less than three (3) years after commercialization of a service, product, concept, design or any other marketable asset developed with the assistance of funds from the program;

(C) Have received funding under the federal small business innovation research and small business technology transfer programs;

(D) Propose a service, product, concept, design or any other marketable asset which has a probability of providing an economic return to the state of Wyoming through creation of jobs, expanded tax base and diversification of the state's economy;

(E) Agree to provide a report to the council on or before July 1 of each year in the following manner:

(I) Prior to commercialization, the entity shall report on the progress of the entity to commercialize the service, product, concept, design or any other marketable asset developed with the assistance of funds from this program;

(II) If the entity commercializes a service, product, concept, design or any other marketable asset, and continues to market the product, concept or design or asset, the entity shall report for three (3) years on:

(1) The number of jobs the entity has created;

(2) A salary range per job;

(3) The taxable assets of the entity;

(4) All revenues from sales of the service, product, concept, design or any other marketable asset of the entity.

(F) Comply with the requirements of rules adopted pursuant to this subsection.

(ii) Matching funds shall be awarded to recipients as determined by the council in an amount not to exceed:

(A) For a recipient of a phase I award, a match up to one hundred percent (100%) of the award, not to exceed one hundred thousand dollars (\$100,000.00);

(B) For a recipient of a phase II award, a match up to one hundred percent (100%) of the award, not to exceed two hundred fifty thousand dollars (\$250,000.00).

(iii) Matching funds under this subsection shall be awarded to the recipient as soon as practicable after approval of the matching fund application;

(iv) An entity shall repay all matching funds provided under this subsection plus interest at the rate of four percent (4%) per annum compounded annually from the date the matching funds were granted if:

(A) The entity commercializes a service, product, concept, design or any other marketable asset developed with the assistance of funds from this program; and

(B) The entity fails to maintain a significant nexus with the state of Wyoming within three (3) years of commercializing a service, product, concept, design or any other marketable asset developed with the assistance of funds from this program and continues to market the service, product, concept, design or asset.

(v) The council shall adopt rules for the program in consultation with the coordinator of economic diversification. The rules shall include but not be limited to:

(A) Application procedures;

(B) The number of awards and amount of funds available for award in any fiscal year;

(C) Timing of issuance of funds awarded under the program;

(D) Eligibility requirements;

(E) Provision for repayment of matching funds plus interest as provided in this subsection;

(F) Provision for service, product, concept, design or asset review and requirements under the program consistent with this subsection;

(G) Provisions to ensure adequate consideration for the amount of the funding provided. The council may include, but is not limited to, assessment of those items specified in W.S. 9-12-408(b)(i) through (iv), specifying the allowable use of funds, requiring a recipient to seek additional nonstate investment funding and requiring the recipient to conduct its research in Wyoming to the extent practical.

(e) Not later than October 15, 2018 and every October 15 thereafter, the council shall report to the joint minerals, business and economic development

interim committee concerning the programs under subsections (c) and (d) of this section. The report shall include:

(i) A yearly and total summary of the number and amounts of matching funds awarded under each program;

(ii) A description of an entity and a service, product, concept, design or any other marketable asset developed which was commercialized with the assistance of funds from these programs within the prior three (3) years;

(iii) The realized economic impact of each program on the state, including jobs created, salary range per job created and potential impact to the local community.

(f) As used in this section, “commercialization” means the creation by an entity of commercial processes, products and services derived in whole or in part from research undertaken with matching funds awarded under subsection (c) or (d) of this section, which results in realized revenues to the entity of at least three (3) times the matching funds awarded under this section.

**9-12-108. Coordination of business permits.**

(c) The Wyoming business council shall prepare and present to the economically needed diversity options for Wyoming (ENDOW) executive council a proposal under which the business council, by exercising the duties and authority provided in this section, will assist businesses within the state in priority economic sectors identified in the approved twenty (20) year comprehensive economic diversification strategy under W.S. 9-12-1402(a)(iv) in obtaining necessary state, local and federal permits and licenses. The business council shall consult with businesses within Wyoming to identify specific federal, state and local regulations which unduly impede or delay permitting and licensing in the state and shall identify those regulations recommended for review by the entity with jurisdiction to eliminate unnecessary provisions. The business council proposals shall be submitted to the ENDOW executive council not later than July 1, 2018. The ENDOW executive council shall include recommendations for implementation of the business council proposals in its twenty (20) year comprehensive economic diversification strategy plan submitted pursuant to W.S. 9-12-1402(a)(iv) and in its first action plan under W.S. 9-12-1402(a)(v).

**9-12-1404. Economic diversification account created; authorized expenditures.**

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used solely for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account or subaccounts of the account shall not lapse at the end of the fiscal period. Interest

earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(i) The Wyoming research and innovation subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. 9-12-408;

(ii) The “startup:Wyoming” subaccount. Funds within this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding pursuant to W.S. 9-12-105(b) through (f).

(b) The governor may accept, and shall deposit to the account, or to the appropriate subaccount within the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article or other ENDOW related program.

### **Section 3.**

(a) There is appropriated from the legislative stabilization reserve account:

(i) Five million dollars (\$5,000,000.00) to the “startup:Wyoming” subaccount;

(ii) Six million dollars (\$6,000,000.00) to the Wyoming research and innovation subaccount;

(b) Notwithstanding any other provision of law, funds appropriated under this section shall not be transferred or expended for any purpose other than as provided in W.S. 9-12-1404.

(c) Upon the effective date of this act the appropriation contained in 2018 House Bill 0001, section 321(a)(iii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced dollar for dollar by the appropriations in this section.

**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 14, 2018.

**Chapter 128****WORKFORCE DEVELOPMENT-PRIORITY ECONOMIC SECTOR PROGRAM**

Original Senate File No. 119

AN ACT relating to economic development and diversification; establishing the Wyoming workforce development-priority economic sector partnership program; providing for funding of specified workforce training programs pursuant to agreements with employers, training providers and the department of workforce services; specifying conditions for funding; providing for administration of the program; providing for subaccounts within the economic diversification account; providing an appropriation; providing a reappropriation of funds as specified; modifying other appropriations; providing for rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 9-2-2609 through 9-2-2611 are created to read:

**9-2-2609. Purpose.**

(a) The Wyoming Workforce Development-Priority Economic Sector Partnership Act is created to meet the training needs of existing businesses in the state and to provide incentives to businesses to locate and expand within the state through government assisted new jobs training.

(b) It is the intent of the legislature to provide training funds to train and educate employees, which will result in the production of high wage and high skilled jobs that will increase the earning potential and employment opportunities for Wyoming employees and enhance and diversify the state's economy.

**9-2-2610. Definitions.**

(a) As used in this act:

- (i) "Applicant" means an employer seeking funding under this act;
- (ii) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity;
- (iii) "Department" means the department of workforce services created in W.S. 9-2-2018;
- (iv) "ENDOW council" means the economically needed diversity options for Wyoming executive council;
- (v) "Eligible training provider" means:
  - (A) The University of Wyoming;
  - (B) A Wyoming community college district;
  - (C) An entity operated by a tribal government of either the Northern Arapaho or Eastern Shoshone tribes on the Wind River Indian Reservation;
  - (D) An entity approved to provide workforce training that is included

on the eligible training provider list.

(vi) “Eligible training provider list” means the list maintained by the department of those eligible training providers who may be used to provide workforce training under this act;

(vii) “Employee” means an individual employed in a new job;

(viii) “Employer” means an individual or business entity providing new jobs and entering into a contract under this act;

(ix) “Full-time job” means a predominantly year-round position requiring an average of at least thirty-five (35) hours of work each week;

(x) “New job” means a newly created full-time or part-time job in a priority economic sector business. The term does not include:

(A) Jobs for recalled employees returning to positions held previously, for replacement employees, or for employees newly hired as a result of a labor dispute, seasonal jobs, or other jobs that previously existed within the employment of the employer in the state; or

(B) Jobs created by an employer as the result of an acquisition of a Wyoming entity if those jobs previously existed in the state of Wyoming in the acquired company or entity unless it is demonstrated that the jobs:

(I) Are substantially different as a result of the acquisition; and

(II) Will require new training for the employee to meet new job requirements.

(xi) “Part-time job” means a predominantly year-round position requiring an average of twenty-five (25) to thirty-four (34) hours of work each week;

(xii) “Priority economic sector business” means an employer engaged in establishing or expanding operations within a priority economic sector identified in the twenty (20) year comprehensive economic diversification strategy approved by the governor pursuant to W.S. 9-12-1402 in Wyoming that through the employment of knowledge or labor add value to a product, process or export service that results in the creation of new wealth;

(xiii) “Program” means a workforce training program implemented in accordance with the provisions of this act;

(xiv) “Program costs” means all necessary and incidental costs of providing program services. The term does not include the cost of equipment to be owned or used by the eligible training provider beyond the term of the contract with the department unless the eligible training provider is an entity specified in subparagraphs (v)(A) through (C) of this subsection and the department determines the equipment likely will be used to provide subsequent training in a priority economic sector program under this act or other program funded by the department;

(xv) “Program services” means training and education specifically directed to the new jobs, including:

(A) All direct training costs, such as:

(I) Program promotion;

(II) Instructor wages, per diem and travel;

(III) Curriculum development and training materials;

(IV) Lease of training equipment and training space;

(V) Purchase of training equipment subject to the limitations provided in paragraph (xiv) of this subsection;

(VI) Miscellaneous direct training costs;

(VII) Administrative costs; and

(VIII) Assessment and testing.

(B) In-house or on-the-job training; and

(C) Subcontracted services with eligible training providers.

(xvi) “Wyoming workforce development-priority economic sector partnership subaccount” or “subaccount” means the subaccount created in W.S. 9-12-1404(a)(i);

(xvii) “Wyoming workforce development-priority economic sector partnership program” means the workforce training program authorized by this act;

(xviii) “This act” means W.S. 9-2-2609 through 9-2-2611.

**9-2-2611. Priority economic sector business workforce training programs; eligibility.**

(a) The department, in consultation with the coordinator of economic diversification shall administer the Wyoming workforce development-priority economic sector partnership program. Using available monies within the Wyoming workforce development-priority economic sector partnership subaccount, the department may contract to provide training funds for education or skills based training for employees for priority economic sector businesses in new jobs. The funds shall be provided to eligible training providers in accordance with contracts between the department, priority economic sector business employers and eligible training providers, for the purpose of providing employees with education and training required for jobs in new or expanding priority economic sector businesses in the state.

(b) To be eligible for funding under the Wyoming employer-workforce partnership program, an applicant shall demonstrate that it is a priority economic sector business.

(c) An applicant shall provide a match of at least one dollar (\$1.00) for every one dollar (\$1.00) requested from the subaccount. The match may include new loans and investments and expenditures for direct project related costs such as new equipment and buildings. The department may consider recent purchases of fixed assets directly related to the proposal on a case-by-case basis. A purchase of fixed assets directly related to the proposed training activities that have been made within ninety (90) days after submission of the application may be considered eligible by the department.

(d) Except as provided in subsection (e) of this section, funding provided under this section may not exceed five thousand dollars (\$5,000.00) for each full-time position and two thousand five hundred dollars (\$2,500.00) for each part-time position for which an employee is being trained. Funding may be provided only for a new job that has an average weekly wage that meets or exceeds the current average weekly wage of the county in which the employees are to be principally employed, provided minimum wage requirements are met. The department may consider the value of employee benefits in calculating the expected annual wage.

(e) The department may, in exceptional circumstances, consider a higher funding ceiling for jobs that will pay high wages and benefits if the need for higher training costs is documented in the application.

(f) Funding under this section shall be proportional to the number of jobs provided, the expected average annual wage of all jobs provided, and the underlying economic indicators of the region where the majority of the jobs will be created.

(g) Funding ceilings shall be determined by the availability of funding, the cost for each job and the quality of the priority economic sector business proposal.

(h) The funding application, at a minimum, shall contain:

(i) A business plan containing information that is sufficient for the department to obtain an adequate understanding of the business to be assisted, including the products or services offered, estimated market potential, management experience of principals, current financial position, and details of the proposed venture. In lieu of a business plan, the department may consider a copy of the current loan application to entities such as the federal business and industry guarantee program or the small business administration;

(ii) Financial statements and projections for the two (2) most recent years of operation and projections for each of the two (2) years following the distribution of funds, including but not limited to balance sheets, profit and loss statements, and cash flow statements. A business operating for less than two (2) years shall provide all available financial statements. Information provided under this paragraph shall be considered confidential and not subject



to inspection as provided by W.S. 16-4-203(a)(i);

(iii) A hiring and training plan, which shall include:

(A) A breakdown of the jobs to be created or retained, including the number and type of jobs that are full-time, part-time, skilled, semiskilled or unskilled positions;

(B) A timetable for creating the positions and the total number of employees to be hired;

(C) An assurance that the business will comply with equal opportunity and nondiscrimination laws;

(D) Procedures for outreach, recruitment, screening, training and placement of employees;

(E) A description of the training curriculum and resources;

(F) Written commitments from any agency or organization participating in the implementation of the hiring plan; and

(G) A description of the type and method of training to be provided to employees, the starting wage and wages to be paid after training for each position, the job benefits to be paid or provided, and any payment to eligible training providers.

(j) A contract under this act shall contain provisions:

(i) Certifying that the amount of the funding already expended, together with interest at a rate of four percent (4%) per annum compounded annually from the date the matching funds were provided, will be reimbursed in the event that the priority economic sector business ceases operation in the state of Wyoming within the funding contract period, which may be up to two (2) years;

(ii) Specifying that funding will be provided over the contract period only upon the department verifying the creation of eligible jobs, the hiring of employees for the jobs or the incurring of eligible training expenses; and

(iii) Providing the department with annual reports and a final closeout report that documents the wages paid to an employee upon completion of the training.

(k) The contract shall be signed by the person in the priority economic sector business who is assigned the duties and responsibilities for training and the overall success of the program and by the business's chief executive.

(m) The Wyoming business council shall assist the department with review of information provided under paragraphs (h)(i) and (ii) of this section, as requested by the department. If the department determines that an applicant meets the criteria established in this section and has complied with the applicable procedures and review processes established by the department,

the department may recommend funding for a priority economic sector business workforce development program and the disbursement of funds under contract to the eligible training provider. The recipient eligible training provider shall use funds received under the program in accordance with the provisions of the contract. No funding shall be provided for any program without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therein. Upon recommendation of the department, certification by the attorney general, and approval by the governor or his designee, funding from the Wyoming workforce development-priority economic sector partnership subaccount may be distributed to the eligible training provider.

(n) The department shall provide employers assistance in accessing workforce and education services outside the scope of this act for which employees may be eligible. These additional services shall not be used to replace funding provided under this act after the contract has been finalized.

(o) The department shall:

(i) Adopt rules to implement this act. At minimum the rules shall establish application procedures, requirements and qualifications for funding under this act. The rules may include provisions for agreements as the department determines consistent with this act and appropriate or necessary to ensure adequate consideration is provided to the state for funding under this act;

(ii) Report annually to the joint appropriations committee on the expenditures made from the Wyoming workforce development-priority economic sector partnership subaccount in the preceding fiscal year and the results of each partnership project's activities.

**Section 2.** W.S. 9-2-2601(d) and (g)(vii) and 9-12-1404 are amended to read:

**9-2-2601. Department of workforce services; duties and responsibilities; agreements with other agencies authorized; definition; merger with department of employment.**

(d) The department shall administer expenditures from the workforce development training fund as provided in W.S. 9-2-2604. The department shall administer expenditures from the Wyoming workforce development-priority economic sector partnership subaccount within the economic diversification account as provided in W.S. 9-2-2609 through 9-2-2611 and 9-12-1404.

(g) The department shall take appropriate steps to:

(vii) Administer contracts pursuant to W.S. 9-2-2608 and 9-2-2609 through 9-2-2611.

**9-12-1404. Economic diversification account created; authorized expenditures.**

(a) There is created an economic diversification account. All monies in the

account are continuously appropriated to the office of the governor to be used ~~solely~~ for the purposes of this article and as otherwise specified by law, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(i) The Wyoming workforce development-priority economic sector partnership subaccount. Funds within this subaccount may be expended:

(A) As approved by director of the department of workforce services for administrative costs incurred by the department of workforce services associated with administration of the Wyoming workforce development-priority economic sector partnership program under W.S. 9-2-2609 through 9-2-2611; and

(B) As approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. 9-2-2609 through 9-2-2611.

(b) The governor may accept, and shall deposit to the account, or to the appropriate subaccount within the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article or other ENDOW related program.

**Section 3.** 2017 Wyoming Session laws, Chapter 140, Section 4 is amended to read:

**Section 4.** There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from the legislative stabilization reserve account to the economic diversification account created by this act. ~~Of this appropriation, not less than one million five hundred thousand dollars (\$1,500,000.00) shall be earmarked for expenditure under this act for workforce development recommended by the ENDOW executive council to carry into effect the state's economic diversification strategy. These earmarked funds may be expended by the governor for other purposes consistent with the provisions of this act should the governor determine an immediate economic diversification opportunity exists and the earmarked funds are necessary to realize that opportunity.~~

**Section 4.**

(a) There is appropriated three million five hundred thousand dollars (\$3,500,000.00) from the legislative stabilization reserve account to the Wyoming workforce development-priority economic sector partnership

subaccount created by W.S. 9-12-1404(a)(i). Notwithstanding any other provision of law, funds appropriated under this section shall not be transferred or expended for any purpose other than as provided in W.S. 9-12-1404(a)(i). Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the subaccount shall not lapse at the end of the fiscal period.

(b) There is reappropriated from unencumbered, unobligated funds appropriated in 2017 Wyoming Session Laws, Chapter 140, Section 4, to the economic diversification account, one million five hundred thousand dollars (\$1,500,000.00) to the Wyoming workforce development-priority economic sector partnership subaccount created by W.S. 9-12-1404(a)(i).

(c) Upon the effective date of this subsection the appropriation contained in 2018 House Bill 0001, section 321(a)(iii) to the economic diversification account created by W.S. 9-12-1404(a) shall be reduced dollar for dollar by the appropriation in subsection (a) of this section.

(d) Upon the effective date of this subsection, 2018 House Bill 0001, section 332 shall not be effective. To the extent any reduction of the appropriation contained in 2017 Wyoming Session Laws, Chapter 140, Section 4 was made pursuant to section 332, the funds shall be redeposited to the economic diversification account, and one million five hundred thousand dollars (\$1,500,000.00) shall be reappropriated as provided in subsection (b) of this section.

**Section 5.** The department of workforce services may commence rulemaking pursuant to W.S. 9-2-2609 through 9-2-2611 upon the effective date of this section.

#### **Section 6.**

(a) Subsections 4(b), (c) and (d) and section 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2018.

Approved March 14, 2018.

## **Chapter 129**

### **GLIDER KIT VEHICLES-TITLE AND REGISTRATION**

Original House Bill No. 129

AN ACT relating to motor vehicles; providing requirements for glider kit vehicle certificates of title; providing a definition; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 31-2-112 is created to read:

**31-2-112. Glider kit vehicle certificate of title.**

(a) Any county clerk may issue a glider kit vehicle certificate of title for a glider kit vehicle, as defined in W.S. 31-1-101(a)(xv)(R), containing the following notation "glider kit" conspicuously branded on the face of the certificate.

(b) Applications for a glider kit vehicle certificate of title shall be under oath and contain or be accompanied by:

(i) The name and address of the owner and the person to whom the certificate of title is to be delivered;

(ii) A description of the vehicle including the make and model year of the body that the glider kit vehicle resembles, the vehicle identification number, type of body and motive power;

(iii) A statement from the dealer or final assembler indicating:

(A) For glider kit vehicles completely assembled by the manufacturer:

(I) The manufacturer's suggested retail price (MSRP) for the completed glider kit vehicle, including the glider kit, engine, transmission, rear axles, wheels, tires and any other body, cab or mechanical component;

(II) Certification that the glider kit vehicle was newly assembled when sold to the applicant.

(B) For glider kit vehicles fully assembled after purchase from the manufacturer, a notarized statement of value or appraisal from the final assembler of the glider kit vehicle. The statement of value or appraisal shall include:

(I) The value of the completed glider kit vehicle, including the glider kit, engine, transmission, rear axles, wheels, tires and any other body, cab or mechanical component;

(II) A statement of work performed to completely assemble the glider kit vehicle, including a list of components that were refurbished.

(iv) Certification of the applicant's ownership and any liens or encumbrances upon the glider kit vehicle;

(v) Such other information as required by the department or county clerk, including a vehicle bill of sale, any other information required under W.S. 31-2-103 and any documentation necessary to verify proof of ownership including an affidavit for proof of ownership or any surety bond required by this act. An affidavit for proof of ownership shall be by form prescribed pursuant to W.S. 31-1-201(d) and shall be utilized by each county of this state.

(c) The owner of a glider kit vehicle who has been issued a certificate of title under another section of this article may apply for a glider kit vehicle certificate of title under this section.

(d) A certificate of title issued under this section shall list the model year as the model year that the body of the glider kit vehicle resembles.

(e) For glider kit vehicle certificates of title issued under this section, the vehicle identification number that is listed on the certificate of title shall be the vehicle identification number listed on the manufacturer's statement of origin. If the manufacturer's statement of origin does not list a vehicle identification number, a vehicle identification number shall be assigned pursuant to W.S. 31-11-105.

(f) Glider kit vehicles shall be titled, registered and licensed pursuant to the provisions of this chapter and chapter 18 of this title.

**Section 2.** W.S. 31-2-106(a)(intro) and by creating a new paragraph (vii) and 31-18-201(b)(intro) are amended to read:

**31-2-106. Definitions.**

(a) As used in W.S. 31-2-106 through ~~31-2-111~~ 31-2-112:

(vii) "Glider kit vehicle" means every large truck manufactured from a kit manufactured by a manufacturer of large trucks that consists of a frame, a cab complete with wiring and instruments, fenders, hood and front axles, and consists of one (1) or more additional major components including an engine, transmission, rear axles, wheels and tires.

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

(b) Except as otherwise provided by W.S. 31-18-202 and subsections (h) and (j) of this section, every owner of a commercial vehicle or fleet of commercial vehicles shall comply with the requirements for certificates of title contained in W.S. 31-2-101 through 31-2-105 and, for glider kit vehicles, the additional requirements contained in W.S. 31-2-112, and register and license the vehicle or fleet for operation in Wyoming in accordance with the time requirements contained in W.S. 31-2-201(a)(i) and (ii) as follows:

**Section 3.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 130

### DRUG DONATION PROGRAM ACT-EXPANSION

Original Senate File No. 105

AN ACT relating to food and drugs; expanding the drug donation and redispensing program as specified; creating a definition; authorizing positions; 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. 35-7-1602(a)(i) and by creating a new paragraph (iii) and 35-7-1603(b) by creating a new paragraph (viii) are amended to read:

**35-7-1602. Definitions.**

(a) For purposes of this act:

(i) “Prescription drug” means a pharmaceutical drug which is required by any applicable federal or state law to be dispensed only pursuant to a health care provider’s prescription;~~and~~

(iii) “Department” means the department of health.

**35-7-1603. Drug donation, redispensing and disposal program established; minimum requirements.**

(b) The drug donation and redispensing program shall have the following features:

(viii) The department shall provide access to computer systems and technical assistance to aid individuals in applying for government and private prescription drug programs and discounts.

**Section 2.** The department of health is authorized four (4) additional part-time positions for the biennium beginning July 1, 2018 and ending June 30, 2020 to implement the purposes of this act. The department of health shall not include those positions nor any funding for those positions in its 2021-2022 standard budget request.

**Section 3.** For the period beginning with the effective date of this act and ending June 30, 2020, there is appropriated one hundred ninety-two thousand forty-three dollars (\$192,043.00) from the general fund to the department of health. This appropriation shall only be expended to implement 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, 2020.

**Section 4.** The department of health shall report to the joint labor, health and social services interim committee on the implementation of this act by October 1, 2019.

**Section 5.** This act is effective July 1, 2018.

Approved March 14, 2018.

**Chapter 131****MEDICAID BIRTH COST RECOVERY**

Original House Bill No. 86

AN ACT relating to welfare; requiring the department of family services to recover birth costs paid by medical assistance from specified persons; providing procedures for the calculation and collection of birth costs; creating accounts; providing rulemaking authority; requiring specified persons to cooperate with a paternity determination as a condition of eligibility for medical assistance; making conforming amendments; specifying applicability; and providing for effective dates.

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

**Section 1.** W.S. 14-2-1001 through 14-2-1008 and 42-4-122 are created to read:

ARTICLE 10  
MEDICAID FAIRNESS ACT

**14-2-1001. Short title.**

This article may be cited as the “Medicaid Fairness Act.”

**14-2-1002. Definitions.**

(a) As used in this article:

(i) “Birth cost” means all expenses relating to prenatal care, delivery of a child and any other costs which are directly connected to a pregnancy and paid by medical assistance;

(ii) “Department” means the department of family services created pursuant to W.S. 9-2-2101;

(iii) “Federal poverty level” means the federal poverty guideline updated annually in the federal register by the United States department of health and human services;

(iv) “Medical assistance” means as defined in W.S. 42-4-102(a)(ii).

**14-2-1003. Birth cost recovery - medical assistance.**

(a) Not more than sixty (60) days after an unmarried recipient of medical assistance gives birth to a child, the department of health shall notify the department of family services of the actual amount of birth costs paid by medical assistance.

(b) Upon receiving notice pursuant to subsection (a) of this section, the department shall determine whether the paternity of the child has been established.

(c) Consistent with W.S. 42-4-106(b), if paternity has been established based on an acknowledgment made pursuant to W.S. 14-2-601, the department shall, in writing, request the father to pay the amount of birth costs established pursuant to W.S. 14-2-1004.



(d) Within ninety (90) days of a request made pursuant to subsection (c) of this section, if the father has not made full payment or has not made arrangements for full payment to the satisfaction of the department, the department shall commence a civil action in accordance with W.S. 14-2-204 to recover the amount of birth costs established pursuant to W.S. 14-2-1004.

(e) If paternity has not been established, the department, in cooperation with the mother of the child, shall use any means authorized by law to determine the paternity of the child, subject to W.S. 42-4-122(b)(ii).

(f) Consistent with W.S. 42-4-106(b), if the father of the child is identified by the department pursuant to subsection (e) of this section, the department shall bring a civil action to adjudicate paternity and recover the amount of birth costs established pursuant to W.S. 42-4-1004 from the father, in the manner set forth in W.S. 14-2-822.

(g) The department shall not take any of the actions set forth in this section on or after the fifth birthday of the child.

**14-2-1004. Birth cost recovery calculation - medical assistance.**

(a) Before requiring the payment of any amount of birth costs under W.S. 14-2-1003, the department shall require the father to provide satisfactory proof of income. If the father does not provide satisfactory proof of income, or if the department is unable to determine the father's income using any means authorized by law, a rebuttable presumption shall exist that the father's income is greater than four hundred percent (400%) of the federal poverty level.

(b) After notification of birth costs pursuant to W.S. 14-2-1003(a), the department shall calculate the amount of birth costs that are recoverable from the father in the following manner, subject to subsection (d) of this section:

(i) For a father earning less than two hundred percent (200%) of the federal poverty level, zero percent (0%) of the birth costs;

(ii) For a father earning two hundred percent (200%) or greater, but less than two hundred fifty percent (250%) of the federal poverty level, ten percent (10%) of the birth costs;

(iii) For a father earning two hundred fifty percent (250%) or greater, but less than three hundred percent (300%) of the federal poverty level, twenty percent (20%) of the birth costs;

(iv) For a father earning three hundred percent (300%) or greater, but less than three hundred fifty percent (350%) of the federal poverty level, thirty percent (30%) of the birth costs;

(v) For a father earning three hundred fifty percent (350%) or greater, but less than four hundred percent (400%) of the federal poverty level, forty percent (40%) of the birth costs;

(vi) For a father earning four hundred percent (400%) of the federal poverty level or greater, fifty percent (50%) of the birth costs.

(c) The department may assess a fee, in addition to any recoverable birth costs under subsection (b) of this section, which equals the average expenses incurred by the department on a per case basis for the administration of this article and W.S. 42-4-122, plus any attorney's fees, if applicable. No fee or attorney's fees shall be assessed against a father who meets the criteria of paragraph (b)(i) of this section.

(d) The total amount recoverable by the department under this section, including any fee or attorney's fees assessed pursuant to subsection (c) of this section, shall not exceed the average birth cost paid by medical assistance in this state, as established by rule promulgated pursuant to W.S. 14-2-1008.

**14-2-1005. Birth cost recovery allocation - medical assistance.**

(a) Except as otherwise provided in subsections (c) and (d) of this section, any amount recovered by the department pursuant to W.S. 14-2-1003(c), (d) or (f) shall be remitted to the department of health.

(b) Except as otherwise provided in subsections (c) and (d) of this section, any amount recovered by the department pursuant to W.S. 20-2-401(f) shall be:

(i) Recovered in the manner set forth in W.S. 20-6-101 through 20-6-222; and

(ii) Remitted by the department to the department of health.

(c) The department of health shall remit to the federal government any amount collected under this article and required to be reimbursed pursuant to 42 U.S.C. 1396k(b).

(d) The department may, on a quarterly basis, remit:

(i) Forty percent (40%) of the total amount of birth costs recovered pursuant to W.S. 14-2-1003(c), (d) and (f) and 20-2-401(f), less any reimbursements made to the federal government pursuant to subsection (c) of this section, to the birth cost recovery incentive account created pursuant to W.S. 14-2-1006(a).

(ii) Any fee or attorney's fee assessed by the department pursuant to W.S. 14-2-1004(c) to the birth cost recovery administration account created pursuant to W.S. 14-2-1006(b).

**14-2-1006. Birth cost recovery accounts.**

(a) There is created the birth cost recovery incentive account. Funds remitted to the account pursuant to W.S. 14-2-1005(d)(i) shall be used by the department for any services or programs relating to infants or mothers. The account may be divided into subaccounts for purposes of administrative management. Funds

in the account are continuously appropriated and shall not lapse at the end of any fiscal period.

(b) There is created the birth cost recovery administration account. Funds remitted to the account pursuant to W.S. 14-2-1005(d)(ii) shall be used by the department to offset the costs of the administration of this article and W.S. 42-4-122. The account may be divided into subaccounts for purposes of administrative management. Funds in the account are continuously appropriated and shall not lapse at the end of any fiscal period.

**14-2-1007. Best interests of a child.**

The department shall not take any action authorized by this article and W.S. 42-4-122 if the department determines that the action would not be in the best interests of a child.

**14-2-1008. Adoption of rules.**

The department of family services and the department of health, in consultation with each other, shall each promulgate rules to carry out the provisions of this article and W.S. 42-4-122.

**42-4-122. Cooperation with paternity determination.**

(a) Except as otherwise provided in subsection (b) of this section, as a condition of eligibility, or continuing eligibility, for medical assistance under this chapter, a person who receives medical assistance shall cooperate in good faith with the department to:

(i) Establish the paternity of a child, including any proceeding to adjudicate parentage that is held pursuant to W.S. 14-2-801 through 14-2-823;

(ii) Obtain a child support obligation payment or other payments or property to which the state may have a claim, including recovery of birth costs paid by medical assistance pursuant to W.S. 14-2-1001 through 14-2-1008.

(b) The following persons are not required to cooperate with the department pursuant to subsection (a) of this section:

(i) A person who is pregnant, or who has been pregnant within the preceding sixty (60) days;

(ii) A person who has good cause to not cooperate with the department, as determined by rule promulgated pursuant to W.S. 14-2-1008.

**Section 2.** W.S. 14-2-822 by creating a new subsection (g), 20-2-401 by creating new subsections (f) and (g) and 42-1-102(a)(intro) are amended to read:

**14-2-822. Order adjudicating parentage.**

(g) Upon a sufficient showing by the department of family services that birth costs were paid by medical assistance within the preceding five (5) years,

the court shall include a requirement in an order adjudicating parentage that the father pay birth costs to the department in the manner set forth in W.S. 14-2-1004. Failure of the department to make a sufficient showing under this subsection shall not preclude the department from subsequently seeking recovery in any other manner authorized by law.

**20-2-401. Medical support to be included as part of child support order.**

(f) In any action to establish or modify a child support obligation and upon a sufficient showing by the department of family services that birth costs were paid by medical assistance within the preceding five (5) years, the court shall also order that the father pay birth costs to the department in the manner set forth in W.S. 14-2-1001 through 14-2-1008. Failure of the department to make a sufficient showing under this subsection shall not preclude the department from subsequently seeking recovery in any other manner authorized by law.

(g) If the department of family services has previously attempted to recover birth costs pursuant to W.S. 14-2-1001 through 14-2-1008, the court is not required to issue the order described in subsection (f) of this section.

**42-1-102. Conflict with federal laws.**

(a) If any provision of this title or W.S. 14-2-1001 through 14-2-1008 is found to be in conflict with federal law or to come in conflict with federal law due to new federal enactments, the department shall:

**Section 3.** On or before July 1, 2018, the department of family services and the department of health, in consultation with each other, shall each promulgate rules required by section 1 of this act, provided that these rules shall not take effect until July 1, 2018.

**Section 4.** This act applies to the costs of the birth of any child by paid medical assistance on or after July 1, 2018.

**Section 5.**

(a) Except as otherwise provided in subsection (b) of this section, this act is effective July 1, 2018.

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

Approved March 14, 2018.

**Chapter 132**

**RETIREMENT INCOME SECURITY TASK FORCE-2**

AN ACT relating to the administration of government; creating a task force on retirement income security; providing for a study of retirement preparedness and retirement savings programs; requiring a report; providing appropriations; and providing for an effective date.

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

**Section 1.**

(a) There is created the retirement income security task force consisting of the following members:

- (i) The state treasurer or his designee;
- (ii) The director of the Wyoming department of workforce services or his designee;
- (iii) One (1) representative of a Wyoming organization that represents retired persons, appointed by the state treasurer;
- (iv) One (1) representative of the Wyoming business community, appointed by the state treasurer;
- (v) One (1) representative of a nonprofit organization in Wyoming, appointed by the state treasurer;
- (vi) One (1) representative of the financial services community in Wyoming, appointed by the state treasurer;
- (vii) One (1) member of the Wyoming senate, appointed by the president of the senate;
- (viii) One (1) member of the Wyoming house of representatives, appointed by the speaker of the house;
- (ix) The director of the state retirement system or his designee.

(b) The task force shall select from among its members a chairman and a vice-chairman.

(c) The task force shall be staffed by the state retirement system. State agencies shall provide information and assistance to the task force as requested by the task force.

(d) The task force shall identify, study and make recommendations concerning:

- (i) The preparedness of Wyoming residents to retire in a financially secure manner, including an evaluation of options and processes for private sector employees having limited or no access to a retirement savings program at their places of employment;
- (ii) The number of employees in the state currently not participating in an employer sponsored retirement savings plan or program;
- (iii) Other programs and incentives that may be available to increase the percentage of financially secure retirees in Wyoming;

(iv) The financial impact to the state's social safety net programs and general fund if the state fails to act to improve citizen access to retirement savings opportunities at their places of employment.

(e) The task force shall submit a report summarizing its studies, findings and recommendations to the joint labor, health and social services interim committee on or before December 1, 2018. The joint labor, health and social services interim committee shall consider the recommendations and develop any legislation it deems appropriate for consideration by the legislature.

(f) The task force shall terminate on December 1, 2018.

### **Section 2.**

(a) There is appropriated seven thousand dollars (\$7,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2019. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force. 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, 2019.

(b) There is appropriated thirteen thousand dollars (\$13,000.00) from the general fund to the state retirement system. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2019. This appropriation shall only be expended for the purpose of funding mileage and per diem for the members of the task force [~~appointed by the governor~~] who are not state employees. 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, 2019. [~~BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.~~]

**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 14, 2018.

## **Chapter 133**

### **CHILD SEXUAL ABUSE EDUCATION AND PREVENTION**

Original Senate File No. 93

AN ACT relating to education; authorizing a school district to provide instruction to students and to take other specified actions relating to child sexual abuse education prevention and response; and providing for an effective date.

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

**Section 1.** W.S. 21-3-133 and 21-9-104 are created to read:

**21-3-133. Child sexual abuse education, prevention and response.**

(a) A school district that has not already taken similar action is authorized to take the following actions relating to child sexual abuse education, prevention and response:

(i) Provide parents with information on the warning signs of child sexual abuse and any available resources for education, prevention and response;

(ii) Provide training to teachers and other school district employees, including:

(A) Instructional methods relating to the provisions of W.S. 21-9-104;

(B) Child abuse or neglect reporting requirements specified in W.S. 14-3-205;

(C) Methods to respond to a student's disclosure of sexual abuse in a supportive and appropriate manner.

(iii) Consult with federal, state and local entities and community based organizations, including the child welfare information gateway internet website maintained by the United States department of health and human services, to identify evidence based tools and programs to prevent and respond to child sexual abuse;

(iv) Develop community based strategies to promote education, collaboration and accountability among persons and entities who are responsible for child sexual abuse education, prevention and response, including parents and guardians, law enforcement, judicial officers, health care providers and other members of the community;

(v) Coordinate with the local child protection team in accordance with W.S. 14-3-212(b)(ii);

(vi) Accept funds from private and public sources for programs relating to this section.

**21-9-104. Child sexual abuse prevention instruction.**

(a) A school district may include child sexual abuse prevention instruction in a health and safety program required under W.S. 21-9-101(b)(i)(G). A school district may provide instruction under this subsection in any appropriate manner, which may include age appropriate, evidence based instruction on:

(i) Recognizing sexual abuse and assault;

(ii) Personal boundary violations;

(iii) Ways in which a sexual offender may groom or desensitize a victim;

(iv) Strategies relating to:

- (A) Disclosure of child sexual abuse;
- (B) Reducing self blame;
- (C) Mobilizing bystanders to respond to child sexual abuse.

(b) If a school district chooses to provide instruction under subsection (a) of this section, the parent or legal guardian of a student shall provide written permission to the school district authorizing their student to participate before that student shall be allowed to participate in the instruction.

**Section 2.** This act is effective July 1, 2018.

Approved March 14, 2018.

## Chapter 134

### GENERAL GOVERNMENT APPROPRIATIONS

Original House Bill No. 1

AN ACT to make appropriations for the fiscal biennium commencing July 1, 2018 and ending June 30, 2020; providing definitions; providing for appropriations and transfers of funds for the period of the budget and for the remainder of the current biennium as specified; providing for carryover of certain funds beyond the biennium as specified; providing for employee positions as specified; providing for duties, terms and conditions and other requirements relating to appropriations for the remainder of the current biennium and the period of the budget as specified; providing for position and other budgetary limitations; amending existing law by redirecting revenues and making transfers for the remainder of the current biennium and the period of the budget; imposing a surcharge; reducing prior appropriations; creating a select committee and task forces; providing for reports related to appropriations; 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 as defined by W.S. 9-2-1005(e);
- (d) “A4” means agency trust account;
- (e) “EF” means the agency’s account within the enterprise fund;
- (f) “FF” means federal funds;
- (g) “IS” means the agency’s account within the internal service fund;
- (h) “PF” means the retirement account created by W.S. 9-3-407(a);
- (j) “PR” means private funding sources;
- (k) “P2” means the deferred compensation account referenced in W.S.



9-3-507;

(m) "RB" means revenue received from the issuance of revenue bonds;

(n) "SR" means an agency's account within the special revenue fund;

(o) "S1" means water development account I created by W.S. 41-2-124(a)(i);

(p) "S2" means water development account II created by W.S. 41-2-124(a)(ii);

(q) "S3" means the budget reserve account;

(r) "S4" means the local government capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i)(A) and 39-14-801(e)(ix);

(s) "S5" means the school foundation program account within the special revenue fund;

(t) "S6" means the school capital construction account within the special revenue fund;

(u) "S7" means the highway account within the special revenue fund;

(w) "S8" means the game and fish account within the special revenue fund;

(y) "S10" means the legislative stabilization reserve account;

(z) "S13" means the strategic investments and projects account created by W.S. 9-4-220;

(aa) "S0" means other funds identified by footnote;

(bb) "T1" means the omnibus permanent land fund;

(cc) "T2" means the miners' hospital permanent land income fund;

(dd) "T3" means the state hospital permanent land fund;

(ee) "T4" means the poor farm account within the permanent land fund as established by W.S. 9-4-310(a)(v);

(ff) "T6" means the university permanent land income fund;

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

(hh) "T0" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;

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

**Section 2.** The following sums of money, or so much thereof as is necessary, are appropriated to be expended during the two (2) years beginning July 1, 2018 and ending June 30, 2020, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency. Unless otherwise specifically provided, the conditions, terms and other requirements on appropriations are effective until June 30, 2020, subject to accrual accounting principles.

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

**Section 001. OFFICE OF THE GOVERNOR**

## PROGRAM

Administration <sup>1</sup>	6,445,348			6,445,348
Tribal Liaison <sup>2</sup>	160,000			160,000
Commission on Uniform Laws	94,903			94,903
Special Contingency <sup>3</sup>	443,275			443,275
Homeland Security <sup>4</sup>	2,788,535	20,530,288	860,993 SR	24,179,816
Natural Resource Policy <sup>5</sup>	1,000,000			1,000,000
Endangered Species Admin	1,226,780			1,226,780
Baseline Scientific Assess	307,150			307,150
TOTALS	12,465,991	20,530,288	860,993	33,857,272

## AUTHORIZED EMPLOYEES

Full Time <sup>166j</sup>	39
Part Time	1
TOTAL	40

1. Of this general fund appropriation, one hundred twenty thousand dollars (\$120,000.00) shall only be expended if there is a change of governor as a result of the 2018 general election. This appropriation shall only be expended for transition staff salaries, travel, expenses incurred in relocating to and from the governor's mansion and other related office expenses, except that up to twenty thousand dollars (\$20,000.00) of funds subject to this footnote may be expended for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne and not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) appointee. Notwithstanding any other provision of law, these funds 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, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, one hundred sixty thousand dollars (\$160,000.00) 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, 2020.

3. Of this general fund appropriation, one hundred thirty-three thousand dollars (\$133,000.00) is effective immediately.

4. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) is effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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5. This general fund appropriation shall be deposited into the federal natural resource policy account created by W.S. 9-4-218(a).

~~[6. One (1) of the full-time positions authorized in this section shall be limited to the period from July 1, 2018 through December 31, 2018, after which one (1) position shall not be authorized.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]~~

### Section 002. SECRETARY OF STATE

#### PROGRAM

Administration <sup>1, 2, 3</sup>	8,261,237	171,901		8,433,138
Securities Enforcement			628,326 SR	628,326
Bucking Horse & Rider			20,000 SR	20,000
TOTALS	8,261,237	171,901	648,326	9,081,464

#### AUTHORIZED EMPLOYEES

Full Time	31
Part Time	0
TOTAL	31

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of secretary of state as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds 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, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, ten thousand dollars (\$10,000.00) is effective immediately and shall only be expended for transition staff salaries, travel and other related office expenses for a newly appointed secretary of state. Notwithstanding any other provision of law, these funds 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, 2018. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

3. Of this general fund appropriation, one hundred ninety-eight thousand dollars (\$198,000.00) shall only be expended for the purpose of paying costs of publication required by W.S. 22-20-104 and 22-24-318(b) if the secretary of state validates that a sufficient number of qualified petitions are filed for placement

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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of an initiative or for paying costs of publication required by W.S. 22-20-104 for any joint resolution submitted to the office of the secretary of state that would propose amendment to the Wyoming Constitution on the 2018 statewide election ballot. If 2018 Senate Joint Resolution 0003 is not submitted to the office of the secretary of state for placement on the ballot, this appropriation shall be reduced by one hundred ten thousand dollars (\$110,000.00). If 2018 Senate Joint Resolution 0004 is not submitted to the office of the secretary of state for placement on the ballot, this appropriation shall be reduced by eighty-eight thousand dollars (\$88,000.00). Any unexpended, unobligated funds remaining from the appropriation associated with this footnote shall revert as provided by law on June 30, 2019.

### Section 003. STATE AUDITOR

#### PROGRAM

Administration <sup>1</sup>	16,767,466			16,767,466
GF License Revenue Recoup	1,638,128			1,638,128
TOTALS	18,405,594	0	0	18,405,594

#### AUTHORIZED EMPLOYEES

Full Time	26
Part Time	0
TOTAL	26

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of state auditor as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds 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, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

### Section 004. STATE TREASURER

#### PROGRAM

Treasurer's Operations <sup>1</sup>	4,171,318		45,000	SR	4,216,318
Veterans' Tax Exemption <sup>2</sup>	11,089,881				11,089,881
Manager Payments			52,928,248	SR	52,928,248
Unclaimed Property			1,821,707	SR	1,821,707
Internal Investments <sup>3</sup>			5,991,353	SR	5,991,353
Native American Exemption	692,821				692,821
TOTALS	15,954,020	0	60,786,308		76,740,328

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
AUTHORIZED EMPLOYEES				
Full Time	35			
Part Time	<u>0</u>			
TOTAL	35			

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of state treasurer as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds 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, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, three hundred eighty-nine thousand four hundred forty-four dollars (\$389,444.00) is effective immediately.

3. The state treasurer shall report on the documented savings resulting from increased use of internal investment personnel and reduced payments for external investment managers to the joint appropriations committee and the select committee on capital financing and investments not later than June 30, 2019 and June 30, 2020. Reported savings shall be limited to foregone expenditures from terminated or renegotiated contracts with external investment managers and funds. The state treasurer shall also include an explanation and accounting of all expenditures relating to the work performed by internal investment personnel. The report shall outline the standards, objectives and investment policies for all funds subject to internal management, and a performance report for the funds, including benchmark comparisons, overall return on the funds, as well as comparative performance from the externally managed funds for an identical timeframe.

#### **Section 006. ADMINISTRATION AND INFORMATION**

##### PROGRAM

Director's Office	4,056,431	462,599	SR	4,519,030
Professional Licensing Bds		1,055,194	SR	1,055,194
Budget Division	2,315,739			2,315,739
General Services <sup>1</sup>	54,008,928	25,957,714	IS	
		228,300	SR	80,194,942
Human Resources Division	3,310,948			3,310,948
Employees' Group Insurance <sup>2</sup>		715,306,368	IS	
		8,000,000	SR	723,306,368
Economic Analysis	1,236,036			1,236,036

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
State Library	4,191,188	1,171,034	4,067,901	SR 9,430,123
TOTALS	69,119,270	1,171,034	755,078,076	825,368,380

#### AUTHORIZED EMPLOYEES

Full Time	212
Part Time	1
TOTAL	213

1. This internal service fund appropriation shall only be expended for vehicle replacements as a result of vehicle condition needs as determined by the director of the department of administration and information or after a vehicle has attained mileage of at least one hundred fifty thousand (150,000) miles.

2. Of this other funds appropriation, up to three hundred twenty thousand dollars (\$320,000.00)IS shall be expended for contract participation in a volunteer, multi-payer claims database. The department shall make any analysis from the claims database joined pursuant to this footnote available to the public. The information made publicly available shall not disclose personally identifiable information but shall include statistical information related to health care costs in the state. The department shall require an annual report from the contractor identifying the potential cost savings and recommendations for improved efficiency and savings within the operation of the state employees' and officials' group insurance program. The department shall transmit the report to the joint labor, health and social services interim committee and the joint appropriations committee not later than December 1, 2018 and December 1, 2019.

#### Section 007. WYOMING MILITARY DEPARTMENT

PROGRAM				
Military Dept. Operation	10,403,799			10,403,799
Air National Guard <sup>1</sup>	847,980	13,678,707		14,526,687
Camp Guernsey			912,661	SR 912,661
Army National Guard <sup>2</sup>	39,325	38,876,918	4,487,736	S5 43,403,979
Veterans' Services	2,817,954	227,515	7,500	SR 3,052,969
Oregon Trail Cemetery	402,201		20,000	SR 422,201
Military Support	68,166			68,166
Civil Air Patrol	235,717			235,717
TOTALS	14,815,142	52,783,140	5,427,897	73,026,179

#### AUTHORIZED EMPLOYEES

Full Time <sup>1,2</sup>	242
Part Time	29
TOTAL	271

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

1. Pursuant to W.S. 19-7-103(b)(xxii), authority is granted to the department to hire up to nine (9) full-time positions or at-will contract positions within this division only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of each filled position. In the event federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, as determined by the United States property and fiscal officer for Wyoming, the position shall be eliminated. The department shall report to the joint appropriations committee on all positions created or eliminated pursuant to this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

2. Pursuant to W.S. 19-7-103(b)(xxii), authority is granted to the department to hire up to thirteen (13) full-time positions or at-will contract positions within this division only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of each filled position. In the event federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, as determined by the United States property and fiscal officer for Wyoming, the position shall be eliminated. The department shall report to the joint appropriations committee on all positions created or eliminated pursuant to this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

### Section 008. OFFICE OF THE PUBLIC DEFENDER

#### PROGRAM

Administration <sup>1</sup>	20,041,636		3,536,839	SR	23,578,475
Guardian Ad Litem	3,982,482		995,620	SR	4,978,102
TOTALS	24,024,118	0	4,532,459		28,556,577

#### AUTHORIZED EMPLOYEES

Full Time	84
Part Time	16
TOTAL	100

1. Without regard to the priorities presented in the 2019-2020 budget request by the office of the public defender, the public defender is authorized to expend appropriated funds in excess of the 2019-2020 standard budget and to fill authorized positions in excess of the 2019-2020 standard budget in a manner that addresses caseload work requirements and geographic distribution in the most effective and efficient manner.

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

**Section 009. WYOMING PIPELINE AUTHORITY**

## PROGRAM

Administration	987,487			987,487
TOTALS	987,487	0	0	987,487

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 010. DEPARTMENT OF AGRICULTURE**

## PROGRAM

Administration Division <sup>1</sup>	2,589,515		5,000	SR	2,594,515
Ag Education and Info	20,000		20,000	SR	40,000
Consumer Protection Div.	11,680,988	1,286,696	1,188,065	SR	14,155,749
Natural Resources Div.	4,320,392	7,914	656,008	S1	4,984,314
Pesticide Registration	773,671				773,671
State Fair	2,946,279		1,072,673	SR	4,018,952
Weed & Pest Control			856,913	SR	856,913
Predator Management	4,808,604				4,808,604
Wyoming Beef Council			2,245,263	SR	2,245,263
Wyo Wheat Mktg Comm			178,700	SR	178,700
Dry Bean Commission			300,000	SR	300,000
Leaf Cutter Bee			11,195	SR	11,195
TOTALS	27,139,449	1,294,610	6,533,817		34,967,876

## AUTHORIZED EMPLOYEES

Full Time	78
Part Time	7
TOTAL	85

1. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for agricultural education offered to adults.

**Section 011. DEPARTMENT OF REVENUE**

## PROGRAM

Administration <sup>1</sup>	3,250,068				3,250,068
Revenue Division <sup>2,3,4</sup>	8,434,104		790,535	SR	9,224,639
Valuation Division	4,621,426				4,621,426
Liquor Division			8,364,228	EF	8,364,228



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Liquor Sales & Purchases			175,000,000	EF 175,000,000
General Fund Transfers			27,000,000	EF 27,000,000
TOTALS	16,305,598	0	211,154,763	227,460,361

#### AUTHORIZED EMPLOYEES

Full Time	114
Part Time	0
TOTAL	114

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) for professional services related to the technical support of the excise tax and mineral tax information systems shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, five thousand dollars (\$5,000.00) for dues, licenses and registration shall not be included in the agency's 2021-2022 standard budget request.

3. The department shall report to management council, to any select committee or task force created from legislation enacted during the 2018 budget session to improve government efficiencies and to the joint appropriations committee on the effectiveness of adding one (1) position to the excise tax unit and one (1) position to the mineral tax unit. The report shall include the historic trend in tax assessments and collections, the trend in the compliance ratio, the trend in the number of reviews conducted by the department and the potential increase in the amount of collections which may be attributable to the two (2) additional positions referenced in this footnote. The department shall submit a preliminary report not later than December 1, 2019 and a final report as of June 30, 2020.

4. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended to continue the study on the use of discounted cash flow valuation for the ad valorem tax on oil and gas production pursuant to 2017 Wyoming Session Laws, Chapter 143. The department shall provide an update on the study to the joint revenue interim committee not later than November 30, 2018 and shall report the results of the study and final recommendations to the joint revenue interim committee not later than November 30, 2019, as required by 2017 Wyoming Session Laws, Chapter 143.

#### Section 014. MINERS' HOSPITAL BOARD

##### PROGRAM

Miners' Hospital Board <sup>1</sup>			9,631,702	T2	9,631,702
TOTALS	0	0	9,631,702		9,631,702

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
AUTHORIZED EMPLOYEES				
Full Time	3			
Part Time	0			
TOTAL	3			

1. Of this other funds appropriation, one million eight hundred twenty-seven thousand six hundred forty-four dollars (\$1,827,644.00)T2 is effective immediately.

### Section 015. ATTORNEY GENERAL

#### PROGRAM

Law Office <sup>1</sup>	19,276,004	780,928	35,002	S1	
			1,767,003	S5	
			3,501,471	SR	
			738,021	TT	26,098,429
Criminal Investigations <sup>2</sup>	26,104,554	4,404,939	1,020,072	SR	31,529,565
Law Enforcement Academy	5,484,629		1,227,864	EF	6,712,493
Peace Off Stds & Trng	397,009	50,000	38,400	SR	485,409
Casper Field Office	300,279				300,279
Victim Services Division	7,184,967	13,097,367	5,252,006	SR	25,534,340
Governor's Council on DD	434,674	950,262			1,384,936
TOTALS	59,182,116	19,283,496	13,579,839		92,045,451

#### AUTHORIZED EMPLOYEES

Full Time	238
Part Time	2
TOTAL	240

1. If the federal nuclear regulatory commission enters into a final agreement with the state of Wyoming for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state, any unexpended, unobligated general funds appropriated for two (2) full-time permanent positions and associated support costs for fiscal year 2019 to implement the final agreement shall revert to the budget reserve account. If the agreement is executed during fiscal year 2019, an equal amount of special revenue generated from fees on regulated entities under the agreement is hereby appropriated for two (2) full-time permanent positions and associated support costs to implement the final agreement for fiscal year 2019.

2. General fund appropriations for vehicle replacements for this division shall only be expended as a result of vehicle condition needs as determined by the

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

attorney general or after a vehicle has attained mileage of at least one hundred fifty thousand (150,000) miles.

### Section 020. DEPARTMENT OF ENVIRONMENTAL QUALITY

#### PROGRAM

Administration	6,102,305				6,102,305
Air Quality	6,583,500	1,459,339	12,635,481	SR	20,678,320
Water Quality	11,874,317	9,308,156	1,196,775	SR	22,379,248
Land Quality	4,772,956	4,458,612			9,231,568
Industrial Siting	640,571				640,571
Solid Waste Management	4,708,343	3,345,365	3,509,131	SR	11,562,839
Uranium NRC Agreement <sup>1</sup>	848,267		848,267	SR	1,696,534
Abandoned Mine Reclam.		102,920,574			102,920,574
TOTALS	35,530,259	121,492,046	18,189,654		175,211,959

#### AUTHORIZED EMPLOYEES

Full Time	262
Part Time	0
TOTAL	262

1. If the federal nuclear regulatory commission enters into a final agreement with the state of Wyoming for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state, any unexpended, unobligated general funds appropriated for six (6) full-time permanent positions and associated support costs for fiscal year 2019 to implement the final agreement shall revert to the budget reserve account. If the agreement is executed during fiscal year 2019, an equal amount of special revenue generated from fees on regulated entities under the agreement is hereby appropriated for six (6) full-time permanent positions and associated support costs to implement the final agreement for fiscal year 2019.

### Section 021. DEPARTMENT OF AUDIT

#### PROGRAM

Administration	537,395	276,963	271,452	SR	1,085,810
Banking			5,202,202	SR	5,202,202
Public Fund	5,612,600				5,612,600
Mineral	2,911,372	4,856,227	220,000	SR	7,987,599
Excise <sup>1</sup>	4,022,758		91,000	S7	4,113,758
TOTALS	13,084,125	5,133,190	5,784,654		24,001,969

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

#### AUTHORIZED EMPLOYEES

Full Time	105
Part Time	<u>0</u>
TOTAL	105

1. The department shall report to management council, to any select committee or task force created from legislation enacted during the 2018 budget session to improve government efficiencies and to the joint appropriations committee on the effectiveness of adding three (3) positions to the excise tax division. The report shall include the historic trend in tax assessments and collections attributable to audits, the per employee trend in tax assessments and collections attributable to audits, the trend in the compliance ratio, the trend in the number of audits conducted by the department, and the potential increase in the number of audits and amount of assessments and collections which may be attributable to the three (3) additional positions referenced in this footnote. The department shall submit a preliminary report not later than December 1, 2019 and a final report as of June 30, 2020.

#### Section 023. PUBLIC SERVICE COMMISSION

PROGRAM					
Administration		360,000	7,532,984	SR	7,892,984
Consumer Advocate Div.			2,004,246	SR	2,004,246
Universal Service Fund			6,672,385	SR	6,672,385
TOTALS		<u>0</u>	<u>360,000</u>		<u>16,569,615</u>

#### AUTHORIZED EMPLOYEES

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

#### Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM					
Administration & Support	3,335,246				3,335,246
Cultural Resources <sup>1</sup>	9,266,167	2,758,913	200,000	EF	
			2,831,450	SR	15,056,530
St Parks & Hist. Sites <sup>2, 3, 4</sup>	19,011,260	4,258,118	40,000	EF	
			12,101,185	SR	35,410,563
TOTALS	<u>31,612,673</u>	<u>7,017,031</u>	<u>15,172,635</u>		<u>53,802,339</u>

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

#### AUTHORIZED EMPLOYEES

Full Time	161
Part Time	<u>88</u>
TOTAL	249

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. The appropriation associated with this footnote shall not be included in the agency’s 2021-2022 standard budget request.

2. Of this general fund appropriation, one hundred fifty thousand dollars (\$150,000.00) shall only be expended for the development and creation of content for an outdoor recreation website. The department shall collaborate with other state entities, including the Wyoming tourism board, the game and fish department, the Wyoming department of transportation, the Wyoming state board of outfitters and other state entities that promote outdoor recreation in the creation of the website to ensure the website enhances and is linked to each state entity’s website. The department shall also request each state entity provide a link to the outdoor recreation website on the state entity’s website.

3. Of this general fund appropriation, three hundred eighty thousand nine hundred nine dollars (\$380,909.00) is effective immediately. The appropriation associated with this footnote shall not be included in the agency’s 2021-2022 standard budget request.

4. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) for the Wyoming conservation corps and the veterans trail crew shall not be included in the agency’s 2021-2022 standard budget request.

#### Section 027. STATE CONSTRUCTION DEPARTMENT

PROGRAM				
Operations	1,789,170		4,035,223	\$6 5,824,393
School Facilities Div. <sup>1</sup>			149,040,713	\$6 149,040,713
Construction Management <sup>2</sup>	<u>1,365,019</u>		<u>170,693</u>	\$0 1,535,712
TOTALS	3,154,189	0	153,246,629	156,400,818

#### AUTHORIZED EMPLOYEES

Full Time	28
Part Time	<u>0</u>
TOTAL	28

1. In addition to expenditures for major building and facility repair and replacement pursuant to W.S. 21-15-109, a school district may expend up to ten percent (10%) of the amount distributed under this program for the period

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

commencing July 1, 2018 and ending June 30, 2020 for safety and security building and facility needs. No expenditure shall be made under this footnote without the approval of the department.

2. Of this other funds appropriation, one hundred seventy thousand six hundred ninety-three dollars (\$170,693.00)S0 is appropriated from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) for purposes of funding one (1) full-time position and related costs for the period beginning July 1, 2018 and ending June 30, 2020. The appropriation and position associated with this footnote shall not be included in the agency’s 2021-2022 standard budget request.

**Section 029. WYO WATER DEVELOPMENT OFFICE**

PROGRAM				
Administration	0	0	7,966,528	S1 7,966,528
TOTALS	0	0	7,966,528	7,966,528

**AUTHORIZED EMPLOYEES**

Full Time	25
Part Time	0
TOTAL	25

**Section 032. WYOMING INFRASTRUCTURE AUTHORITY**

PROGRAM				
Administration <sup>1</sup>	1,376,536	0	0	1,376,536
TOTALS	1,376,536	0	0	1,376,536

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

1. (a) The Wyoming infrastructure authority shall coordinate the development of the Wyoming energy strategy. The energy strategy may include:

- (i) Activities of agencies, boards and commissions;
  - (ii) Policy initiatives and other actions aimed at economic competitiveness, expansion and diversification;
  - (iii) Efficient and effective regulation;
  - (iv) Natural resource conservation, reclamation and mitigation; and
  - (v) Education, innovation and the use of new technologies.
- (b) The Wyoming infrastructure authority shall identify appropriate

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

means to implement energy strategy initiatives, including working with other agencies, boards and commissions which shall make budget recommendations to the governor as necessary for the agencies, boards and commissions to implement the initiatives. The Wyoming infrastructure authority shall provide a preliminary report on the energy strategy, including initiatives and progress on implementation of the strategy, to the joint minerals, business and economic development interim committee not later than October 31, 2018 and a final report not later than October 31, 2019.

### Section 037. STATE ENGINEER

#### PROGRAM

Administration	2,065,372				2,065,372
Ground Water Division	3,022,866				3,022,866
Surface Water Division	2,274,487				2,274,487
Board of Control Div. <sup>1(a)</sup>			13,410,021	S1	13,410,021
Support Services Div.	2,183,253				2,183,253
Board of Registration PE			947,809	SR	947,809
Interstate Streams Div.	1,255,279		102,953	S1	1,358,232
Special Projects			17,820	SR	17,820
North Platte Settlement	1,369,760				1,369,760
Well Drillers' Licensing			231,516	SR	231,516
TOTALS	12,171,017	0	14,710,119		26,881,136

#### AUTHORIZED EMPLOYEES

Full Time	115
Part Time	8
TOTAL	123

**~~[1. Prior to approving vacation leave under chapter six of the department of administration and information, human resources division rules, the state engineer and agency management shall ensure adequate year-round employee coverage is available to complete all duties assigned to water commissioners, including during the months of July and August.]~~**  
**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]**

### Section 039. WILDLIFE/NATURAL RESOURCE TRUST

#### PROGRAM

Administration			7,995,281	SR	7,995,281
TOTALS	0	0	7,995,281		7,995,281

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	2			
Part Time	<u>0</u>			
TOTAL	2			

**Section 041. FIRE PREVENTION & ELEC SAFETY**

## PROGRAM

Administration	933,995			933,995
Fire Prevention Admin.	1,899,716			1,899,716
Electrical Safety Admin.	1,504,378		846,568 SR	2,350,946
Training	1,465,030			1,465,030
Fire Academy	<u>474,216</u>			<u>474,216</u>
TOTALS	6,277,335	0	846,568	7,123,903

**AUTHORIZED EMPLOYEES**

Full Time	33
Part Time	<u>0</u>
TOTAL	33

**Section 042. GEOLOGICAL SURVEY**

## PROGRAM

Geologic Program	<u>4,582,225</u>			<u>4,582,225</u>
TOTALS	4,582,225	0	0	4,582,225

**AUTHORIZED EMPLOYEES**

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

**Section 044. INSURANCE DEPARTMENT**

## PROGRAM

Administration			6,227,921 SR	6,227,921
Health Insurance Pool	4,412,348		6,858,271 EF	11,270,619
WY Small Empl. Reinsurance			<u>26,801,280 EF</u>	<u>26,801,280</u>
TOTALS	4,412,348	0	39,887,472	44,299,820

**AUTHORIZED EMPLOYEES**

Full Time	26
Part Time	<u>0</u>
TOTAL	26



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 045. DEPARTMENT OF TRANSPORTATION</b>				
PROGRAM				
Administration			3,661,229	S7 3,661,229
Administrative Services		168,150	43,910,138	S7 45,914,288
			1,836,000	SR 45,914,288
Law Enforcement	160,000	5,690,395	82,846,849	S7 89,002,859
			305,615	SR 89,002,859
WyoLink <sup>1</sup>			1,365,874	IS 6,033,067
			2,746,091	S4 6,033,067
			1,921,102	S7 6,033,067
Aeronautics Admin.		310,300	3,900,708	S7 4,211,008
Operational Services			2,405,010	IS 2,405,010
Aeronautics <sup>2</sup>	1,000,000	45,225,000	160,394	IS 67,087,834
			20,702,440	S7 67,087,834
<b>TOTALS</b>	<b>1,160,000</b>	<b>51,393,845</b>	<b>165,761,450</b>	<b>218,315,295</b>

#### AUTHORIZED EMPLOYEES

Full Time	560
Part Time	0
<b>TOTAL</b>	<b>560</b>

1. Of this other funds appropriation, two million seven hundred forty-six thousand ninety-one dollars (\$2,746,091.00)S4 shall be used to fund the ongoing costs of hardware and software maintenance for the WyoLink system. As a condition of this appropriation, the department shall administer a billing system for the use of the WyoLink statewide public safety interoperable radio system. The appropriation from the local government capital construction account shall be used to pay any charges to local governments until the two million seven hundred forty-six thousand ninety-one dollar (\$2,746,091.00)S4 appropriation is exhausted.

2. (a) Of this general fund appropriation, one million dollars (\$1,000,000.00) shall only be expended to continue the air service enhancement program created by W.S. 10-3-601 under the following conditions:

(i) The department has expended at least two million six hundred twenty-four thousand nine hundred one dollars (\$2,624,901.00)S7 for air service enhancement; and

(ii) The expenditure of this appropriation is necessary to avoid interruption to commercial air service to the communities the air service enhancement program presently serves.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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(b) The appropriation associated with this footnote shall be reduced by an amount equal to any appropriation to the aeronautics commission in 2018 Senate File 0040 as enacted into law.

### Section 048. DEPARTMENT OF HEALTH

#### PROGRAM

Director's Office <sup>1</sup> .	10,581,921	1,848,033	212,814	SR	12,642,768
Health Care Financing <sup>2,3,4,5</sup> .	581,070,344	716,443,625	33,733,320	SR	
			2,000,000	TT	1,333,247,289
Public Health <sup>6,7</sup> .	40,148,690	60,926,568	80,917	A4	
			18,027,080	SR	
			11,019,599	TT	130,202,854
Behavioral Health	244,725,398	9,399,506	50,371,667	SR	
			461,178	T3	
			589,600	T4	
			14,511,175	TT	320,058,524
Aging <sup>8</sup> .	32,247,295	17,425,952	12,939,377	SR	62,612,624
TOTALS	908,773,648	806,043,684	143,946,727		1,858,764,059

#### AUTHORIZED EMPLOYEES

Full Time <sup>5</sup> .	1,317
Part Time	68
TOTAL	1,385

1. Notwithstanding W.S. 14-8-107(b)(ii) and 35-1-428(b), for the period beginning July 1, 2018 and ending June 30, 2020, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a certificate or record issued pursuant to Title 35, Chapter 1, Article 4 of the Wyoming statutes and five dollars (\$5.00) for each five (5) year period or portion thereof that a search of files or records is undertaken pursuant to Title 35, Chapter 1, Article 4 of the Wyoming statutes. Revenues collected from the surcharge imposed under this footnote shall be deposited by the state treasurer into the Wyoming children's trust fund established under W.S. 14-8-106. This footnote shall not be effective if 2018 House Bill 0170 is enacted into law.

2. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2018 and ending June 30, 2020 shall be as follows:

(i) Twenty-five dollars (\$25.00) for an individual living in his own household;

(ii) Twenty-seven dollars and eighty cents (\$27.80) for each member of a couple living in their own household;

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

(iii) Twenty-eight dollars and seventy-two cents (\$28.72) for an individual living in the household of another;

(iv) Thirty dollars and fifty-seven cents (\$30.57) for each member of a couple living in the household of another.

(b) This footnote shall be effective only if 2018 House Bill 0076 is enacted into law.

3. If 2018 House Bill 0076 is not enacted into law, one million one hundred thousand dollars (\$1,100,000.00) of this general fund appropriation for state supplemental security income payments shall be transferred to the department of family services.

4. Of this general fund appropriation, ten million dollars (\$10,000,000.00) and of this federal funds appropriation, ten million dollars (\$10,000,000.00) shall only be expended to fund reimbursement rates for Wyoming's developmental disability home and community based waivers at the rebased rates recommended in the report by Navigant Consulting to the department of health, dated January 31, 2018, entitled Comprehensive, Supports and Acquired Brain Injury Waivers SFY 2019 Provider Rate Study. Any additional funds required for purposes of compliance with this footnote shall be expended from the department's health care financing program appropriations.

5. Of this general fund appropriation, two hundred ten thousand five hundred forty-five dollars (\$210,545.00) shall only be expended for three (3) full-time positions and associated expenses for the enhancement of the medication donation program. Of this amount, eighteen thousand five hundred dollars (\$18,500.00) shall not be included in the agency's 2021-2022 standard budget request.

6. No funds appropriated for purposes of the infectious disease epidemiology unit shall be expended on outdoor advertising.

7. Of this total appropriation, not less than eight million dollars (\$8,000,000.00) shall only be expended through unit 0550 to provide grants to counties for activities designed to prevent the use, misuse or abuse of tobacco, alcohol or controlled substances and activities designed to prevent suicide. Of this eight million dollars (\$8,000,000.00), not less than two million dollars (\$2,000,000.00) shall only be expended on grants to counties for suicide prevention.

8. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended for expenses of the advisory council on palliative care created by W.S. 35-1-1202.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$		TOTAL APPROPRIATION \$
<b>Section 049. DEPARTMENT OF FAMILY SERVICES <sup>1</sup>.</b>					
PROGRAM					
Energy Assistance & WX		14,488,016			14,488,016
Institutions <sup>7</sup>	28,434,754	324,643	240,000	SR	28,999,397
Assistance & Services <sup>2, 3, 4, 5, 6, 8</sup>	118,776,798	122,735,434	4,368,317	SR	
			4,777,618	TT	250,658,167
TOTALS	147,211,552	137,548,093	9,385,935		294,145,580

#### AUTHORIZED EMPLOYEES

Full Time	687
Part Time	19
TOTAL	706

1. Notwithstanding W.S. 9-2-1005(a) and (c), of the total general fund appropriation in this section, the department, with approval of the governor, is authorized to transfer up to two hundred fifty thousand dollars (\$250,000.00) between any divisions, units or series except from appropriations for community crisis beds funded in unit 5903 or residential treatment, board of cooperative educational services or group home beds funded in unit 5915 to implement appropriations in this section that are less than the amounts requested by the agency and recommended by the governor. All transfers authorized under this footnote shall be reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b). Authority provided under this footnote shall be in addition to any authority specified in Section 305 of this act.

2. (a) Of this general fund appropriation:

(i) One million dollars (\$1,000,000.00) for child care assistance is effective immediately; and

(ii) Five million dollars (\$5,000,000.00) for local services is effective immediately.

3. Of this federal funds appropriation, twenty-one million eight hundred forty-seven thousand nine hundred thirty-two dollars (\$21,847,932.00) is appropriated for Wyoming eligibility system integration and of this amount, seven million thirty-four thousand four hundred ninety-one dollars (\$7,034,491.00) is effective immediately.

4. Of this general fund appropriation, nine million three hundred seventeen thousand four hundred ninety dollars (\$9,317,490.00) is appropriated for Wyoming eligibility system integration and as otherwise authorized by this footnote and of this amount, three million dollars (\$3,000,000.00) is effective

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

immediately and may be expended for either Wyoming eligibility system integration or child care assistance, as determined by the department.

5. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2018 and ending June 30, 2020 shall be as follows:

(i) Twenty-five dollars (\$25.00) for an individual living in his own household;

(ii) Twenty-seven dollars and eighty cents (\$27.80) for each member of a couple living in their own household;

(iii) Twenty-eight dollars and seventy-two cents (\$28.72) for an individual living in the household of another;

(iv) Thirty dollars and fifty-seven cents (\$30.57) for each member of a couple living in the household of another.

(b) This footnote shall be effective only if 2018 House Bill 0076 is not enacted into law.

6. Funds appropriated to the department to be expended on per diem payments to residential treatment facilities and group homes shall not require a contract but shall be expended in accordance with the department's rules and regulations.

7. The department shall include a request for funding in the 2021-2022 fiscal biennium for maintenance of the security systems at the Wyoming boys' school and the Wyoming girls' school including all alarms, cameras, door locks and all other security or surveillance devices, along with all cabling, computer software and computer hardware associated with those systems.

8. For the fiscal biennium commencing July 1, 2018 and ending June 30, 2020, the department shall not expend funds from this appropriation to support the overall capacity of residential and group home beds in excess of the number of certified beds on January 1, 2018.

#### **Section 051. LIVESTOCK BOARD**

PROGRAM					
Administration	1,546,301	20,234	329,490	SR	1,896,025
Animal Health	1,108,169				1,108,169
Brucellosis	883,052	382,000			1,265,052
Estrays	43,050				43,050
Brand Inspection	1,750,160		9,458,828	SR	11,208,988
Predator Control Fees			2,105,212	SR	2,105,212
<b>TOTALS</b>	<b>5,330,732</b>	<b>402,234</b>	<b>11,893,530</b>		<b>17,626,496</b>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	16			
Part Time	0			
TOTAL	16			

### Section 053. DEPARTMENT OF WORKFORCE SERVICES

#### PROGRAM

Administration & Support <sup>1</sup>	12,956,509	22,276,477	2,365,866	EF	
			6,071,428	SR	43,670,280
Vocational Rehab. <sup>2,3</sup>	5,140,313	22,722,043	2,706,740	SR	30,569,096
Unemployment Insurance		17,339,896	1,275,861	EF	
			8,707,588	SR	27,323,345
Labor Standards	2,592,669				2,592,669
Workers' Safety and Comp <sup>4,5</sup>		4,561,207	46,756,542	EF	51,317,749
Disability Determination <sup>6</sup>	185,215	6,952,465			7,137,680
TOTALS	20,874,706	73,852,088	67,884,025		162,610,819

#### AUTHORIZED EMPLOYEES

Full Time	553
Part Time	0
TOTAL	553

1. Of this other funds appropriation, one hundred ninety-three thousand nine hundred fifty-two dollars (\$193,952.00)EF shall only be expended for contract services for software development and shall not be expended for any other purpose.

2. Of this federal funds appropriation, seven hundred fifty thousand dollars (\$750,000.00) shall only be expended for contract services for migration of the department's current case management system and shall not be expended for any other purpose.

3. Of this other funds appropriation, seventy-one thousand three hundred ninety-six dollars (\$71,396.00)SR shall only be expended for maintenance agreements for telecommunications relay services and shall not be expended for any other purpose.

4. Of this other funds appropriation, one million two hundred seventy-eight thousand dollars (\$1,278,000.00)EF for information technology upgrades shall not be included in the agency's 2021-2022 standard budget request.

5. Of this other funds appropriation, one hundred ninety thousand dollars (\$190,000.00)EF shall only be expended for professional services related to the document management solution and shall not be expended for any other purpose.

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

6. Of this federal funds appropriation, one hundred sixty-one thousand five hundred fifty-eight dollars (\$161,558.00) shall only be expended for maintenance agreements related to the department's disability determination services case expert software and shall not be expended for any other purpose.

#### Section 055. OIL AND GAS COMMISSION

##### PROGRAM

Administration <sup>1</sup>		305,619	9,497,565	SR	9,803,184
Orphan Wells			7,500,000	SR	7,500,000
TOTALS	0	305,619	16,997,565		17,303,184

##### AUTHORIZED EMPLOYEES

Full Time	40
Part Time	0
TOTAL	40

1. Of this other funds appropriation, three hundred seventy-eight thousand four hundred seventeen dollars (\$378,417.00)SR shall only be expended on professional services related to the department's risk-based database management system and shall not be expended for any other purpose.

#### Section 057. COMMUNITY COLLEGE COMMISSION

##### PROGRAM

Administration	5,126,992		210,146	S5	5,337,138
State Aid	223,311,241				223,311,241
Contingency Reserve			3,200,000	SR	3,200,000
Adult Education	2,262,668	1,853,928			4,116,596
WYIN Loan & Grant Prog.	5,227,647				5,227,647
Veterans' Tuition Waiver <sup>1</sup>	1,231,250				1,231,250
WY Teacher Shortage Prog.			95,000	S5	95,000
Public Television	3,436,350		110,000	SR	3,546,350
TOTALS	240,596,148	1,853,928	3,615,146		246,065,222

##### AUTHORIZED EMPLOYEES

Full Time	14
Part Time	0
TOTAL	14

1. This general fund appropriation shall only be expended to reimburse the University of Wyoming and each community college for costs incurred to provide benefits to eligible persons who are enrolled in the veterans' tuition benefit program created by W.S. 19-14-106 as of the effective date of this section. This footnote shall not be effective if 2018 Senate File 0036 is enacted into law.

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

**Section 060. STATE LANDS AND INVESTMENTS**

PROGRAM					
Operations	11,826,205	22,665,707	392,800	S5	
			4,847,623	SR	39,732,335
Forestry <sup>1</sup>	7,296,110	774,933	1,000,000	S0	
			2,225,622	SR	11,296,665
County Emergency Suppr.			2,580,000	SR	2,580,000
Fire	3,985,729	4,055,197			8,040,926
Mineral Royalty Grants			33,400,000	S4	33,400,000
Federal Forestry Grants		6,150,000			6,150,000
Transp. Enterprise Fund			2,000,000	SR	2,000,000
TOTALS	23,108,044	33,645,837	46,446,045		103,199,926

**AUTHORIZED EMPLOYEES**

Full Time	94
Part Time	4
TOTAL	98

1. Of this other funds appropriation, one million dollars (\$1,000,000.00)S0 is appropriated from the emergency fire suppression account created by W.S. 36-1-402(a). Of this appropriation, five hundred thousand dollars (\$500,000.00) shall be available for expenditure for pine bark beetle mitigation for each year of the 2019-2020 biennium. In each year, funds shall be expended only on or after September 1 and upon approval of the governor. These funds may be expended for pine bark beetle mitigation on private, state or federal lands pursuant to memoranda of agreement entered into by the division and any local, state or federal agency.

**Section 063. GOVERNOR'S RESIDENCE**

PROGRAM				
Residence Operation	573,621			573,621
Governor's Residence	4,925			4,925
TOTALS	578,546	0	0	578,546

**AUTHORIZED EMPLOYEES**

Full Time	2
Part Time	0
TOTAL	2



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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**Section 066. WYOMING TOURISM BOARD**

## PROGRAM

Wyoming Tourism Board <sup>1,2</sup>	25,105,790		23,600	SR	25,129,390
TOTALS	25,105,790	0	23,600		25,129,390

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for purposes of a pilot grant for regional marketing efforts to increase tourism targeted at residents of neighboring states by a group of at least three (3) counties within southwest Wyoming. As a condition of the grant associated with this footnote, the Wyoming tourism board shall require the recipient to report, in conjunction with the board, to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee not later than November 1, 2019 on the expenditure of the funds, recommendations for future grants and measurable impacts of the efforts, including but not limited to local lodging tax collections and local sales and use tax collections for relevant industry classifications.

2. Of this general fund appropriation, thirty-five thousand dollars (\$35,000.00) shall only be expended for the purpose of a grant to a local government in Campbell county for an evening of fireworks displays in support of tourism related to a national convention. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2020 shall revert as provided by law.

**Section 067. UNIVERSITY OF WYOMING**

## PROGRAM

State Aid <sup>1,2,3,4</sup>	350,484,172			350,484,172
School of Energy Res. <sup>5</sup>	19,303,167			19,303,167
Tier 1 Engineering	8,369,436			8,369,436
NCAR MOU	1,802,339			1,802,339
TOTALS	379,959,114	0	0	379,959,114

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Upon application of the university board of trustees, the state loan and investment board may loan funds to the University of Wyoming for the purpose of acquiring a replacement research aircraft for the department of atmospheric science within the college of engineering and applied science. The loan interest rate shall not exceed three percent (3%) and the loan shall otherwise be in accordance with the provisions of W.S. 16-1-109. The aircraft shall be treated as a «facility» for purposes of the loan. The university shall develop a financial plan for repayment of the loan to cover the cost of servicing the loan over the expected life of the aircraft and to cover the cost of distributions to the reserve fund as specified in footnote 2 of this section. The university shall provide a report on this plan to the joint appropriations committee within thirty (30) days after the loan is executed.

2. For the use of the university aircraft, the university shall identify and distribute amounts to a reserve fund to cover the cost for routine and planned maintenance, engine replacement and propeller replacement. To the extent funds are available after servicing the loan provided for in footnote 1 of this section, additional amounts to support funding of replacement of the research aircraft shall be included in any contract for use of the aircraft to the extent practicable. Amounts received to support replacement of the aircraft shall be held in the reserve fund. Proceeds from the sale of the research aircraft, engine or any related research instrumentation shall be credited to the reserve fund.

3. (a) Of this general fund appropriation, eight million dollars (\$8,000,000.00) shall only be expended for the purpose of providing a state match for funds received by the university from athletic booster organizations or individuals donating funds to be used solely for athletic programs. This appropriation shall be retained by the state treasurer for distribution in accordance with the provisions of this footnote and only be expended for the purposes of:

(i) Authorized recruitment of prospective student athletes to the university and expenses associated with participation in intercollegiate athletics including summer school attendance, nutrition, tutoring, team travel and costs directly related to participation in competition;

(ii) Athletic training equipment.

(b) None of these funds shall be used for salaries or capital construction projects.

(c) To the extent funds are available from this appropriation, on a quarterly basis, the state treasurer shall match each cash or cash equivalent contribution actually received by the University of Wyoming for the purposes specified in this footnote for the period July 1, 2018 through June 30, 2020 by distributing to the university an amount equal to the amount of qualifying contributions for the quarter.

(d) Notwithstanding any other provision of law, this appropriation shall not

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

be transferred or expended for any other purpose not specified in this footnote and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

4. Of this general fund appropriation, five hundred thirty-four thousand dollars (\$534,000.00), or as much thereof as is necessary, shall be expended so that there is no diminution of employer-paid benefits for 4H educator employees or 4H educator contract employees as compared to other University of Wyoming employees during the period beginning July 1, 2018 and ending June 30, 2020.

5. Of this general fund appropriation, one million dollars (\$1,000,000.00) is effective immediately.

### Section 069. WICHE

#### PROGRAM

Administration & Grants	5,105,619			5,105,619
TOTALS	5,105,619	0	0	5,105,619

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 070. ENHANCED OIL RECOVERY COMM

#### PROGRAM

Commission & Support	538,629			538,629
Technical Outreach & Res	4,529,203			4,529,203
TOTALS	5,067,832	0	0	5,067,832

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 072. RETIREMENT SYSTEM

#### PROGRAM

Administration		15,813,328	PF	15,813,328
Highway Patrol		51,000	SR	51,000
Game & Fish-Wardens		75,945	SR	75,945
Deferred Compensation		2,121,849	P2	2,121,849
TOTALS	0	0	18,062,122	18,062,122

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	39			
Part Time	<u>0</u>			
TOTAL	39			

**Section 077. ENTERPRISE TECHNOLOGY SERVICES <sup>1</sup>.**

## PROGRAM

Enterprise Operations <sup>2, [5-5]</sup>	51,290,802			51,290,802
IT Enhanced Services			39,541,954	IS 39,541,954
Depreciation Reserve			906,739	IS 906,739
WUN Infrastructure <sup>3, 4</sup>			21,490,773	S5 21,490,773
TOTALS	<u>51,290,802</u>	<u>0</u>	<u>61,939,466</u>	<u>113,230,268</u>

**AUTHORIZED EMPLOYEES**

Full Time	241
Part Time	<u>1</u>
TOTAL	242

1. In cooperation with the department of education, the department of enterprise technology services shall report to the joint education interim committee and the joint appropriations committee not later than November 1, 2018 on the feasibility of administering strategic bulk purchasing of all computer hardware and operating software for all Wyoming school districts. The feasibility assessment shall include an estimate of potential cost savings, estimate of costs for administering such a system, timeline for implementation and any agency recommendations.

2. Of this general fund appropriation, two million three hundred thousand dollars (\$2,300,000.00) for cybersecurity is effective immediately.

3. In cooperation with the Wyoming community college commission, the department of enterprise technology services shall report to the joint education interim committee and the joint appropriations committee not later than November 1, 2018 on the use, costs and proportionate funding share of the Wyoming unified network by community colleges. The report shall also recommend a method of billing for costs of the Wyoming unified network by community colleges and an estimate of the amount currently paid by general funds, school foundation program funds or other funds for services rendered to the community colleges.

4. Of this other funds appropriation, three million four hundred thousand dollars (\$3,400,000.00)S5 is effective immediately.

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

**~~[5. For the fiscal biennium beginning July 1, 2018 and ending June 30, 2020, the department shall maintain, support, replace or upgrade as necessary all security and surveillance systems at the Wyoming boys' school and the Wyoming girls' school including, but not limited to, all alarms, cameras, door locks and all other security or surveillance devices, along with all cabling, computer software and computer hardware associated with those systems.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]~~**

### Section 080. DEPARTMENT OF CORRECTIONS <sup>1</sup>

#### PROGRAM

WDOC Commissaries			4,552,512	EF	4,552,512
WDOC Assistance Fund			939,783	SR	939,783
WDOC Inmate Medical	38,276,502				38,276,502
WDOC Substance Abuse Trt. <sup>2,3</sup>	3,292,205	100,000	4,450,078	TT	7,842,283
Corrections Operations	20,664,604	301,600	1,522,380	SR	
			13,472	TT	22,502,056
Field Services	37,863,739		3,606,301	TT	41,470,040
Honor Conservation Camp	16,439,057				16,439,057
Women's Center	15,930,383		45,000	SR	15,975,383
Honor Farm	14,316,516		863,379	IS	15,179,895
State Penitentiary <sup>4</sup>	58,998,111				58,998,111
WY Medium Corr. Inst.	54,258,417				54,258,417
TOTALS	260,039,534	401,600	15,992,905		276,434,039

#### AUTHORIZED EMPLOYEES

Full Time	1,226
Part Time	3
TOTAL	1,229

1. The department shall report quarterly to the joint appropriations committee on the amount of funds reappropriated under 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 080, footnote 2 on any expenditure of these funds throughout the period beginning July 1, 2018 and ending June 30, 2020.
2. Of this other funds appropriation, three million dollars (\$3,000,000.00)TT is effective immediately.
3. Of this other funds appropriation, two hundred thousand dollars (\$200,000.00)TT shall not be included in the agency's 2021-2022 standard budget request.
4. The department is authorized to transfer funds within the state penitentiary

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

facility management unit to ensure adequate levels of mechanical, electrical and safety system operations. The department shall report any transfers and expenditures pursuant to this footnote on a quarterly basis to the joint appropriations committee.

### Section 081. BOARD OF PAROLE

#### PROGRAM

Administration	1,649,689			1,649,689
TOTALS	1,649,689	0	0	1,649,689

#### AUTHORIZED EMPLOYEES

Full Time	6
Part Time	1
TOTAL	7

### Section 085. WYOMING BUSINESS COUNCIL

#### PROGRAM

Wyoming Business Council	17,244,115	6,224,757	1,748,103	SR	25,216,975
Investment Ready Comm.	38,588,050				38,588,050
TOTALS	55,832,165	6,224,757	1,748,103		63,805,025

#### AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

### Section 101. SUPREME COURT

#### PROGRAM

Administration	9,630,914	599,133	2,964,744	SR	13,194,791
Judicial Nominating Comm.	17,942				17,942
Law Library	1,469,587				1,469,587
Circuit Courts	29,780,851				29,780,851
Court Automation	2,349,714		10,117,439	SR	12,467,153
Judicial Retirement	1,963,193				1,963,193
Board of Judicial Policy	655,424				655,424
TOTALS	45,867,625	599,133	13,082,183		59,548,941

#### AUTHORIZED EMPLOYEES

Full Time	204
Part Time	25
TOTAL	229

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

**Section 102. BOARD OF LAW EXAMINERS**

## PROGRAM

Administration			240,000	SR	240,000
TOTALS	0	0	240,000		240,000

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 103. COMM ON JUDICIAL CONDUCT & ETHICS**

## PROGRAM

Administration	357,824			357,824
TOTALS	357,824	0	0	357,824

## AUTHORIZED EMPLOYEES

Full Time	1
Part Time	0
TOTAL	1

**Section 120. JUDICIAL DISTRICT 1A**

## PROGRAM

Administration	1,129,263			1,129,263
TOTALS	1,129,263	0	0	1,129,263

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 121. JUDICIAL DISTRICT 1B**

## PROGRAM

Administration	1,098,315			1,098,315
TOTALS	1,098,315	0	0	1,098,315

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

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

**Section 122. JUDICIAL DISTRICT 2A**

## PROGRAM

Administration	1,077,531			1,077,531
TOTALS	1,077,531	0	0	1,077,531

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 123. JUDICIAL DISTRICT 2B**

## PROGRAM

Administration	1,043,348			1,043,348
TOTALS	1,043,348	0	0	1,043,348

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 124. JUDICIAL DISTRICT 3B**

## PROGRAM

Administration	1,115,029			1,115,029
TOTALS	1,115,029	0	0	1,115,029

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 125. JUDICIAL DISTRICT 3A**

## PROGRAM

Administration	1,051,615			1,051,615
TOTALS	1,051,615	0	0	1,051,615

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4



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

**Section 126. JUDICIAL DISTRICT 4**

## PROGRAM

Administration	1,112,310			1,112,310
TOTALS	1,112,310	0	0	1,112,310

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 127. JUDICIAL DISTRICT 5A**

## PROGRAM

Administration	1,164,836			1,164,836
TOTALS	1,164,836	0	0	1,164,836

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 128. JUDICIAL DISTRICT 5B**

## PROGRAM

Administration	1,066,011			1,066,011
TOTALS	1,066,011	0	0	1,066,011

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 129. JUDICIAL DISTRICT 6A**

## PROGRAM

Administration	1,074,503			1,074,503
TOTALS	1,074,503	0	0	1,074,503

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

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

**Section 130. JUDICIAL DISTRICT 7A**

## PROGRAM

Administration	1,114,348			1,114,348
TOTALS	1,114,348	0	0	1,114,348

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	1
TOTAL	5

**Section 131. JUDICIAL DISTRICT 7B**

## PROGRAM

Administration	1,107,362			1,107,362
TOTALS	1,107,362	0	0	1,107,362

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	1
TOTAL	5

**Section 132. JUDICIAL DISTRICT 9A**

## PROGRAM

Administration <sup>1</sup>	1,249,996			1,249,996
TOTALS	1,249,996	0	0	1,249,996

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	1
TOTAL	5

1. Of this general fund appropriation, fifty-nine thousand three hundred forty-three dollars (\$59,343.00) shall only be expended if matched by a like amount from Fremont county in order to pay for one-half (1/2) of the salary and benefits for the authorized permanent, part-time administrative assistant position.

**Section 133. JUDICIAL DISTRICT 8A**

## PROGRAM

Administration	1,066,400			1,066,400
TOTALS	1,066,400	0	0	1,066,400

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

**Section 134. JUDICIAL DISTRICT 9B**

PROGRAM				
Administration	<u>1,216,981</u>			<u>1,216,981</u>
TOTALS	1,216,981	0	0	1,216,981

**AUTHORIZED EMPLOYEES**

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

**Section 135. JUDICIAL DISTRICT 6B**

PROGRAM				
Administration	<u>1,156,496</u>			<u>1,156,496</u>
TOTALS	1,156,496	0	0	1,156,496

**AUTHORIZED EMPLOYEES**

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

**Section 136. JUDICIAL DISTRICT 8B**

PROGRAM				
Administration	<u>1,073,904</u>			<u>1,073,904</u>
TOTALS	1,073,904	0	0	1,073,904

**AUTHORIZED EMPLOYEES**

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

**Section 137. LARAMIE CO DISTRICT 1C**

PROGRAM				
Administration	<u>1,181,171</u>			<u>1,181,171</u>
TOTALS	1,181,171	0	0	1,181,171

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	5			
Part Time	<u>0</u>			
TOTAL	5			

**Section 138. SWEETWATER CO DISTRICT 3C**

## PROGRAM

Administration	<u>1,092,788</u>			<u>1,092,788</u>
TOTALS	1,092,788	0	0	1,092,788

**AUTHORIZED EMPLOYEES**

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

**Section 139. NATRONA CO DISTRICT 7C**

## PROGRAM

Administration	<u>1,070,226</u>			<u>1,070,226</u>
TOTALS	1,070,226	0	0	1,070,226

**AUTHORIZED EMPLOYEES**

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

**Section 140. JUDICIAL DISTRICT 6C**

## PROGRAM

Administration	<u>1,100,841</u>			<u>1,100,841</u>
TOTALS	1,100,841	0	0	1,100,841

**AUTHORIZED EMPLOYEES**

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

**Section 141. JUDICIAL DISTRICT 9C**

## PROGRAM

Administration	<u>1,094,801</u>			<u>1,094,801</u>
TOTALS	1,094,801	0	0	1,094,801

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

**Section 142. JUDICIAL DISTRICT 4B**

PROGRAM				
Administration	1,080,101			1,080,101
TOTALS	1,080,101	0	0	1,080,101

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	0
TOTAL	4

**Section 151. DISTRICT ATTORNEY/JUD DIST #1**

PROGRAM				
Administration <sup>1</sup>	4,231,188	681,418		4,912,606
TOTALS	4,231,188	681,418	0	4,912,606

**AUTHORIZED EMPLOYEES**

Full Time <sup>1</sup>	23
Part Time	0
TOTAL	23

1. Of this federal funds appropriation and of these authorized full-time positions, four (4) full-time positions within this section may continue to be filled only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of each filled position. In the event that federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, the position shall be eliminated. The agency shall report to the joint appropriations committee on all positions that are eliminated pursuant to this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

**Section 157. DISTRICT ATTORNEY/JUD DIST #7**

PROGRAM				
Administration	4,114,051			4,114,051
TOTALS	4,114,051	0	0	4,114,051

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	20			
Part Time	<u>0</u>			
TOTAL	20			

**Section 160. COUNTY & PROS ATTORNEYS**

## PROGRAM

Administration	<u>6,241,637</u>			<u>6,241,637</u>
TOTALS	6,241,637	0	0	6,241,637

**AUTHORIZED EMPLOYEES**

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

**Section 167. UW - MEDICAL EDUCATION <sup>1</sup>**

## PROGRAM

Family Medical Residency <sup>2</sup>	15,379,215		16,525,813	SR	31,905,028
WWAMI Medical Education	12,534,081		3,064,091	SR	15,598,172
Dental Contracts	4,490,418				4,490,418
Nursing Program	221,625				221,625
Administration <sup>3</sup>	<u>426,254</u>				<u>426,254</u>
TOTALS	33,051,593	0	19,589,904		52,641,497

**AUTHORIZED EMPLOYEES**

Full Time	143
Part Time	<u>23</u>
TOTAL	166

1. Funds appropriated for 100 series personal services under section 167 may be transferred and expended for contract services for instructors, physicians and other health care providers for the University of Wyoming family practice residency and WWAMI medical education programs. The University of Wyoming shall report any transfers and expenditures pursuant to this footnote in accordance with Section 307 of this act.

2. Of this general fund appropriation, four hundred twenty-eight thousand one hundred forty-four dollars (\$428,144.00) and of this other funds appropriation, one million two hundred sixteen thousand six hundred twenty-two dollars (\$1,216,622.00)SR shall only be for the period beginning July 1, 2018 and ending June 30, 2019.

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

3. Of this general fund appropriation, four hundred twenty-six thousand two hundred fifty-four dollars (\$426,254.00) shall only be for the period beginning July 1, 2018 and ending June 30, 2019. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

### Section 205. EDUCATION-SCHOOL FINANCE

#### PROGRAM

School Foundation Program			1,718,820,000	S5	1,718,820,000
Court Ordered Placements			17,183,639	S5	17,183,639
Foundation-Specials			5,540,000	S5	5,540,000
Education Reform			9,711,919	S5	9,711,919
Student Performance Data			6,351,539	S5	6,351,539
TOTALS	0	0	1,757,607,097		1,757,607,097

#### AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

### Section 206. DEPARTMENT OF EDUCATION <sup>4</sup>

#### PROGRAM

State Board of Education	243,470		417,698	S5	661,168
Leadership, Finance & IT <sup>1</sup>	8,526,825	16,031	200,000	SR	8,742,856
Accountability & Commun <sup>2</sup>	5,782,438	20,228,963	4,844,733	S5	
			202,486	SR	
			1,000	T0	31,059,620
School Support <sup>3</sup>	3,639,385	228,335,397	797,916	S5	
			3,109,129	SR	
			468,495	T0	236,350,322
TOTALS	18,192,118	248,580,391	10,041,457		276,813,966

#### AUTHORIZED EMPLOYEES

Full Time	107
Part Time	2
TOTAL	109

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of state superintendent of public instruction as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation

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

shall revert as provided by law on June 30, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, one million three hundred seventy-one thousand ninety-four dollars (\$1,371,094.00) shall be conditioned upon a report from the department of education to the joint education interim committee and the joint appropriations committee not later than October 1, 2018 on enrollment trends in schools on the Wind River Indian Reservation receiving funds under W.S. 21-4-601 and school districts within Fremont county, including identifiable movement of students between schools, method of calculating enrollment and average daily membership, historic funding trends, by source, for schools receiving funds under W.S. 21-4-601 from the Federal Bureau of Indian Education, annual and per student financial support provided by state governments in states other than Wyoming to schools receiving Federal Bureau of Indian Education funds, recent financial audit results related to schools on the Wind River Indian Reservation, traveling distance between schools in Fremont county to other nearby K-12 schools serving similar-aged populations, the manner in which reimbursements for transportation or special education are incorporated into the calculation of state payments in accordance with W.S. 21-4-601 and student performance and school accountability results under W.S. 21-4-601 for schools on the Wind River Indian Reservation.

3. The department of education shall report to the joint education interim committee and the joint appropriations committee not later than October 1, 2018 regarding the national certification incentive under W.S. 21-7-501(a) through (d), compliance with current statute, administrative structure and historic annual costs by budget series and purpose, payments provided for under W.S. 21-7-501(a) through (d), and any expenditures toward the national certification incentive not specifically authorized under W.S. 21-7-501 and recommended changes to statute.

4. Up to fifty thousand dollars (\$50,000.00) from any appropriation to the department under this section is authorized to be expended by the department during school years 2018-2019 and 2019-2020 to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district to be used in school lunches. Expenditures authorized in this footnote shall be made only if an equal amount of funding has been contributed by a local school district for the processing costs of the donated Wyoming poultry, lamb, pork, beef or bison. The department shall endeavor to provide funding to as many school districts as possible.



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

**Section 211. BOARD OF EQUALIZATION**

## PROGRAM

Equalization/Tax Appeals	1,724,268			1,724,268
TOTALS	1,724,268	0	0	1,724,268

## AUTHORIZED EMPLOYEES

Full Time	6
Part Time	0
TOTAL	6

**Section 220. ENVIRONMENTAL QUALITY COUNCIL <sup>1</sup>.**

## PROGRAM

Administration	746,726			746,726
TOTALS	746,726	0	0	746,726

## AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

1. The environmental quality council and the department of environmental quality shall report to the joint minerals, business and economic development interim committee and the joint appropriations committee not later than November 1, 2018 on the efficiency and adequacy of staffing the council as provided by W.S. 35-11-112(d) and whether the council could be staffed exclusively by personnel within the department of environmental quality. The report shall include recommendations for an annual budget for the council, staffing levels, if any, and statutory revisions.

**Section 270. OFFICE OF ADMINISTRATIVE HEARINGS**

## PROGRAM

Administration			3,987,540	SR	3,987,540
TOTALS	0	0	3,987,540		3,987,540

## AUTHORIZED EMPLOYEES

Full Time	12
Part Time	0
TOTAL	12

**Section 012. BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS**

## PROGRAM

Administration			222,522	SR	222,522
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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	0	0	222,522	222,522

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 016. BOARD OF BARBER EXAMINERS**

## PROGRAM

Administration			43,157	SR	43,157
TOTALS	0	0	43,157		43,157

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 017. BOARD OF RADIOLOGIC TECHNOLOGISTS EXAMINERS**

## PROGRAM

Administration			95,904	SR	95,904
TOTALS	0	0	95,904		95,904

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 018. REAL ESTATE COMMISSION**

## PROGRAM

Administration			1,150,031	SR	1,150,031
Real Estate Recovery			10,000	SR	10,000
Real Estate Education			53,400	SR	53,400
Real Estate Appraiser			289,212	SR	289,212
Appraiser Education			29,000	SR	29,000
Appraisal Management			319,685	SR	319,685
TOTALS	0	0	1,851,328		1,851,328

**AUTHORIZED EMPLOYEES**

Full Time	6
Part Time	0
TOTAL	6

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

**Section 019. PROFESSIONAL TEACHING STANDARDS BOARD**

## PROGRAM

Prof Teaching Stds Board			1,710,073	SR	1,710,073
TOTALS	0	0	1,710,073		1,710,073

## AUTHORIZED EMPLOYEES

Full Time	7
Part Time	0
TOTAL	7

**Section 022. BOARD FOR RESPIRATORY CARE**

## PROGRAM

Administration			56,578	SR	56,578
TOTALS	0	0	56,578		56,578

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 028. BOARD OF REGISTRATION IN PODIATRY**

## PROGRAM

Administration			33,268	SR	33,268
TOTALS	0	0	33,268		33,268

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 030. BOARD OF CHIROPRACTIC EXAMINERS**

## PROGRAM

Administration			101,067	SR	101,067
TOTALS	0	0	101,067		101,067

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 031. COLLECTION AGENCY BOARD**

## PROGRAM

Administration			210,153	SR	210,153
TOTALS	0	0	210,153		210,153

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 033. BOARD OF COSMETOLOGY**

## PROGRAM

Administration			997,463	SR	997,463
TOTALS	0	0	997,463		997,463

## AUTHORIZED EMPLOYEES

Full Time	4
Part Time	0
TOTAL	4

**Section 034. BOARD OF DENTAL EXAMINERS**

## PROGRAM

Administration			371,260	SR	371,260
TOTALS	0	0	371,260		371,260

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 035. BOARD OF FUNERAL SERVICE PRACTITIONERS**

## PROGRAM

Administration			54,361	SR	54,361
TOTALS	0	0	54,361		54,361

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 036. BOARD OF MIDWIFERY**

## PROGRAM

Administration			27,089	SR	27,089
TOTALS	0	0	27,089		27,089

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 038. PARI-MUTUEL COMMISSION**

## PROGRAM

Administration			2,100,712	SR	2,100,712
Wyoming Breeders Fund			10,953,150	SR	10,953,150
TOTALS	0	0	13,053,862		13,053,862

## AUTHORIZED EMPLOYEES

Full Time	6
Part Time	1
TOTAL	7

**Section 043. DIETETICS LICENSING BOARD**

## PROGRAM

Administration			26,678	SR	26,678
TOTALS	0	0	26,678		26,678

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 046. MIXED MARTIAL ARTS BOARD**

## PROGRAM

Administration			18,200	SR	18,200
TOTALS	0	0	18,200		18,200

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 052. BOARD OF MEDICINE**

## PROGRAM

Administration			2,113,757	SR	2,113,757
TOTALS	0	0	2,113,757		2,113,757

## AUTHORIZED EMPLOYEES

Full Time	5
Part Time	0
TOTAL	5

**Section 054. BOARD OF NURSING**

## PROGRAM

Administration			2,838,093	SR	2,838,093
TOTALS	0	0	2,838,093		2,838,093

## AUTHORIZED EMPLOYEES

Full Time	10
Part Time	0
TOTAL	10

**Section 056. BOARD OF EXAMINERS IN OPTOMETRY**

## PROGRAM

Administration			77,156	SR	77,156
TOTALS	0	0	77,156		77,156

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 058. BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

## PROGRAM

Administration			93,484	SR	93,484
TOTALS	0	0	93,484		93,484

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 059. BOARD OF PHARMACY**

## PROGRAM

Licensing Board			1,691,831	SR	1,691,831
TOTALS	0	0	1,691,831		1,691,831

## AUTHORIZED EMPLOYEES

Full Time	6
Part Time	0
TOTAL	6

**Section 061. BOARD OF CERTIFIED PUBLIC ACCOUNTANTS**

## PROGRAM

Administration			696,294	SR	696,294
TOTALS	0	0	696,294		696,294

## AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

**Section 062. BOARD OF PHYSICAL THERAPY**

## PROGRAM

Administration			162,562	SR	162,562
TOTALS	0	0	162,562		162,562

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 064. BOARD OF HEARING AID SPECIALISTS**

## PROGRAM

Administration			28,324	SR	28,324
TOTALS	0	0	28,324		28,324

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 065. BOARD OF ATHLETIC TRAINERS**

## PROGRAM

Administration			25,662	SR	25,662
TOTALS	0	0	25,662		25,662

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 068. BOARD OF PSYCHOLOGY**

## PROGRAM

Administration			135,054	SR	135,054
TOTALS	0	0	135,054		135,054

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

**Section 075. BOARD OF OUTFITTERS AND GUIDES**

## PROGRAM

Administration			787,619	SR	787,619
TOTALS	0	0	787,619		787,619

## AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

**Section 078. MENTAL HEALTH PROFESSIONS LICENSING BOARD**

## PROGRAM

Administration			266,795	SR	266,795
TOTALS	0	0	266,795		266,795

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0



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

**Section 079. BOARD OF NURSING HOME ADMINISTRATORS**

## PROGRAM

Administration			86,107	SR	86,107
TOTALS	0	0	86,107		86,107

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	1
TOTAL	1

**Section 083. BOARD OF OCCUPATIONAL THERAPY**

## PROGRAM

Administration			140,993	SR	140,993
TOTALS	0	0	140,993		140,993

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	1
TOTAL	1

**Section 084. BOARD OF PROFESSIONAL GEOLOGISTS**

## PROGRAM

Administration			554,533	SR	554,533
TOTALS	0	0	554,533		554,533

## AUTHORIZED EMPLOYEES

Full Time	2
Part Time	0
TOTAL	2

**Section 251. BOARD OF VETERINARY MEDICINE**

## PROGRAM

Admin			133,129	SR	133,129
TOTALS	0	0	133,129		133,129

## AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

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

**Section 252. BOARD OF ACUPUNCTURE**

## PROGRAM

Administration	0	0	41,398	SR	41,398
TOTALS	0	0	41,398		41,398

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

[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 unappropriated funds in the budget reserve account on June 30, 2020 in excess of ninety-nine million five hundred sixty-five thousand dollars (\$99,565,000.00) shall be transferred to the legislative stabilization reserve account.

(c) Notwithstanding W.S. 9-4-719(b), no funds within the permanent Wyoming mineral trust fund reserve account created by W.S. 9-4-719(b) shall be credited to the permanent Wyoming mineral trust fund defined by W.S. 9-4-204(u)(iii) for the period beginning with the effective date of this subsection and ending June 30, 2020. This subsection is effective immediately.

(d) Notwithstanding W.S. 9-4-719(f), no funds within the common school permanent fund reserve account created by W.S. 9-4-719(f) shall be credited to the common school account within the permanent land fund created by W.S. 9-4-310(a)(vii) for the period beginning with the effective date of this subsection and ending June 30, 2020. This subsection is effective immediately.

(e) Notwithstanding W.S. 9-4-719(k), no funds within the excellence in higher education endowment reserve account created by W.S. 9-4-719(k) shall be credited to the excellence in higher education endowment fund created by W.S. 21-16-1201(a) for the period beginning with the effective date of this subsection and ending June 30, 2020. This subsection is effective immediately.

(f) The state auditor shall transfer eighty-one million five hundred sixty-two thousand six hundred thirty dollars (\$81,562,630.00) from the general fund to the capitol building rehabilitation and restoration account created by W.S.

9-5-109(j). The state auditor shall transfer funds in this subsection not later than July 31, 2018.

(g) The state auditor shall transfer forty million eight hundred thirty-three thousand seventy-four dollars (\$40,833,074.00) from the permanent Wyoming mineral trust fund reserve account to the school capital construction account. This subsection is effective immediately.

(h) The state auditor shall transfer one hundred fifty million five hundred twenty-four thousand five hundred eighty-five dollars (\$150,524,585.00) from the school foundation program reserve account created by W.S. 21-13-306.1 to the common school permanent fund reserve account created by W.S. 9-4-719(f).

(j) The state auditor shall transfer six million six hundred fifty-one thousand seventy dollars (\$6,651,070.00) from the school foundation program reserve account created by W.S. 21-13-306.1 to the excellence in higher education endowment reserve account created by W.S. 9-4-719(k). As a condition of this one-time transfer to the excellence in higher education endowment reserve account, no expectation of future state transfers, appropriations or other contributions is implied. The University of Wyoming and community colleges shall take all necessary steps to align expenditures to accommodate irregular realized investment earnings from the excellence in higher education endowment fund.

(k) The state auditor shall transfer twenty-three million four hundred thirty-seven thousand four hundred fifty-six dollars (\$23,437,456.00) from the general fund to an account within the state auditor's office in anticipation of supplemental budget requests from the department of health and the department of family services. Funds within the account shall not be expended without further legislative appropriation.

[BORROWING AUTHORITY - CASH FLOW]

**Section 301.**

(a) The state auditor is authorized to borrow from the legislative stabilization reserve account 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 subsection only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this subsection 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 treasurer may utilize interfund loans of up to sixty million dollars (\$60,000,000.00) at any point in time from the legislative stabilization reserve account to the school capital construction account to assist the cash flow needs

of the school capital construction account and to enable statutory payments or payments sufficient to meet the appropriations contained in this act to be made when dedicated revenues are not yet received. Any interfund loans executed pursuant to this subsection shall be repaid in whole or in part periodically as soon as school capital construction account revenues are available. Interest charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year.

[BORROWING AUTHORITY - HATHAWAY SCHOLARSHIP]

**Section 302.** The state treasurer is authorized to borrow from the legislative stabilization reserve account amounts necessary to meet cash flow requirements of the Hathaway scholarship program created in W.S. 21-16-1303(a). 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 charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year.

[CARRYOVER APPROPRIATIONS]

**Section 303.**

[CAPITAL CASES - GENERAL FUNDS]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unexpended, unobligated monies appropriated from the general fund to the office of the public defender for court ordered capital case funding under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 008, as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 008 up to one million sixty-two thousand five hundred dollars (\$1,062,500.00) or as much thereof as is available, shall not revert on June 30, 2018 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

[CAPITAL CASES - OTHER FUNDS]

(b) Notwithstanding W.S. 9-2-1008 and 9-4-207(c), of unexpended, unobligated monies appropriated from other funds to the office of the public defender for court ordered capital case funding under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 008, as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 008 up to one hundred eighty-seven thousand five hundred dollars (\$187,500.00)SR or as much thereof as is available, shall not revert on June 30, 2018 and are hereby reappropriated to the office of the public defender for purposes of court ordered capital case funding.

## [CRIMINAL JUSTICE INFORMATION SYSTEM]

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unexpended, unobligated monies appropriated from the general fund to the office of the attorney general under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 015, as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 015 up to three hundred forty-two thousand seven hundred seventeen dollars (\$342,717.00) or as much thereof as is available, shall not revert on June 30, 2018 and are hereby reappropriated to the office of the attorney general for replacement of message switch hardware and associated software for the criminal justice information system and shall be expended only in the event of switch failure. This appropriation shall not be transferred or expended for any other purpose not specified in this subsection and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

## [DATA MIGRATION AND STORAGE]

(d) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unexpended, unobligated monies appropriated from the general fund to the department of environmental quality under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 020 as amended by 2017 Wyoming Session Laws, Chapter 120, Section 2, Section 020 up to one hundred eight thousand six hundred forty dollars (\$108,640.00) or as much thereof as is available, shall not revert on June 30, 2018 and are hereby reappropriated to the department of environmental quality for information technology data migration and storage.

## [FILM INDUSTRY FINANCIAL INCENTIVE]

(e) Notwithstanding W.S. 9-2-1008 and 9-4-207, of unexpended, unobligated monies appropriated from the film industry financial incentive program account under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 066, footnote 1, sixteen thousand three hundred sixty-three dollars (\$16,363.00) or as much thereof as is available shall not revert on June 30, 2018 and are hereby reappropriated for purposes of film incentives and branded entertainment promoting Wyoming or promoting Wyoming as a tourism destination as determined by the board of tourism.

## [WYOMING VALUE ADDED ENERGY AND INDUSTRIAL PLAN]

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unexpended, unobligated monies appropriated from the general fund to the governor's office under 2014 Wyoming Session Laws, Chapter 26, Section 334(h) and reappropriated under 2016 Wyoming Session Laws, Chapter 31, Section 303(f), seventeen million two hundred seventy-five thousand dollars (\$17,275,000.00) or as much thereof as is available, shall not revert on June 30, 2018, and are hereby:

(i) Except as provided by paragraph (ii) of this subsection, reappropriated to the governor's office for the authorized purposes of the appropriations for the period beginning July 1, 2018 and ending June 30, 2020;

(ii) Two hundred thousand dollars (\$200,000.00) of these funds shall be appropriated to the Wyoming infrastructure authority to contract with a third party to complete a study on the tax burdens imposed on oil and gas development in Wyoming. The study shall compare the tax burden in Wyoming with the tax burden on oil and gas development in other states. The authority shall select a vendor to conduct the study through a competitive bidding process. The results of the study shall be reported to the joint minerals, business and economic development interim committee and the joint revenue interim committee not later than November 1, 2018. Notwithstanding any other provision of law, these funds 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, 2019.

[EMPLOYEE GROUP HEALTH INSURANCE]

(g) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated for purposes of employer paid health, dental and life insurance benefits under 2016 Wyoming Session Laws, Chapter 31, as amended by 2017 Wyoming Session Laws, Chapter 120 shall not revert on June 30, 2018, and are hereby reappropriated to the state auditor's office for purposes provided for in this subsection. Expenditures may be made from this reappropriation only upon determination by the governor that insufficient funds exist from appropriations in this act and all enacted laws for employee group health, dental and life insurance premium increases during the period beginning July 1, 2018 and ending June 30, 2020. Upon notification from the governor, the state auditor shall transfer funds to agencies for purposes of employee group health, dental and life insurance premium increases. All transfers authorized under this subsection 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) and reported pursuant to W.S. 9-2-1013(b). This reappropriation shall not be transferred or expended for any other purpose not specified in this subsection and any unexpended, unobligated funds remaining from this reappropriation shall revert as provided by law on June 30, 2020.

[EMERGENCY RESERVE - TITLE 25]

(h) Notwithstanding W.S. 9-2-1008 and 9-4-207, of unexpended, unobligated monies appropriated from the legislative stabilization reserve account to the state auditor for emergency detention and involuntary commitment related obligations under Title 25, Chapter 10 of the Wyoming statutes pursuant to 2017 Wyoming Session Laws, Chapter 120, Section 3, Section 334, up to six million five hundred thousand dollars (\$6,500,000.00) or as much thereof as is

available, shall not revert on June 30, 2018 and are hereby reappropriated to the state auditor for purposes of this subsection. Expenditures may be made from this appropriation only upon determination by the governor and notification to the state auditor that the department of health has expended not less than seven million three hundred twenty-nine thousand eight hundred eighty-seven dollars (\$7,329,887.00) from its appropriated general funds under this act for emergency detention and involuntary commitment related obligations under Title 25, Chapter 10 of the Wyoming statutes and exercised transfers under Section 307 of this act to the extent practicable. The reappropriation under this subsection may be expended as determined necessary by the director of the department of health for emergency detention and involuntary commitment related obligations. Through the reporting requirement in Section 307(c) of this act, the department of health shall report quarterly to the joint appropriations committee and the joint labor, health and social services interim committee on expenditures made from this reappropriation. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2020 shall revert to the legislative stabilization reserve account as provided by law.

(j) This section is effective immediately.

[EMPLOYEE BENEFITS]

**Section 304.**

(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, 2018 and ending November 30, 2019 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:

(A) Nine hundred fifty-six dollars (\$956.00) per month for an employee electing single coverage;

(B) One thousand nine hundred seven dollars (\$1,907.00) per month for an employee electing employee plus dependent spouse coverage;

(C) One thousand four hundred fifty-three dollars (\$1,453.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand one hundred eighty-four dollars (\$2,184.00) per month for an employee electing family coverage; and

(E) One thousand ninety-two dollars (\$1,092.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(ii) For the period beginning December 1, 2019 and ending November 30, 2020 an amount to be determined by the employees' group health insurance section of the department of administration and information but not to exceed:

(A) One thousand nineteen dollars (\$1,019.00) per month for an employee electing single coverage;

(B) Two thousand thirty-five dollars (\$2,035.00) per month for an employee electing employee plus dependent spouse coverage;

(C) One thousand five hundred forty-nine dollars (\$1,549.00) per month for an employee electing employee plus dependent children coverage;

(D) Two thousand three hundred thirty dollars (\$2,330.00) per month for an employee electing family coverage; and

(E) One thousand one hundred sixty-five dollars (\$1,165.00) per month for employees who elect family coverage when both spouses are employees of covered entities creating a split family coverage.

(b) There is appropriated three million three hundred twenty-one thousand one hundred thirty-six dollars (\$3,321,136.00) from the retirees prefunded health insurance trust (fund 561) to the state auditor for the period beginning July 1, 2018 and ending June 30, 2020 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) Sufficient monies in the retirees prefunded health insurance trust (fund 561) are appropriated to the state auditor and shall be used for the purpose 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) Provided sufficient funds are available, employees whose benefits are paid from nongeneral fund sources shall receive the same benefits as provided in this section.

(e) If sufficient funds are not available for obligations under subsections (b) through (d), payments to eligible retirees shall be reduced proportionally.

(f) No appropriation in this section shall be transferred or expended for any other purpose.



(g) In addition to the authority in Section 305 of this act and pursuant to W.S. 9-2-1005(b)(ii), the budget division of the department of administration and information may request and the governor may approve any necessary transfers between other funds appropriated in this act to accommodate changes directly related to the reduction in employer paid health insurance contributions (series 0197) for retiree health insurance as submitted in the 2019-2020 budget request under W.S. 9-2-1013(a) and denied by the legislature.

(h) The appropriation in subsection (b) of this section, adjusted by the number of eligible participants, shall be included in the state auditor's office 2021-2022 general fund standard budget request. All state agencies, including the University of Wyoming, the community colleges and the legislative and judicial branches shall include in 2021-2022 standard budget requests sufficient amounts to be deposited into the retiree health insurance benefits account created by 2008 Wyoming Session Laws, Chapter 48, Section 303. Amounts to include in the standard budget requests shall be equal to up to one percent (1%) of each benefit eligible employee's salary for each pay period sufficient to continue benefits in subsections (c) and (d) of this section for fiscal years 2021 and 2022, as established by the department of administration and information.

[FLEX - EXECUTIVE]

**Section 305.**

(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;

(iii) Between programs within any executive branch agency, or between executive branch agencies, legislatively authorized full-time or part-time positions. University of Wyoming positions are excluded from this paragraph.

(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) and reported pursuant to W.S. 9-2-1013(b).

(c) The authority granted under this section is effective for the period beginning July 1, 2018 and ending June 30, 2020.

(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, or specifying a position within

an agency shall prevail over this section and no such funds so appropriated or positions so specified shall be subject to subsection (a) of this section.

[FLEX - JUDICIARY]

**Section 306.**

(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 includes transfers of associated legislatively authorized full-time or part-time positions and shall be effective for the period beginning July 1, 2018 and ending June 30, 2020. Any transfers pursuant to this section shall be reported annually by the supreme court 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 or positions so specified shall be subject to subsection (a) of this section.

[PERSONAL SERVICES TRANSFERS]

**Section 307.**

(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. Further, notwithstanding W.S. 9-2-1005(b)(ii) or any other provision of this act, nonfederal fund appropriations for 900 series contractual services contained in this act shall not be transferred to the 100 series personal services, except as authorized in Section 312 of this act. The department of health, the department of corrections, the University of Wyoming family practice residency and WWAMI medical education programs are exempt from this subsection. The judicial branch is exempt from this subsection for transfers in a total amount not to exceed four hundred thousand dollars (\$400,000.00).

(b) The department of health and the University of Wyoming shall report quarterly to the joint appropriations committee and the joint labor, health and social services interim committee regarding the department's and the university's respective exercise of authority under subsection (a) of this section and shall include in the reports the specific uses and dollar amounts for each exception. The department of corrections and the judicial branch shall report to the joint appropriations committee in the same manner described in this

subsection, as well as provide the joint appropriations committee a cumulative report not later than December 1, 2018 and December 1, 2019 on all transfers by program, unit and expenditure series made by the exercise of authority granted in this section.

(c) The department of health shall use the authority in this section, as well as requests to the governor to exercise authority provided in Section 305 of this act to address any department budget shortfalls related to emergency detention and involuntary commitment related obligations under Title 25, Chapter 10. The department shall report quarterly to the joint appropriations committee on the amount of the actual shortfall and an estimate of anticipated shortfalls, if any, prior to June 30, 2020 as well as the use of the budget transfer authorities to address existing and future shortfalls.

[MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES,  
UNIVERSITY AND COMMUNITY COLLEGES]

**Section 308.**

(a) For the biennium beginning July 1, 2018, 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:

(i) There is appropriated from the general fund one hundred ten million four hundred eighty-two thousand seven hundred ninety-nine dollars (\$110,482,799.00);

(ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:

(A) Forty-two and three hundredths percent (42.03%) - To the state construction department for state facilities managed by the state building commission, state institutions and to fund projects submitted by the department of state parks and cultural resources as approved by the state building commission;

(B) Thirty-seven and fifty-one hundredths percent (37.51%) - 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) Twenty and forty-six hundredths percent (20.46%) - To the state construction department 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 W.S. 9-5-107(h) and as prescribed by rule and regulation of the state building commission.

(c) Not later than September 1, 2019, the state construction department shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2020, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation for all facilities shall be based on a formula adopted by the state building commission pursuant to W.S. 9-5-107(g), except that the formula shall incorporate 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 unless otherwise specified.

(d) Not later than October 31, 2019, the state construction department, 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.

(e) The University of Wyoming is authorized to expend up to one million dollars (\$1,000,000.00) previously appropriated in 2014 Wyoming Session Laws, Chapter 26, Section 3, Section 067, footnote 2 as amended by 2015 Wyoming Session Laws, Chapter 142, Section 3, Section 067 for purposes of major maintenance expenditures related to the Corbett pool.

[BORROWING AUTHORITY - EXECUTIVE BRANCH PROGRAMS]

**Section 309.**

(a) The governor is authorized to borrow from the legislative stabilization reserve account up to twenty million dollars (\$20,000,000.00) as necessary to meet funding requirements to fight wildland fires in the event reserves in the office of state lands and investments' forestry division, homeland security disaster contingency budget and the governor's office special contingency budget have been exhausted. The governor shall report to the joint appropriations committee, the president of the senate and the speaker of the house immediately upon exercise of this authority and shall make a budget request at the next available opportunity to repay any expended funds not repaid from other sources. Interest charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year.

(b) At the recommendation of the director of the department of administration and information and with the approval of the governor, the state auditor and the state treasurer are authorized to borrow from the legislative stabilization reserve account up to twenty-six million two hundred thousand dollars (\$26,200,000.00) as necessary to meet cash flow requirements of the employees' and officials' group health insurance plan. The governor

shall report to the joint appropriations committee, the president of the senate and the speaker of the house immediately upon exercise of this authority. The director of the department of administration and information shall report to the joint appropriations committee and the governor within thirty (30) days of exercise of this loan authority with a recommendation on the change of employee payroll deductions, an increase in employer paid premiums, other modifications to the plan or any combination thereof. Interest charged on the amounts borrowed shall be the interest rate earned on pooled fund investments in the previous fiscal year.

[LIMITATION ON SALARY INCREASE]

**Section 310.**

(a) The 2021-2022 general fund standard budget for 100 series personal services, for each agency, shall be less than or equal to the 2019-2020 100 series personal services appropriations from the general fund appropriated in all enacted laws, including any transfers made by the governor pursuant to Section 312 of this act, any calculated amounts to continue legislatively approved compensation increases throughout the 2021-2022 biennium, and excluding benefit adjustments and allowable personal services transfers pursuant to Section 307 of this act and documented through the report required by W.S. 9-2-1011(c).

(b) Any specific position exempted by the board of judicial policy and administration and reported to the joint appropriations committee is exempt from this section.

[INTERFUND TRANSFER]

**Section 311.**

(a) 2016 Wyoming Session Laws, Chapter 31, Section 322 is amended to read:

[~~INTERFUND LOAN TRANSFER~~]

**Section 322.** ~~The state treasurer and the state auditor may utilize interfund loans from the unexpended, unobligated balance of the one percent severance tax account for deposit as of June 30, 2018 shall be transferred to the budget reserve account as necessary to maintain a fund balance of not more than one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) in the budget reserve account on June 30, 2018. Not later than September 30, 2018, this transfer shall include any reconciliation of actual severance taxes paid on production through June 30, 2018 for fiscal year 2018.~~

(b) 2017 Wyoming Session Laws, Chapter 120, Section 3, Section 300(k) is amended to read:

## [BUDGET BALANCERS - TRANSFERS]

**Section 300.**

(k) If after the implementation of 2016 Wyoming Session Laws, Chapter 31, Section 322, as amended by 2018 House Bill 0001 as enacted into law, the unappropriated fund balance of the budget reserve account on June 30, 2018 is less than one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) reduced by any expenditures made under Sections 334 and 335 of this act, there is appropriated up to one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) reduced by any expenditures made under Sections 334 and 335 of 2017 House Bill 0001 as enacted into law from the legislative stabilization reserve account to the budget reserve account as necessary so that the unappropriated fund balance of the budget reserve account is one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) reduced by any expenditures made under Sections 334 and 335 of this act on June 30, 2018.

(c) This section is effective immediately.

[~~STATEWIDE EMPLOYEE REDUCTION AND BUDGET REDUCTION~~]**Section 312:**

~~(a) The governor shall identify generally funded, full-time positions from the authorized positions in this act which shall be terminated by the dates specified as follows:~~

~~(i) December 31, 2018 – twelve (12) generally funded, full-time positions;~~

~~(ii) June 30, 2019 – an additional thirteen (13) generally funded full-time positions;~~

~~(iii) December 1, 2019 – an additional twelve (12) generally funded, full-time positions; and~~

~~(iv) June 30, 2020 – an additional thirteen (13) generally funded, full-time positions:~~

~~(b) In lieu of identifying all positions under subsection (a) of this section, the governor may reduce appropriations for programs, units or activities within this act by the date specified that would generate a like amount of general fund savings using the ratio of one (1) full-time employee to seventy-five thousand twenty-three dollars (\$75,023.00) of annual savings.~~

~~(c) Not later than December 1, 2019, the governor's 2021-2022 biennial budget request pursuant to W.S. 9-2-1013 shall reflect the elimination of~~

~~positions and reductions in appropriations required by paragraph (a)(i) through (iii) and subsection (b) of this section in addition to the elimination or anticipated elimination of positions and reductions in appropriations required by paragraph (a)(iv) and subsection (b) of this section.~~

~~(d) In addition to the authority in Section 305 of this act and notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer up to two million seven hundred seventy-five thousand dollars (\$2,775,000.00) in general funds and necessary position authorizations in this act to meet the provisions of this section for the budget period beginning July 1, 2018 and ending June 30, 2020 if the governor determines that the reductions are likely to result in adverse impact to health, welfare or delivery of state services or result in conflict with other law. The governor may authorize positions in any agency, including positions in excess of the positions authorized by the legislature, provided that at least an identical number of generally funded, full-time positions existing in other agencies are eliminated, representing biennial compensation costs of up to two million seven hundred seventy-five thousand dollars (\$2,775,000.00) in general funds.~~

~~(e) The governor shall provide reports by February 1, 2019, July 1, 2019, January 1, 2020 and June 30, 2020 to the joint appropriations committee identifying, by agency, the eliminated generally funded, full-time positions and associated salary and benefits of each position.~~

~~(f) As used in this section, "generally funded, full-time position" means any legislatively authorized full-time position within the executive branch which is funded sixty-five percent (65%) or more from state general funds.~~

~~(g) All general fund savings generated from this section shall be deposited into a separate account administered by the state auditor.~~

~~(h) In making the transfers authorized under this section, no funds may be used to increase the salary of any authorized position. Nothing in this section shall prohibit any transfer by the governor to avoid a decrease to an employee's compensation as of the effective date of this section or a reduction in the number of authorized employees as specified in this act.~~

~~(j) All transfers authorized under this section shall be reported by the governor to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).~~

~~(k) This section is effective immediately.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]~~

[SCHOOL CAPITAL CONSTRUCTION]

**Section 313.**

(a) This section shall consist of funds appropriated for the 2019-2020 biennial school capital construction appropriation.

(b) As used in subsection (g) of this section, “priority” means the project ranking as determined by the school facilities commission within its budget recommendations provided under W.S. 21-15-119.

(c) The amounts appropriated from the school capital construction account under this section are for the biennial period commencing July 1, 2018 and ending June 30, 2020. As authorized under W.S. 21-15-119(a)(iii), the school facilities commission shall submit a supplemental budget request for the period beginning July 1, 2019 and ending June 30, 2020, for any emergency or unanticipated need, or for any refinement or modification of a project funded under this section, subject to any constraints and other requirements imposed by the governor under W.S. 9-2-1013.

(d) An estimated schedule for deploying projects funded by amounts appropriated under subsection (g) of this section and projects funded by previous appropriations, as adopted by the school facilities commission and as contained within the 2019-2020 biennial budget submitted by the commission under W.S. 21-15-119, shall be used by the state construction department to guide expenditure of appropriated funds. The estimated schedule developed under this subsection shall be based upon information, processes, events and expenditures and shall not be binding upon the department or the commission.

(e) Amounts appropriated under this section and previous appropriations shall not be construed to be an entitlement or guaranteed amount and shall be expended by the commission and department to ensure adequate, efficient and cost-effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii).

(f) In addition to accounting and reporting requirements imposed under W.S. 28-11-301(c)(iv), the state construction department shall report at least once each year on the deployment of amounts to fund projects under this section and previous appropriations in accordance with the deployment schedule, depicting project progression and, if applicable, the rationale for deviation from the estimated schedule. The reports, as approved by the commission, shall be submitted by the department to the select committee on school facilities, the joint appropriations committee and the governor.

(g) The following amounts are appropriated from the school capital construction account to the school facilities commission for the biennial period commencing July 1, 2018 and ending June 30, 2020, for the following specified purposes:

(i) For charter school leases, up to one million two thousand four dollars (\$1,002,004.00). The amounts to be distributed under this paragraph shall be



reduced to the extent the amounts are duplicative of any costs funded or paid for by alternative mechanisms, including pursuant to W.S. 21-3-110(a)(x). The funds appropriated under this paragraph shall be distributed for lease expenses incurred during school years 2018-2019 and 2019-2020 and are subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
4-1	Laramie #1	Elementary School	\$832,599
4-2	Albany #1	Elementary School	\$169,405
Total			<u>\$1,002,004</u>

(ii) For land leases, up to four thousand six hundred dollars (\$4,600.00), subject to the following prescribed maximum amount:

Priority	School District	Project	Maximum Amount
5-1	Laramie #1	Elementary School Land	\$4,600
Total			<u>\$4,600</u>

(iii) For modular buildings and leases, up to four hundred seventy-three thousand two hundred twelve dollars (\$473,212.00), subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
5.1-1	Laramie #1	Modular Lease	\$29,900
5.1-2	Laramie #1	Modular Lease	\$18,070
5.1-3	Laramie #1	Modular Lease	\$18,070
5.1-4	Laramie #1	Modular Lease	\$14,950
5.1-5	Laramie #1	Modular Lease	\$29,900
5.1-6	Laramie #1	Modular Lease	\$29,900
5.1-7	Laramie #1	Modular Lease	\$16,680
9-2	Niobrara #1	Modular Building	\$315,742*
Total			<u>\$473,212</u>

(iv) For emergency funding to be used in accordance with W.S. 21-15-120, four million dollars (\$4,000,000.00). Of this appropriation, up to ninety thousand dollars (\$90,000.00) shall be used for fire sprinkler installation in a Sheridan County School District No. 3 building;

(v) Notwithstanding 2017 Wyoming Session Laws, Chapter 205, Section 7(a), for a design project up to one million two hundred eighty-nine thousand seven hundred sixty-three dollars (\$1,289,763.00), subject to the following

prescribed maximum amount:

Priority	School District	Project	Maximum Amount
9-1	Sheridan #2	Alternative School	\$1,289,763
Total			<u>\$1,289,763</u>

(vi) For component level major maintenance projects, up to nineteen million three hundred three thousand two hundred thirty-eight dollars (\$19,303,238.00). Funds appropriated under this paragraph shall be used as directed by the school facilities commission, subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
10-3	Sheridan #2	Elementary School	\$6,147,215*
10-8	Lincoln #1	Elementary School	\$3,198,130*
11-1	Fremont #6	Junior High/High School	\$1,135,889*
11-2	Platte #1	Elementary School	\$663,825*
11-3	Fremont #25	Middle School	\$2,772,992*
11-4	Hot Springs #1	Middle School	\$859,478*
11-5	Fremont #25	High School	\$701,971*
11-6	Fremont #25	High School	\$699,566*
11-7	Sublette #9	Middle School	\$753,346*
11-8	Sheridan #2	High School	\$565,925*
11-9	Fremont #25	High School	\$719,031*
11-10	Big Horn #2	High School	\$648,388*
11-11	Laramie #1	Elementary School	\$66,492*
11-12	Laramie #2	Elementary School	\$99,225*
11-14	Laramie #2	Elementary School	\$68,152*
11-15	Laramie #1	Elementary School	\$87,205*
11-16	Platte #1	Elementary School	\$116,408*
Total			<u>\$19,303,238*</u>

(vii) For component level major maintenance projects in Laramie County School District No. 1, up to seven million one hundred thirty-six thousand four hundred thirty-five dollars (\$7,136,435.00). Funds appropriated under this paragraph shall be used as directed by the school facilities commission for projects identified in the school district facility plan under W.S. 21-15-116, subject to consultation with Laramie County School District No. 1;

(viii) For professional consulting expertise and other administrative costs, three hundred thousand dollars (\$300,000.00) to conduct studies as approved by the commission to determine the most cost effective and efficient approach in order to deliver quality educational services and address building and facility needs;

(ix) For demolition projects, up to three million ninety-six thousand two hundred seventeen dollars (\$3,096,217.00), subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
14-1	Fremont #1	Elementary School	\$388,984
14-2	Fremont #1	Elementary School	\$1,947,468
14-3	Campbell #1	Junior High School	\$82,981
14-4	Campbell #1	Junior High School	\$398,782
14-6	Campbell #1	Modulars	\$78,119
14-7	Campbell #1	High School	\$38,081
14-8	Campbell #1	Modular	\$85,962
14-9	Campbell #1	Modular	\$27,770
14-10	Campbell #1	Modular	\$48,070
Total			\$3,096,217

(x) For athletic fields and tracks, up to one hundred ninety-four thousand nine hundred seventy-nine dollars (\$194,979.00), subject to the following prescribed maximum amounts:

Priority	School District	Project	Maximum Amount
15-1	Sheridan #3	Athletic Field/Track	\$40,905
15-2	Sheridan #3	Athletic Field/Track	\$154,074
Total			\$194,979

(xi) For land acquisitions in accordance with school facilities commission policy, seven hundred fifty thousand dollars (\$750,000.00). Prior to expenditure of this appropriation, the state construction department shall report proposed land acquisitions to the cochairmen of the joint appropriations committee and the joint education interim committee and the chairman and vice-chairman of the select committee on school facilities;

(xii) For unanticipated costs associated with the projects funded under this subsection and subsection (h) of this section, two million four hundred ninety-eight thousand one hundred eighty-four dollars (\$2,498,184.00).

(h) Up to forty-three million five hundred thousand five hundred dollars

(\$43,500,500.00) is appropriated from the school capital construction account to the school facilities commission for the biennial period commencing July 1, 2018 and ending June 30, 2020, for the construction of a middle school in Laramie County School District No. 1.

(j) Up to one million one hundred ninety-six thousand sixteen dollars and eighty-four cents (\$1,196,016.84) or as much thereof as is available as contained in 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(ii)(B), as amended by 2015 Wyoming Session Laws, Chapter 194, Section 1, for design purposes for a middle school in Sublette County School District No. 9, is hereby reappropriated to the school facilities commission for the purpose of renovating or replacing existing space within the Big Piney middle school in Sublette County School District No. 9.

(k) Up to one million nine hundred thirty-eight thousand four hundred sixty dollars and sixteen cents (\$1,938,460.16) or as much thereof as is available as contained in capital construction appropriations in 2011 Wyoming Session Laws, Chapter 88, Section 349(b)(vii) and 2012 Wyoming Session Laws, Chapter 16, Section 1(c)(viii)(B) for the Moorcroft K-8 school in Crook County School District No. 1, is hereby reappropriated to the school facilities commission for the purposes of constructing a parking lot and an athletic track and field in Crook County School District No. 1 adjacent to the Moorcroft high school.

(m) The following amounts appropriated from the school capital construction account to the school facilities commission are hereby reverted to the school capital construction account:

(i) Up to two million two hundred seventeen thousand nine hundred sixty-five dollars and sixty-one cents (\$2,217,965.61) or as much thereof as is available appropriated under 2012 Wyoming Session Laws, Chapter 16, Section 1(c)(iv);

(ii) Up to two million one hundred seventy-two thousand six hundred twenty-six dollars and sixty-two cents (\$2,172,626.62) or as much thereof as is available appropriated under 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(v)(A) through (C), as amended by 2015 Wyoming Session Laws, Chapter 194, Section 1;

(iii) Up to twenty million nine hundred nine thousand nine hundred eight dollars (\$20,909,908.00) or as much thereof as is available appropriated under 2016 Wyoming Session Laws, Chapter 25, Section 1(g)(xi), as amended by 2017 Wyoming Session Laws, Chapter 200, Section 1;

(iv) Up to five hundred five thousand six hundred fifty-four dollars and thirty-five cents (\$505,654.35) or as much thereof as is available appropriated under 2012 Wyoming Session Laws, Chapter 16, Section 1(c)(ii)(B);

(v) Up to two million dollars (\$2,000,000.00) or as much thereof as is available appropriated under 2012 Wyoming Session Laws, Chapter 16, Section

1(c)(viii)(B).

~~[(n) For the period from July 1, 2018 through June 30, 2020, in addition to other applicable requirements established by law, prior to the sale of any lands granted to the state of Wyoming by the United States for the benefit and support of public schools, either directly or through exchange for other lands, the board of land commissioners must find that the lands are not suitable as a location for the construction of an elementary, middle or high school. This finding shall be based on an evaluation conducted by the state construction department.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]~~

(o) Appropriations denoted with an asterisk (\*) within subsection (g) of this section are effective immediately. Paragraph (g)(vii) and subsections (h) through (m) of this section are effective immediately.

[MINERAL SEVERANCE TAX DIVERSION]

#### Section 314.

(a) W.S. 39-14-801(b)(intro), (i), by creating a new paragraph (iii), (d)(intro) and by creating a new subsection (g) is amended to read:

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

(b) Before making distributions from the severance tax distribution account under subsections (c) through (e) of this section, an amount equal to two-thirds (2/3) of the amount of tax collected under W.S. 39-14-104(a)(i) and (b)(i) and 39-14-204(a)(i) for the same period shall be deposited into the permanent Wyoming mineral trust fund, except for the period from March 15, 2016 through June 30, ~~2018-2020~~ these funds shall be deposited as follows:

(i) For distributions made for the period from March 15, 2016 through the end of fiscal year 2016 these funds shall be deposited in the general fund; ~~and~~

(iii) For fiscal years 2019 and 2020, these funds shall be deposited to the general fund.

(d) After making distributions pursuant to subsections (b), (c) and (f) of this section, distributions under subsection (e) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (e) of this section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (e) of this section would exceed that amount in any fiscal year, except as provided in subsection (g) of this section, the excess shall be credited:

(g) For fiscal year 2019, when distributions under paragraph (d)(ii) of this section equal one hundred thirty-seven million dollars (\$137,000,000.00) additional funds that would otherwise be distributed under paragraphs (d)(i) and (ii) of this section shall be credited to the school foundation program reserve account and the budget reserve account in equal amounts until credits to the school foundation program reserve account for the fiscal year reach fifty million dollars (\$50,000,000.00). If there are undistributed funds in the severance tax distribution account and the conditions of this subsection have been met, the excess shall be credited as follows:

(i) One-third (1/3) to the general fund; and

(ii) Two-thirds (2/3) to the budget reserve account.

[STATE ROYALTIES ON SCHOOL LANDS]

### **Section 315.**

(a) W.S. 9-4-305(b) is amended to read:

#### **9-4-305. Disposition of state land revenue.**

(b) Proceeds from the sale of state lands, mineral royalties and any money designated by the Wyoming constitution or Wyoming statutes as collected shall be transmitted to the state treasurer and credited to the proper accounts within the permanent land fund, except as provided by article 7, section 2 of the Wyoming constitution, thirty-three and one-third percent (33 1/3%) of the mineral royalties received from the lease of any school lands but not to exceed eight million dollars (\$8,000,000.00) during any one (1) year except as provided in this section for fiscal years 2019 and 2020, shall be deposited into the public school capital construction account. For fiscal years 2019 and 2020, up to the amount allowed by article 7, section 2 of the Wyoming constitution shall be deposited into the public school capital construction account under this section. To the extent constitutionally permissible and notwithstanding any other provision of law, at the end of every fiscal year, the state treasurer shall transfer to the corpus of each account within the permanent land fund, except the common school account, from the income earned on the corresponding account within the permanent land fund, to the extent available, an amount as provided by this subsection. In determining the amount to be withheld, the state treasurer shall calculate the fiscal year beginning balance and ignore

any appropriations made from the account within that fiscal year. For the fiscal year 2000, he shall transfer an amount equal to five percent (5%) of the inflation rate for the previous twelve (12) month period as determined by the department of administration and information multiplied by the beginning balance of each permanent land fund account, except the common school account. At the end of each succeeding fiscal year, the state treasurer shall increase the amount to be multiplied by that year's inflation rate by five percent (5%) until such time as the multiplier reaches one hundred percent (100%) of the inflation rate, and then multiply that amount by the beginning balance of each permanent land fund account, except the common school account.

- (b) If 2018 Senate File 0049 is enacted into law, this section is repealed.

[FEDERAL MINERAL ROYALTY DIVERSION]

**Section 316.**

- (a) W.S. 9-4-601(d)(intro), (vi) and (vii) and by creating a new subsection (k) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(d) Except as provided in subsection (k) of this section, any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(vi) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (iii) of this subsection and paragraph (k)(i) of this section, there is annually appropriated to the common school permanent fund reserve account the amount determined under W.S. 9-4-719(g). The appropriation shall be credited to the account as provided in W.S. 9-4-719(g);

(vii) From the amounts that would otherwise be distributed to the budget reserve account under paragraph (iv) of this subsection and paragraph (k)(ii) of this section, amounts necessary to make the required revenue bond payments as provided by W.S. 9-4-1003(d), but in no event more than eighteen million dollars (\$18,000,000.00) annually;

(k) For the period beginning March 15, 2018 [for fiscal year 2018 and for fiscal year 2019], any revenue received under subsection (a) of this section in excess of five hundred million

dollars (\$500,000,000.00) shall be distributed as follows:  
[**BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.**]

(i) Two-thirds (2/3) to the school foundation program account; and

(ii) One-third (1/3) to the budget reserve account.

(b) This section is effectively immediately.

[COAL LEASE BONUS DIVERSION]

### Section 317.

(a) W.S. 9-4-601(b)(i)(intro), (iv)(A) and (B) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(b) The state treasurer shall ascertain and withhold all bonus payments received from the federal government attributable to coal, oil shale or geothermal leases of federal land within Wyoming and shall distribute it as follows:

(i) Fifty percent (50%), the first seven million five hundred thousand dollars (\$7,500,000.00) of which shall be distributed as follows, and any amount in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited into the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal year 2019 amounts in excess of seven million five hundred thousand dollars (\$7,500,000.00) per year shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1:

(iv) And:

(A) Ten percent (10%) but not to exceed one million six hundred thousand dollars (\$1,600,000.00) per year, to a separate account which may be expended by the community college commission in accordance with and in addition to appropriations available under W.S. 21-18-205(c). Any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) together with any unexpended revenues within the account at the end of any biennial budget period shall be credited to the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal year 2019 these funds shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1;



(B) Forty percent (40%) to be deposited to the school capital construction account established under W.S. 21-15-111(a)(i), except for fiscal year 2019 these funds shall be deposited to the school foundation program reserve account created by W.S. 21-13-306.1.

[WYOMING PIPELINE CORRIDOR INITIATIVE]

**Section 318.**

(a) 2012 Wyoming Session Laws, Chapter 27, Section 2(c)(v) as amended by 2016 Wyoming Session Laws, Chapter 116, Section 5(b) is further amended to read:

(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, any unexpended, unobligated funds subject to:

(v) Paragraph (b)(vii) of this section shall not revert until June 30, ~~2018~~ 2020; and

(b) This section is effective immediately.

[DISTRICT COURT WORKLOAD]

**Section 319.** There is authorized four (4) full-time employees, and there is appropriated one million ninety thousand fifty-nine dollars (\$1,090,059.00) from the general fund to the supreme court for distribution to district courts 1A, 1B and 1C in judicial district 1 to address caseload. Any transfers pursuant to this section are not subject to the provisions of Section 306 of this act. Transfers pursuant to this section shall be reported annually by the supreme court to the joint appropriations committee. The report shall specify the expenditures made pursuant to this section, by district court and expenditure series, as well as the full-time positions filled. The appropriation under this section shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2020 shall revert as provided by law. The full-time employee authorization and appropriation within this section shall not be included in the judicial branch's 2021-2022 standard budget request. If 2018 Senate File 0090 is enacted into law, this section is repealed.

[RESERVED]

**Section 320.** [Reserved.]

[APPROPRIATIONS FROM THE LEGISLATIVE  
STABILIZATION RESERVE ACCOUNT]

**Section 321.**

(a) The following sums of money are appropriated from the legislative stabilization reserve account:

(i) Forty million eight hundred thirty-three thousand seventy-four dollars (\$40,833,074.00) to the school capital construction account;

(ii) Nineteen million dollars (\$19,000,000.00) to the economic diversification account created by W.S. 9-12-1404(a). This appropriation shall only be available for expenditure upon approval of the governor as follows:

(A) Two million dollars (\$2,000,000.00) to the Wyoming business council for expenditure only for the Wyoming grown program subject to the following:

(I) Expenditures shall only occur after soliciting input from industry groups, the Wyoming business council and the ENDOW executive council created by W.S. 9-12-1401;

(II) As a condition of this appropriation, the Wyoming business council shall develop a strategy to create small regionally located beef processing plants inspected by the United States department of agriculture and mid-to-large sized processing plants for international sales; and

(III) Expenditures from this appropriation shall be targeted to increase efforts to market Wyoming grown agricultural products in-state, regionally and internationally.

(B) Two million dollars (\$2,000,000.00) to the Wyoming business council for expenditure only to expand broadband connectivity in rural Wyoming;

(C) Fifteen million dollars (\$15,000,000.00) to the department of transportation for improvements to commercial air service in Wyoming and only upon further legislative authorization. If 2018 Senate File 0040 is enacted into law, this appropriation shall be credited to the Wyoming commercial air service improvement account.

(iii) Twenty-two million five hundred thousand dollars (\$22,500,000.00) shall only be expended upon further legislative authorization, which shall include any authorization contained in legislation enacted in the 2018 budget session;

(iv) The appropriations in paragraphs (ii) and (iii) of this subsection shall be reduced dollar for dollar by any appropriation made by legislation enacted in the 2018 budget session to the economic diversification account or any subaccount within that account.

[STATE PENITENTIARY SAVINGS ACCOUNT]

**Section 322.**

(a) On or before June 30, 2019, for fiscal year 2019 the state auditor shall transfer ten million dollars (\$10,000,000.00) from the permanent Wyoming

mineral trust fund reserve account to the Wyoming state penitentiary capital construction account created by W.S. 9-4-220.1.

(b) On or before June 30, 2020, for fiscal year 2020 the state auditor shall transfer ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the Wyoming state penitentiary capital construction account created by W.S. 9-4-220.1.

[LANDFILL REMEDIATION AND CEASE AND TRANSFER PROGRAMS]

**Section 323.**

(a) There is appropriated two million dollars (\$2,000,000.00) from the municipal solid waste landfill remediation account created under W.S. 35-11-535(a) to the municipal solid waste cease and transfer grant account created under W.S. 35-11-529(a). This appropriation shall only be expended on the most recent prioritized list of qualifying projects approved by the legislature.

(b) There is appropriated nine million dollars (\$9,000,000.00) from the municipal solid waste landfill remediation account created under W.S. 35-11-535(a) for remediation activities. This appropriation shall only be expended on the prioritized list of qualifying projects approved by the legislature.

[STRATEGIC PURCHASING OF COMPUTERS]

**Section 324.**

(a) For the period beginning July 1, 2018 and ending June 30, 2020, all appropriations for computer hardware and operating software in this act shall be expended pursuant to the chief information officer's replacement program in accordance with W.S. 9-2-2906(d) and, unless waived by the chief information officer, shall be made through a semi-annual strategic bulk purchasing program established and administered by the department of enterprise technology services.

(b) The department of enterprise technology services shall report to the joint appropriations committee on December 1, 2018 and on December 1, 2019 on the identifiable savings from the strategic bulk computer purchasing program, general results of the initiative, number of waivers and reasons for such waivers, a description of the program and any recommendations for changes to law.

(c) This section shall apply to all executive branch agencies, except for the University of Wyoming and community college districts. The state chief information officer shall collaborate with the University of Wyoming and each community college district to identify opportunities to reduce costs for bulk purchases of computers and operating software.

(d) This section shall not apply to the judicial branch or school districts.

[COURT SECURITY FUNDING]

**Section 325.** There is appropriated four hundred thousand dollars (\$400,000.00) from the general fund to the supreme court to provide funding for court security improvements. Funds shall only be expended upon recommendation by the Wyoming court security commission for direct purchase by the state or grants to counties for security equipment within courthouses or construction or modification of facilities containing a state court. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unawarded, unexpended or unobligated funds remaining from the appropriation in this section shall revert as provided by law on June 30, 2020.

[2017-2018 DEPARTMENT OF HEALTH SHORTFALL]

**Section 326.**

(a) There is appropriated twenty-one million three hundred seventy thousand dollars (\$21,370,000.00) from the general fund to the department of health to be expended for the following purposes:

(i) Long-term care as part of the long-term care waiver or nursing facility services;

(ii) State obligations for Medicare payments;

(iii) Optional Medicaid services for adults;

(iv) Social security insurance supplemental payments;

(v) Medicaid services provided by federally qualified health centers;

(vi) The Wyoming Medicaid eligibility system; and

(vii) The state match for development or enhancement of a certified automated Medicaid claims processing technology system.

(b) There is appropriated sufficient federal funds necessary to provide the maximum leveraged matching funds as is allowable.

(c) Any unexpended, unobligated funds remaining from the appropriation under this section shall revert as provided by law on June 30, 2018.

(d) This section is effective immediately.

[OBSOLETE OR FULLY EXECUTED DATE REFERENCES]

**Section 327.** Pursuant to the authority granted under W.S. 28-8-105(a)(v), in preparing copy for printing the revision or compilation of laws, the legislative service office is directed to delete obsolete or fully executed date references to the provision of statute created or amended in this act, which create or amend provisions of Wyoming statutes for the period of the fiscal biennium commencing July 1, 2018 and ending June 30, 2020, subject to accrual accounting principles.

[SELECT COMMITTEE ON FAMILY MEDICINE  
RESIDENCY PROGRAMS]

**Section 328.**

(a) The select committee on family medicine residency programs is created consisting of the following members:

(i) Three (3) members of the Wyoming senate appointed by the president of the senate;

(ii) Three (3) members of the Wyoming house of representatives appointed by the speaker of the house of representatives;

(iii) The cochairmen of the select committee shall be appointed by the president of the senate and the speaker of the house, respectively.

(b) The select committee shall study and make recommendations on the operations, organizational structure, services and funding of the University of Wyoming family medicine residency programs. The select committee shall submit a report summarizing its studies and recommendations to the joint appropriations committee on or before November 1, 2018. The joint appropriations committee shall consider the recommendations and develop any legislation it deems appropriate for consideration by the legislature.

(c) The select committee shall be staffed by the legislative service office. The University of Wyoming shall provide information and assistance to the select committee as requested by the select committee.

(d) Appointments shall be made under this section not later than March 15, 2018. The select committee shall exist until December 31, 2018. Any vacancy occurring on the select committee shall be filled by the president of the senate or the speaker of the house of representatives, as appropriate, immediately upon the vacancy occurring.

(e) There is appropriated thirty thousand dollars (\$30,000.00) from the general fund to the legislative service office to provide salary, per diem and mileage for legislative members of the select committee. 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, 2020.

(f) This section is effective immediately.

[ELECTION EQUIPMENT]

**Section 329.** If the license collections under W.S. 17-16-1630(a) and 17-29-209(a) exceed thirteen million eight hundred thousand dollars (\$13,800,000.00) during fiscal year 2019 or fiscal year 2020, individually, the amount of the collection in excess of thirteen million eight hundred thousand dollars (\$13,800,000.00) but not to exceed five hundred thousand dollars

(\$500,000.00) per fiscal year shall be deposited into an account administered by the state auditor's office. The funds deposited pursuant to this section shall remain in the account and shall not be expended until further legislative authorization.

~~[TRANSFER OF SALES AND USE TAXES COLLECTED FROM  
REMOTE VENDORS]~~

~~Section 330. For fiscal year 2019, subject to accrual accounting principles, each quarter the department of revenue shall identify sixty-nine percent (69%) of the annual sales and use taxes collected under W.S. 39-15-104 and 39-16-104 from remote sellers as provided by W.S. 39-15-501. As soon as practicable after each quarter, the department shall certify to the state auditor the amount of collections for the prior quarter from remote sellers as provided by W.S. 39-15-501. Within ten (10) business days of receipt of the certified amount pursuant to this section from the department of revenue, the state auditor shall transfer an amount of funds equal to the certified amount from the general fund to the school foundation program reserve account.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]~~

[OPERATION OF AUTOMOTIVE TECHNOLOGY  
TRADE SCHOOL GRANT OR LOAN]

**Section 331.**

(a) In coordination with the office of the governor, the Wyoming business council shall solicit proposals for the continued operation of an automotive technology trade school. Proposals may be submitted by private entities and by Wyoming community college districts. The council shall require of private entities submitting proposals:

(i) A business plan containing information that is sufficient for the council to evaluate management experience of principals, current financial position, details of proposed operation of the trade school, projected enrollments and projected profitability of the operation of the trade school;

(ii) Assets of the entity which would be pledged as collateral for any loan under this section;

(iii) The amount of loan sought and proposed interest rate, term and repayment schedule for any loan under this section;

(iv) An estimate of jobs to be filled in the operation of the trade school, including the number and type of jobs that are full-time, part-time, skilled, semi-skilled or unskilled positions;

(v) Other information the council deems advisable to evaluate all proposals under this section, both individually and in relative terms to other proposals from private entities or community colleges.

(b) The council shall require of community college districts submitting

proposals:

(i) Identification of the amount of grant sought by the district and the proposed terms and conditions of any grant;

(ii) Identification of equipment and the value of the equipment anticipated to be donated to the district or purchased by the district from grant funds;

(iii) Identification of any binding commitment of nonstate funds from one (1) or more political subdivisions contingent on approval of the proposal;

(iv) Expected requests for annual state appropriations for the operation of the automotive technology school program;

(v) Anticipated increased mill levy funding within the district to operate the automotive technology school program;

(vi) An estimate of jobs to be filled in the operation of the trade school, including the number and type of jobs that are full-time, part-time, skilled, semi-skilled or unskilled positions;

(vii) Other information the council deems advisable to evaluate all proposals under this section, both individually and in relative terms to other proposals from community colleges and from private entities.

(c) The business council shall evaluate all proposals received and recommend to the governor funding of the proposal which provides the greatest benefit to the state, based upon direct returns of funding provided under this section, the likelihood of continued operation of the trade school in the foreseeable future, and anticipated direct and indirect revenues and costs to the state. ~~[The recommendation of the council shall be submitted on or before April 1, 2018.]~~ The governor may provide a loan to a private entity or a grant to a community college under the provisions of this section, or may decline to fund any and all proposals, in his sole discretion, but not more than one (1) proposal shall be funded under this section. **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 14, 2018.]**

(d) The governor may approve an initial grant of up to two million five hundred thousand dollars (\$2,500,000.00) to a community college district subject to the following:

(i) The district shall show immediate enrollment demand of not fewer than one hundred (100) students in the first year of operation;

(ii) The automotive technology trade school shall be located in the service area of the community college district submitting the application, except that the trade school shall not currently be located in any community college district facilities;

(iii) Consistent with W.S. 21-18-310, the board of county commissioners

of the county in which the automotive technology trade school is located shall pass a resolution requesting that the county be annexed into a community college district. The resolution shall be passed by such date as will provide for an election on the annexation question at either the 2018 primary or general election. The provisions of W.S. 21-18-310 shall govern subsequent actions relating to the annexation.

(e) The governor, in conjunction with the Wyoming community college commission and the community college district receiving a grant under this section, shall report to the joint education interim committee and the joint appropriations committee not later than December 1, 2018 on the following:

(i) Whether the community college district recommends continuation of the automotive technology trade school by the community college;

(ii) Programmatic options for expanded automotive technology curricula;

(iii) All donated assets for operation of expanded automotive technology programs;

(iv) Short and long-term lease options for existing trade school facilities or the estimated costs for purchase of trade school facilities and student housing;

(v) Recommendations for future revisions to Wyoming law regarding state aid to the community college district receiving the grant;

(vi) Expected requests for annual state appropriations for the operation of the automotive technology program;

(vii) Opportunities for memoranda of understanding with regional secondary educational institutions for shared financing, enrollment and programming options;

(viii) Long-term funding prospectus including local mill levies, tuition and fees, financial support from the community college district and anticipated requests for state appropriations for the next ten (10) fiscal years.

(f) If the community college district makes a favorable recommendation under paragraph (e)(i) of this section and the annexation question is approved at the election, the remaining two million five hundred thousand dollars (\$2,500,000.00) appropriated under subsection (h) of this section shall be made available to the community college district for fiscal year 2020 operational costs relating to the school.

(g) If the governor determines to provide a loan to a private entity under this section, the loan shall:

(i) Be approved as to form by the attorney general;

(ii) Contain an interest rate of two and one-half percent (2.5%) per annum;

(iii) Provide a maximum repayment term of ten (10) years;



(iv) Require a mortgage covering all or any part of the project or by a pledge of the lease of the project;

(v) Provide for any other security device or requirement deemed advantageous or necessary by the governor.

(h) There is appropriated five million dollars (\$5,000,000.00) from the legislative stabilization reserve account to the office of the governor for purposes of this section. The governor may use these monies:

(i) To provide grant funds to a community college district in accordance with subsections (a) and (c) through (f) of this section; or

(ii) To provide a loan to a private entity in accordance with subsections (a), (c) and (g) of this section.

(j) Notwithstanding any other provision of law, funds appropriated in this section shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(k) From any unencumbered, unobligated funds within any account within the revolving investment fund created under article XVI, section 12 of the Wyoming constitution, the governor may expend up to five million dollars (\$5,000,000.00) for purposes of a loan to a private entity in accordance with subsections (a) and (g) of this section. The governor may combine funds authorized under this section with any funds appropriated under subsection (h) of this section, as he deems appropriate, but the total amount of any loan under this section shall not exceed five million dollars (\$5,000,000.00).

(m) This section is effective immediately.

[REDUCTION OF PRIOR APPROPRIATION FROM THE  
LEGISLATIVE STABILIZATION RESERVE ACCOUNT]

**Section 332.** 2017 Wyoming Session Laws, Chapter 140, Section 4 is amended to read:

**Section 4.** There is appropriated ~~two million five hundred thousand dollars (\$2,500,000.00)~~ two hundred thousand dollars (\$200,000.00) from the legislative stabilization reserve account to the economic diversification account created by this act. ~~Of this appropriation, not less than one million five hundred thousand dollars (\$1,500,000.00) shall be earmarked for expenditure under this act for workforce development recommended by the ENDOW executive council to carry into effect the state's economic diversification strategy. These earmarked funds may be expended by the governor for other purposes consistent with the provisions of this act should the governor determine an immediate economic diversification~~

~~opportunity exists and the earmarked funds are necessary to realize that opportunity.~~

[BLOCKCHAIN TASK FORCE]

**Section 333.**

(a) There is created the blockchain task force. The task force shall be composed of:

(i) Two (2) members of the senate, appointed by the president of the senate, and two (2) members of the house of representatives, appointed by the speaker of the house. Not more than three (3) of the legislative members of the task force shall be from the same political party;

(ii) Three (3) members appointed by the governor.

(b) The task force shall identify governance issues related to blockchain technology and develop appropriate legislation to be recommended to one (1) or more appropriate legislative committees for consideration.

(c) The task force shall be staffed by the legislative service office. The task force shall terminate on January 1, 2020.

(d) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for funding salary, mileage and per diem of legislative members of the task force for attendance at meetings of the task force. 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, 2020.

(e) There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the governor's office for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for funding mileage and per diem of members of the task force appointed by the governor for attendance at meetings of the task force. 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, 2020.

(f) This section is effective immediately.

[DISTRIBUTION OF INVESTMENT INCOME]

**Section 334.**

(a) W.S. 9-4-719(q)(i) and by creating a new paragraph (iii) is amended to read:

**9-4719. Investment earnings spending policy**

**permanent funds.**

(q) The earnings from the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during each fiscal year beginning July 1, 2016, which are less than the spending policy established in subsection (d) of this section are appropriated from the general fund subject to subsection (s) of this section and the following:

(i) Except as provided in paragraph (iii) of this subsection, any earnings in excess of two and one-half percent (2.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year and less than or equal to the spending policy amount specified in subsection (d) of this section shall be credited to the legislative stabilization reserve account created by W.S. 9-4-219 and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts; and

(iii) For fiscal year 2019, funds directed to the strategic investments and projects account under paragraph (i) of this subsection shall be credited as follows and in priority order with the first priority fully funded before deposits to the subsequent priority:

(A) An amount equal to nine thousand three hundred seventy-five ten-thousandths percent (0.9375%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, to the permanent Wyoming mineral trust fund reserve account;

(B) An amount equal to three thousand one hundred twenty-five ten-thousandths percent (0.3125%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, to the strategic investments and projects account.

[WYOMING MUSEUM OF MILITARY VEHICLES]

**Section 335.**

(a) There is created the Wyoming museum of military vehicles task force composed of the following nine (9) members, appointed not later than March 31, 2018:

(i) Two (2) members of the senate, appointed by the president of the senate;

(ii) Two (2) members of the house of representatives, appointed by the speaker of the house;

(iii) Five (5) members appointed by the governor to include:

(A) One (1) member from the Wyoming tourism board;

(B) One (1) member from the department of state parks and cultural resources;

(C) One (1) member from the Wyoming veterans' commission;

(D) Two (2) members of the public.

(b) The president of the senate and the speaker of the house shall appoint the cochairmen of the task force. The task force shall meet at the call of either of the cochairmen or a majority of the task force membership.

(c) The task force shall study the feasibility, cost of initiation, construction requirements, maintenance and operations needs, potential locations, collection and exhibit procurement, impacts on tourism, availability of grants or public-private partnerships and other pertinent aspects of establishing and operating a museum of military vehicles.

(d) Not later than October 1, 2018, the task force shall provide a report of its findings to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee. The report may include recommendations for legislative action.

(e) The task force shall be staffed by the department of state parks and cultural resources.

(f) The task force shall terminate on December 31, 2018.

(g) Members of the task force who are government employees or public officials shall be considered on official business of their agency or of the legislature when performing duties as members of the task force. There is appropriated eighteen thousand five hundred dollars (\$18,500.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2019. This appropriation shall only be expended for funding salary, mileage and per diem of legislative members of the task force for attendance at meetings of the task force. 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, 2019.

(h) There is appropriated six thousand five hundred dollars (\$6,500.00) from the general fund to the department of state parks and cultural resources. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2019. This appropriation shall only be expended

for funding mileage and per diem for the members of the task force appointed by the governor who are not state employees. 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, 2019.

(j) This section is effective immediately.

[EFFECTIVE DATE]

#### **Section 400.**

(a) As used in this act, “effective immediately” means effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. Any appropriation contained in this act which is effective immediately shall not lapse until June 30, 2020, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2018.

Approved March 14, 2018.

### **Chapter 135**

#### **STAND YOUR GROUND-2**

Original House Bill No. 168

AN ACT relating to crimes and civil liability; establishing and modifying when defensive force can be used; establishing when no duty to retreat exists; providing immunity from civil liability for reasonable use of defensive force; providing for an award of costs if a civil lawsuit is filed as specified; providing that the use of reasonable defensive force does not subject a person to criminal prosecution as specified; providing a definition; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 6-1-204 and 6-2-602 are amended to read:

**6-1-204. Immunity from civil action for justifiable use of force; attorney fees.**

(a) Except as provided by W.S. 6-1-103(a), a person who uses ~~force as reasonably necessary in defense of his person, property or abode or to prevent injury to another~~ reasonable defensive force pursuant to W.S. 6-2-602 is immune from civil action for the use of the force.

(b) In a civil action filed against a person related to the person’s use of defensive force, the person may file a motion with the court asserting that the person used reasonable defensive force under W.S. 6-2-602. Upon the filing of the motion the court shall hold a hearing prior to trial and shall grant the person’s motion if he proves by a preponderance of the evidence that he used reasonable defensive force under W.S. 6-2-602.

(c) A court shall award reasonable attorney fees, court costs, compensation for any loss of income and all other expenses incurred by a person in defense of any civil action arising from the person's use of reasonable defensive force pursuant to W.S. 6-2-602 if the court finds that the defendant is immune from civil action under subsection (a) of this section.

**6-2-602. Use of force in self defense; no duty to retreat.**

(a) The use of defensive force whether actual or threatened, is reasonable when it is the defensive force that a reasonable person in like circumstances would judge necessary to prevent an injury or loss, and no more, including deadly force if necessary to prevent imminent death or serious bodily injury to the person employing the deadly force or to another person. As used in this subsection, "necessary to prevent" includes a necessity that arises from an honest belief that the danger exists whether the danger is real or apparent.

~~(a)(b)~~ A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or another when using defensive force, ~~that is intended or likely to cause death or serious bodily injury to another including deadly force~~ if:

(i) The intruder against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, another's home or habitation or, if that intruder had removed or was attempting to remove another against his will from his home or habitation; and

(ii) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring.

~~(b)(c)~~ The presumption set forth in subsection ~~(a)-(b)~~ of this section does not apply if:

(i) The person against whom the defensive force is used has a right to be in or is a lawful resident of the home or habitation, such as an owner, lessee or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

(ii) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

(iii) The person against whom the defensive force is used is a peace officer or employee of the Wyoming department of corrections who enters or attempts to enter another's home or habitation in the performance of his official duties.

~~(c)(d)~~ A person who unlawfully and by force enters or attempts to enter another's home or habitation is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

(e) A person who is attacked in any place where the person is lawfully present shall not have a duty to retreat before using reasonable defensive force pursuant

to subsection (a) of this section provided that he is not the initial aggressor and is not engaged in illegal activity.

(f) A person who uses reasonable defensive force as defined by subsection (a) of this section shall not be criminally prosecuted for that use of reasonable defensive force.

~~(d)~~(g) As used in this section:

(i) “Habitation” means any structure which is designed or adapted for overnight accommodation, including, but not limited to, buildings, modular units, trailers, campers and tents;

(ii) “Home” means any occupied residential dwelling place;-

(iii) “Deadly force” means force that is intended or likely to cause death or serious bodily injury.

**Section 2.** This act is effective July 1, 2018.

Became law without signature March 14, 2018.

## Chapter 136

### STATE FUNDED CAPITAL CONSTRUCTION

Original House Bill No. 194

AN ACT relating to state funded facilities; providing appropriations for state funded capital construction; providing for conditions and other requirements related to state funded capital construction projects; providing for loans from the permanent Wyoming mineral trust fund for capital construction of student dormitories; establishing accounts; dedicating and providing for the distribution of funds to school major maintenance and providing for continuous appropriations as specified; specifying duties of the state building commission, the state construction department and the department of administration and information; providing for review of security and potential relocation of the governor’s residence; requiring reports; providing definitions; creating an advisory task force; creating a task force; imposing a moratorium on the expenditure of funds and disposition of property as specified; providing funding and conditions of mineral impacted road projects; providing for real property lease negotiations and disposition as specified; providing for matching funds to be used for higher education capital projects; providing for loans from the permanent Wyoming mineral trust fund for capital construction by local governments; providing additional appropriations; and providing for effective dates.

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

**Section 1.** W.S. 16-1-111, 21-18-319 and 36-8-1701 are created to read:

**16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.**

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to political subdivisions of this state as provided in this section. The aggregate sum of all loans made under this section shall not exceed four hundred million dollars (\$400,000,000.00). The aggregate sum of loans made for infrastructure projects shall not exceed two

hundred million dollars (\$200,000,000.00) and shall not exceed two hundred million dollars (\$200,000,000.00) for road or street projects. Loans may be made for infrastructure projects and street and road projects as provided in this section. The board shall adopt rules and procedures as it deems advisable or necessary to administer the program. The rules shall include requirements and standards which the board determines to be necessary or advisable in accordance with the following:

- (i) To qualify for a loan an applicant shall demonstrate:
  - (A) A commitment to adequately maintain the project for which the loan is requested during a reasonable period of time;
  - (B) That all project costs will be funded at the time of receipt of the loan, with funding sources specified within the project application;
  - (C) Compliance with any other criteria developed by the board consistent with this section.
- (ii) The determination of whether to make a loan shall include consideration of:
  - (A) The contribution of the project to health, safety and welfare;
  - (B) The applicant's need for the project and financial needs of the applicant in relation to the project;
  - (C) The ability of the applicant to repay the loan.
- (b) Loans may be made to cities, towns, counties, school districts and community college districts for infrastructure projects. A loan under this subsection shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years. In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. Adequate security for loans shall be required and may include:
  - (i) A pledge of the revenues from the project for which the loan was granted;
  - (ii) A pledge of other revenues available to the entity receiving the loan;
  - (iii) A mortgage covering all or any part of the project or by a pledge of the lease of the project;
  - (iv) Any other security device or requirement deemed advantageous or necessary by the board.
- (c) Loans may be made to cities, towns and counties for road or street projects. To qualify for a road or street project loan, in addition to the requirements of



subsections (a) and (b) of this section, an applicant shall demonstrate that all related infrastructure including water and sewer is or will be in place at the time of receipt of the loan. No loan shall be provided under this subsection to any city, town or county that has any outstanding or unpaid loan under this subsection. Any loan under this subsection shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years. In the event of prepayment of a loan, the interest rate shall be calculated at the actual loan period, but no refund of interest payment shall be made to the borrowing entity. Any loan made under this subsection shall be for a term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment. The total loans under this subsection provided in any one (1) year shall not exceed one hundred million dollars (\$100,000,000.00). Not more than thirty-five million dollars (\$35,000,000.00) of road or street loans shall be made in any one (1) year to:

- (i) Towns as defined in W.S. 15-1-101(a)(xiv);
- (ii) Cities as defined in W.S. 15-1-101(a)(iv);
- (iii) Counties.

(d) No loan shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be required only if the attorney general determines such an election is otherwise required by law.

(e) There is created a loss reserve account for loans made under this section. A loan origination fee of one-half of one percent (0.5%) of the loan shall be paid by the loan applicant and deposited to the loss reserve account for any loan approved under this section. If, as a result of default in the payment of any loan made under this section, there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the permanent fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the permanent fund. Beginning June 30, 2018, the state treasurer shall transfer funds quarterly from the permanent Wyoming mineral trust fund reserve account to the loss reserve account created in this subsection, in an amount necessary to ensure that as of the last day of each quarter there is an unobligated, unencumbered balance equal to five percent (5%) of the balance of outstanding loans under this section. Any funds transferred to the loss reserve account pursuant to this subsection which are not necessary to maintain the five percent (5%) balance shall be transferred

back to the permanent Wyoming mineral trust fund reserve account on the last day of the quarter.

(f) As used in this section:

(i) “Board” means the state loan and investment board to include the office of state lands and investments;

(ii) “Infrastructure project” means a capital construction project which may lawfully be undertaken within the powers of the political subdivision authorized to receive a loan under this section;

(iii) “Road or street project” means the construction, maintenance or improvement of a public street, road or alley within a city, town or county.

**21-18-319. Student dormitory capital construction loans; rulemaking; requirements; reporting; definition.**

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to community college districts for capital construction of student dormitories, including the purchase of land, buildings, facilities and necessary rights-of-way. The aggregate sum of all outstanding loans made under this section shall not exceed sixty million dollars (\$60,000,000.00). The board shall adopt rules as it deems advisable or necessary to administer the loans authorized in this section.

(b) In making loans authorized in this section, the board shall establish in rule the requirements and standards which it determines to be advisable or necessary and in accordance with the following:

(i) To qualify for a loan a community college district shall demonstrate in its application:

(A) A commitment to adequately maintain the student dormitory for which the loan is requested for the full term of the loan or for the period in which there remains an outstanding loan balance;

(B) That all costs for the construction of the student dormitory will be funded at the time of receipt of the loan, with funding sources specified in the application.

(ii) The determination of whether to make a loan shall include consideration of:

(A) The community college district’s need for the student dormitory and the financial needs of the community college district in relation to the student dormitory;

(B) The ability of the community college district to repay the loan.

(iii) Any community college district with a significant demonstrated need to increase student dormitory capacity on campus shall be granted first priority for loans;

(iv) Loans shall be at an interest rate of one percent (1%) plus seventy-five thousandths of one percent (.075%) for each year of the loan term in excess of five (5) years;

(v) Loans shall be for an initial term of not fewer than five (5) years and not greater than twenty-five (25) years for repayment;

(vi) Adequate security for loans shall be required and may include:

(A) A pledge of the revenues from the student dormitory for which the loan was granted;

(B) A pledge of other revenues available to the community college district receiving the loan;

(C) Any other security device or requirement deemed advantageous or necessary by the board.

(vii) Annual financial statements shall be required from any community college district receiving a loan. In addition, the expenditures and progress of the project related to the loan shall be reported to the board at least annually or more frequently if deemed advisable by the board. At the end of the term of the loan, the community college district shall provide to the board a comprehensive report that shall, at minimum, include a financial review and a list of the accomplishments as a result of the loan;

(viii) No loan shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith. An election by the qualified electors of the community college district approving the construction of student dormitories and borrowing of funds under this section shall be required only if the attorney general determines an election is otherwise required by law;

(ix) A loan origination fee of one-half of one percent (0.5%) of the loan amount shall be paid by the community college district to the board to be credited to a loss reserve account, which is hereby created:

(A) Revenues received by the board for deposit in the loss reserve account shall be transmitted to the state treasurer for deposit to the account;

(B) Funds in the loss reserve account shall be used to pay the administrative and legal expenses of the board in making collections and foreclosing on loans made pursuant to this section;

(C) If, as a result of default in the payment of any loan made under this section there occurs a nonrecoverable loss either to the corpus of, or interest due to the permanent Wyoming mineral trust fund, the board shall restore the loss to the fund using any funds available in the loss reserve account. If the funds in the loss reserve account are insufficient to restore the full amount of the loss, the board shall submit a detailed report of the loss to the legislature and shall request an appropriation to restore the balance of the loss to the

permanent Wyoming mineral trust fund.

(x) The board, whenever it deems necessary for the better protection of the permanent Wyoming mineral trust fund, may refinance any delinquent loan made under this section and reamortize the loan over not more than twenty-five (25) years from the date of refinancing. All costs of refinancing the loan shall be paid by the community college district that is delinquent on the original loan and no loan shall be refinanced where it appears refinancing will jeopardize the collection of the loan. A fee of one-half of one percent (0.5%) of the refinanced loan amount shall be paid by the community college district to the board to be credited to a loss reserve account created by paragraph (ix) of this subsection. The rate of interest for any refinanced loan shall be at the same rate specified under paragraph (iv) of this subsection.

(c) Loans to a community college district under this section shall not be used for any other infrastructure need of the community college district that is not directly associated with the development and construction of student dormitories.

(d) On or before June 30 of each year, the board shall report information on the administration of loans made pursuant to this section to the joint appropriations committee, the joint minerals, business and economic development interim committee and the joint education interim committee. The report shall include a list of all loan requests made in the previous twelve (12) months, the amount approved by project, expenditures by project and the progress of each project as of the date of the report, including outstanding loan amounts, repayment schedules and any delinquencies.

(e) As used in this section:

(i) "Board" means the state loan and investment board and includes assistance provided by the office of state lands and investments;

(ii) "Capital construction" or "construction" includes new construction, renovation or capital renewal.

## ARTICLE 17

### RANCH A

#### **36-8-1701. Ranch A account; use of funds.**

(a) There is created the Ranch A account. The board of land commissioners shall deposit all earnings, whether from lease or otherwise, generated by state owned property commonly known as "Ranch A" to the account. The board may accept gifts from any individual or entity for Ranch A and shall deposit those funds to the account. Funds in the account from any source are continuously appropriated to the board for purposes of capital construction projects, major maintenance and maintenance of the outdoor recreation area and the facilities comprising Ranch A. Notwithstanding W.S. 9-2-1008 and 9-4-207, any

earnings from funds in the account shall be credited to the account and shall not lapse at the end of any fiscal period.

(b) As used in this section "Ranch A" means the following described property: In township 52 north, range 60 west, 6th p.m., section 18, lots 3, 4: SE1/4 SW1/4: SW1/4 SE1/4: 7.79 acres in NE1/4 SW1/4; section 19 lot 1, NE1/4 NW1/4. In township 52 north, range 61 west, 6th p.m., section 13: lot 4: W1/2 SE1/4: SE1/4 SE1/4; section 24 NE1/4 (less 1.0 acre): NE1/4 NW1/4: E1/2 NE1/4 NW1/4 SE1/4 less south 50 feet: W1/2 NW1/4 NE1/4 SE1/4 less south 50 feet. All containing six hundred twelve and ninety-four hundredths (612.94) acres more or less.

**Section 2.** W.S. 9-2-3004(c) by creating a new paragraph (viii), 9-4-220, 9-4-719(b) and 21-18-102(a)(xxiii) are amended to read:

**9-2-3004. Duties of the department.**

(c) The department shall:

(viii) Review the final design, drawings and plans of any capital construction project prior to commencing with bidding to ensure that energy efficient best practice techniques and processes are included in the design of any capital construction project funded with federal funds and for which the state is required to expend state funds to fully or partially pay for operations, routine maintenance or major maintenance expenses for the facility. Upon conclusion of each review, the department shall submit a report of findings to the joint appropriations committee and the joint transportation, highways and military affairs interim committee.

**9-4-220. Strategic investments and projects account created; purposes.**

(a) The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4, Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. Subject to subsection (b) of this section, the governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(i) An amount equal to forty-five percent (45%) of the maximum amount which may be credited to the strategic investments and projects account pursuant to W.S. 9-4-719(q) shall be credited to a school major maintenance

subaccount. Funds within the subaccount shall be expended only for school major maintenance obligations of the state. For purposes of accounting and investing only, the school major maintenance subaccount shall be treated as a separate account from the strategic investments and projects account;

(ii) Funds in excess of the amount calculated under paragraph (i) of this subsection may be expended as appropriated by the legislature.

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

(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2017, after making any transfer required pursuant to paragraph (i) of this subsection, revenues in this account in excess of one hundred fifty percent (150%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund. For fiscal year 2021 and for each fiscal year thereafter:

(i) As soon as practicable after the end of the fiscal year, after making any other transfers provided by law from the permanent Wyoming mineral trust fund reserve account, but prior to calculating the balance of the account under this subsection, the state treasurer shall transfer from the account an amount equal to the difference between the full amount to be credited to the school major maintenance subaccount pursuant to W.S. 9-4-220(b)(i) and the amount actually credited to that subaccount in the applicable fiscal year.

**21-18-102. Definitions.**

(a) As used in this act:

(xxiii) "This act" means W.S. 21-18-101 through ~~21-18-317~~ 21-18-319.

**Section 3.**

(a) As used in sections 3 through 17 of this act:

(i) "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;

(ii) "Approved budget" means as defined in W.S. 9-2-1005(e);

(iii) "FF" means federal funds;

(iv) "PR" means private funding sources;

(v) "RA" means the permanent Wyoming mineral trust fund reserve

account created by W.S. 9-4-719(b);

(vi) “SR” means an agency’s account within the special revenue fund;

(vii) “T5” means the penitentiary permanent land fund;

(viii) “S10” means the legislative stabilization reserve account;

(ix) “S13” means the strategic investments and projects account created by W.S. 9-4-220.

[CAPITAL CONSTRUCTION]

**Section 4.**

(a) 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, unless otherwise provided. 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:

(i) Appropriations for projects with state funding administered through the state construction department:

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

**Section 027. CAPITAL CONSTRUCTION PROJECTS**

PROGRAM	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
SBC Contingency	9,000,000			9,000,000
NWCCD- Health Science Bldg.	385,000			385,000
LCCC- PE Building Reno			7,300,000	PR 7,300,000
NWCC- Performing Arts Ctr. <sup>1</sup> .	495,000		495,000	PR 990,000
NWCC- Student Center <sup>1</sup> .	550,000		550,000	PR 1,100,000
LCCC- Albany Cty Campus			1,300,000	PR 1,300,000
CC- Visual Arts Bldg. <sup>1,2</sup> .	5,750,000		5,750,000	PR 11,500,000
CC- Ag & Equine Center <sup>1,3</sup> .	2,000,000		2,000,000	PR 4,000,000
WWCC- Mechanical Repairs <sup>4</sup> .	1,071,200			1,071,200
LCCC- Fine Arts Bldg. <sup>1</sup> .	7,000,000		7,000,000	PR 14,000,000
Mil- Cheyenne Readiness		28,900,000		28,900,000
Mil- Guernsey Readiness		22,300,000		22,300,000
Mil- Guernsey Air Tower		17,000,000		17,000,000
DFS- Maghee Bldg. Remodel	2,170,000			2,170,000
State Parks- Health/Safety			4,300,000	SR 4,300,000

State Parks- Terr. Prison			210,000	SR	210,000
State Parks- Water Fac.			770,000	SR	770,000
DOC- WSP Repairs and Contingency <sup>5, 6.</sup>			8,184,125	T5	8,184,125
State Facilities Const. <sup>7.</sup>			7,500,000	RA	
			7,500,000	S10	15,000,000
State Facilities - Casper <sup>8.</sup>	5,000,000				5,000,000
LCCC- Crossroads			1,200,000	PR	1,200,000
TOTALS	33,421,200	68,200,000	54,059,125		155,680,325

1. As a condition of this general fund appropriation, the community college to which the funds are appropriated shall expend the entire appropriation of other funds prior to the release of any general funds appropriated for purposes of the authorized capital construction project.

2. Casper College shall complete requirements specified in footnotes 1 and 3 of this section for the Casper College-Agriculture and Equine Center appropriation before release of the general fund appropriation for the Casper College-Visual Arts Building.

3. For the Casper College-Agriculture and Equine Center, any funds expended pursuant to 2014 Wyoming Session Laws, Chapter 26, Section 3, Section 006, footnote 5, up to seven hundred fifty thousand dollars (\$750,000.00), shall be considered expenditures of other funds for purposes of footnote 1 of this section if the Casper College-Agriculture and Equine Center is constructed on the property acquired from that expenditure.

4. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended upon a determination by the governor, in consultation with Western Wyoming Community College and the state construction department, that insufficient appropriations are available to address emergency repair needs related to building system failures at the college.

5. Of this other funds appropriation, three million one hundred eighty-four thousand one hundred twenty-five dollars (\$3,184,125.00)T5, or as much thereof as is available, is effective immediately and shall be expended on water mitigation projects, maintenance and repairs at the Wyoming state penitentiary recommended pursuant to the penal facility peer review study conducted under 2017 Wyoming Session Laws, Chapter 120, Section 332 and on file with the legislative service office.

6. Of this other funds appropriation, five million dollars (\$5,000,000.00)T5, or as much thereof as is available, shall be expended for operations, major maintenance, capital construction, repairs or inmate relocation in the event hazardous conditions resulting from subsurface movement or other building failure at any correctional facility of the department of corrections warrants an



immediate response. Expenditures of the appropriation subject to this footnote shall be made only upon the approval of the governor after consultation with the joint appropriations committee. The department of corrections shall report quarterly to the joint appropriations committee on expenditures made from this appropriation subject to this footnote. Any unexpended, unobligated funds remaining from the appropriation subject to this footnote shall revert as provided by law on June 30, 2020.

7. Funds from this appropriation shall be deposited in the state facilities construction account. This appropriation shall be effective immediately.

8. Funds from this appropriation shall be deposited to the Casper state facilities account created in W.S. 9-4-223.

(ii) Appropriations for University of Wyoming projects:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
UW Family Med- Cheyenne <sup>1</sup>			875,000 SR	875,000
TOTALS	0	0	875,000	875,000

1. Of this other funds appropriation, five hundred thousand dollars (\$500,000.00)SR is effective immediately.

[UNIVERSITY OF WYOMING SCIENCE INITIATIVE]

**Section 5.** Of the unobligated, unexpended funds in the University of Wyoming science initiative account created by W.S. 9-4-222, up to eighty-five million dollars (\$85,000,000.00) is continuously appropriated to the University of Wyoming for purposes of construction of the science initiative facility. This appropriation shall remain in effect until the project is complete. Appropriated funds under this section shall be expended only after the university provides matching funds of fifteen million dollars (\$15,000,000.00) from reserve funds or other sources of funding and then only on the science initiative facility. Any unexpended, unobligated funds remaining at project completion shall revert to the account from which it was appropriated. The amount appropriated in this section shall not be construed to be an entitlement or guaranteed amount.

[CASPER STATE OFFICE BUILDING – APPROPRIATION AND  
ADVISORY TASK FORCE]

**Section 6.**

(a) There is created the Casper state office building advisory task force.

(b) The task force shall be comprised of:

(i) Four (4) members of the legislature as follows:

(A) Two (2) members of the senate, appointed by the president of the senate;

(B) Two (2) members of the house of representatives, appointed by the speaker of the house.

(ii) Five (5) members appointed by the governor to include:

(A) One (1) member from the state construction department;

(B) One (1) member to represent the interests of the city of Casper;

(C) One (1) member to represent the interests of the Casper downtown development authority;

(D) Two (2) members appointed from the state agencies that are anticipated to occupy the Casper state office building.

(c) The cochairmen of the task force shall be appointed by the president of the senate and the speaker of the house, respectively.

(d) The task force shall serve in an advisory role and provide recommendations to the executive branch of government for the procurement of professional services and completion of a level II feasibility study, as described in W.S. 9-5-108(a)(ii), level III construction and operation plans, as described in W.S. 9-5-108(a)(iii), and construction of the Casper state office building project. While serving in an advisory role, the task force shall:

(i) Receive and, when necessary, request information from the state construction department to stay informed on all aspects of the Casper state office building project;

(ii) Closely monitor the procurement of professional services and progress on the planning and design of the Casper state office building project;

(iii) When necessary or prudent, make recommendations to the state construction department regarding important aspects of the Casper state office building project;

(iv) Provide interim reports on the activities of the task force to the joint appropriations committee not later than November 1 of each year that the task force is in existence;

(v) Include in each interim report any recommendations for legislative action that should be considered during the legislative session immediately following the report as necessary to continue or complete the Casper state office building project.

(e) The task force shall be staffed by the state construction department with assistance provided by the legislative service office. In staffing the task force, the state construction department shall:

(i) Coordinate and schedule all meetings, assemble all required meeting

agenda and meeting materials for the task force and include and communicate with the legislative service office to allow the legislative service office to provide sufficient assistance to the legislative members to fulfill their responsibilities as members of the task force;

(ii) Act as a liaison between the task force and the executive branch of government to communicate task force recommendations;

(iii) Provide regular updates and progress reports to the task force and the state building commission concerning the Casper state office building project;

(iv) Provide other information and assistance to the task force as requested.

(f) The task force shall terminate on June 30, 2020.

(g) There is appropriated twenty-two thousand dollars (\$22,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force. 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, 2020.

(h) There is appropriated eight thousand dollars (\$8,000.00) from the general fund to the state construction department. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for the purpose of funding mileage and per diem for the members of the task force appointed by the governor who are not state employees. 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, 2020.

(j) Of the unobligated, unexpended funds in the Casper state facilities account created by W.S. 9-4-223, there is appropriated to the state construction department forty-five million four hundred eighty-five thousand one hundred ninety-five dollars (\$45,485,195.00) to procure, develop and implement the level II and level III studies and for construction of the Casper state office building project. The state construction department shall retain a qualified owner's representative for the Casper state office building project and may expend up to five hundred thousand dollars (\$500,000.00) of this appropriation on the qualified owner's representative. This appropriation shall remain in effect until the Casper state office building project is complete and shall be expended only on the Casper state office building project. Any unexpended, unobligated funds remaining at project completion shall revert to the Casper state facilities account. The amount appropriated in this subsection is intended

to provide a maximum amount for the project and shall not be construed to be an entitlement or guaranteed amount.

[AMENDMENTS-PRIOR DEPARTMENT OF CORRECTIONS  
CAPITAL CONSTRUCTION FUNDS]

**Section 7.** 2016 Wyoming Session Laws, Chapter 97, Section 3(a)(i) is amended to read:

[CAPITAL CONSTRUCTION]

**Section 3.**

(a) 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:

(i) Appropriations for projects with state funding administered through the department of administration and information:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
OSLI-Forestry Level III	6,866,375			6,866,375
A&I-State Fac.-Casper I <sup>1</sup> .	13,000,000			13,000,000
A&I-State Fac.-Casper II <sup>1,5</sup> .	7,000,000			7,000,000
CC-CWC Ag/Animal Science <sup>2</sup> .	5,250,000		5,250,000	PR 10,500,000
CC-NWCCD Tech Ed Ctr. <sup>2</sup> .	6,500,000		6,500,000	PR 13,000,000
CC-LCCC Ludden Library <sup>3</sup> .			5,000,000	PR 5,000,000
CC-LCCC Residence Hall			13,000,000	PR 13,000,000
CC-LCCC Children's Ctr.			2,900,000	PR 2,900,000
CC-NWCCD Residence Hall			11,162,785	PR 11,162,785
State Parks-Health/Safety <sup>3</sup> .		500,000	3,500,000	SR 4,000,000
State Parks-Terr. Prison			210,000	SR 210,000
State Parks-Water Fac.		300,000	1,700,000	SR 2,000,000
Dept. of Health-Facs. I <sup>4</sup> .	45,000,000			45,000,000
Dept. of Health-Facs. II <sup>4</sup> .	25,000,000			25,000,000
DOC-WMCI Buildout			13,500,000	TF 13,500,000

WSP Repairs <sup>6,7.</sup>			7,750,000	T5	7,750,000
TOTALS	<u>108,616,375</u>	<u>800,000</u>	<u>70,472,785</u>		<u>179,889,160</u>
			<u>56,972,785</u>		<u>166,389,160</u>

1. This appropriation shall be deposited into the Casper state facilities account and expended pursuant to Option 2 as requested in the department of administration and information's 2017-2018 biennial budget request with adjacent surface parking.

2. As a condition of this appropriation, the applicable college must expend the entire appropriation of other funds prior to the release of any general funds or funds from the strategic investments and project account appropriated for purposes of the authorized capital construction project.

3. Of these federal and other funds appropriations, funds may be expended for rehabilitation of existing facilities, but no funds shall be expended for the construction of new facilities without further legislative authorization.

4. Funds from this appropriation shall be deposited in the state facilities construction account.

5. This appropriation shall only be expended upon approval of the state building commission for land acquisition purchases pursuant to Option 2 as requested in the department of administration and information's 2017-2018 biennial budget request with adjacent surface parking.

6. Of this other funds appropriation, seven hundred fifty thousand dollars (\$750,000.00)T5 shall only be expended for consultants in order to facilitate the evaluation of remedies outlined in 2016 Senate File 91, if enacted into law. Any consulting contract shall be subject to the approval of the governor after consultation with the select committee created by 2016 Senate File 91, if enacted into law.

7. (a) No funds for repairs or other construction shall be expended from this appropriation unless the governor has first consulted with the select committee created by 2016 Senate File 91, if enacted into law, and in all events the governor has determined:

(i) That the expenditure will cause a significant portion of the existing facilities to remain useful for a significant life cycle that warrants the expenditure;

(ii) That if it is determined that replacement of portions of the facility that are damaged due to construction defects should be undertaken, the expenditure of these funds, without additional funding, is warranted; and

(iii) That repair or replacement of the facility with these funds cannot be delayed until the select committee has completed its work under Senate File 91, as enacted into law.

8. As a condition of this appropriation, Laramie County Community College

must raise and expend one-half (1/2) of this other funds appropriation prior to the release of any funds appropriated in section 7 of this act for purposes of the authorized capital construction project. Any costs of the project in excess of five million dollars (\$5,000,000.00) shall be borne by the college.

[AMENDMENTS-CONDITIONAL APPROPRIATIONS FROM  
INVESTMENT EARNINGS DERIVED IN FISCAL YEAR 2018]

**Section 8.** 2016 Wyoming Session Laws, Chapter 97, Section 8 is amended to read:

[CONDITIONAL APPROPRIATIONS FROM INVESTMENT  
EARNINGS DERIVED IN FISCAL YEAR 2018]

**Section 8.** The following sums of money are appropriated for the capital construction projects specified from revenues credited to the strategic investments and projects account under W.S. 9-4-719(q) attributable to earnings from the fiscal year beginning July 1, 2017 and ending June 30, 2018. Appropriations for these projects remain in effect until the project is completed. Any unexpended, unobligated appropriations 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). To the extent funds are available, the appropriations shall be made available as soon as practicable on or after June 30, 2018, but not later than ninety (90) days after the end of the 2018 fiscal year. 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. In the event there are insufficient funds to accomplish the purposes of all appropriations in this section from earnings deposited to the strategic investment and projects account in fiscal year 2018 the state treasurer and the state auditor may utilize interfund loans from the legislative stabilization reserve account as authorized in section 9 of this act. If there are insufficient funds in the strategic investment and projects account and the legislative stabilization reserve account to accomplish the purposes of all appropriations in this section, appropriations shall be made in priority order, with the total appropriation funded for each priority before funding the next priority as specified:

<u>Priority</u>	<u>Agency</u>	<u>Description</u>	<u>Amount (\$)</u>
I.	006	State facilities construction account <sup>2,7.</sup>	20,000,000
	027		37,000,000
II.	067	University science initiative <sup>3.</sup>	24,400,000
			9,400,000
III.	006	State facilities – Casper <sup>4.</sup>	12,000,000
	027		15,000,000
IV.	006	Capitol bldg. rehabilitation and restoration account <sup>1.</sup>	20,000,000
	027	School capital construction account <sup>6.</sup>	4,200,000
V.	045	Mineral impacted roads <sup>5.</sup>	To be determined.

~~1. Funds from this appropriation shall be deposited in the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).~~

2. Funds from this appropriation shall be deposited in the state facilities construction account.

3. The state treasurer shall deposit this appropriation in the University of Wyoming science initiative account.

4. This appropriation shall be deposited in the Casper state facilities account.

~~5. To the extent highway funds are deposited to the mineral impacted road account pursuant to section 13 of this act, and have not been replenished under section 7 of this act, an amount necessary to completely restore those highway funds is appropriated for deposit to the highway fund. Funds deposited to the highway fund under this section shall not be subject to any reversion or lapse.~~

6. Funds from this appropriation shall be deposited in the school capital construction account as defined in W.S. 21-15-111(a)(i).

7. In addition to amounts appropriated in 2017 Wyoming Session Laws, Chapter 78 for the Wyoming state hospital and Wyoming life resource center, up to thirty-two million dollars (\$32,000,000.00) from the state facilities construction account is appropriated for the purposes of preconstruction and construction activities necessary to plan, contract for, construct and renovate facilities at the Wyoming state hospital and Wyoming life resource center, consistent with the Level III design study authorized by 2016 Wyoming Session Laws, Chapter 97, Section 4.

[CITY OF CASPER APPROPRIATION – COMMUNITY IMPACT ASSISTANCE]

## Section 9.

(a) There is appropriated to the department of administration and information up to four hundred thousand dollars (\$400,000.00), or as much thereof as is available from the unobligated, unexpended funds previously received or due to the state on or before March 31, 2021 for rental payments for the state property described as “rail yard rentals” in subsection (c) of this section. This appropriation shall only be expended for distributions to the city of Casper for purposes of community impact assistance related to the state occupied facility located at 135 North Ash Street, Casper, Wyoming 82601 and the Casper state office building. This appropriation shall be for the period beginning with the effective date of this section and ending March 31, 2021. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not lapse or revert at the end of the fiscal period.

(b) The city of Casper shall report to the joint appropriations committee not later than December 1, 2018 on the expenditure of funds appropriated under this section and any amendments or changes to agreements between the city of Casper, the Casper downtown development authority and the department of administration and information related to the state occupied facility located at 135 North Ash Street, Casper, Wyoming 82601.

(c) As used in this section “rail yard rentals” means the properties owned by the state of Wyoming for which the state receives rental payments from lessees located at 330 West Collins Drive, 340 West Collins Drive, 350 West Collins Drive, 370 West Collins Drive, 380 West Collins Drive, 382 West Collins Drive, 384 West Collins Drive, 404 West Collins Drive, 444 West Collins Drive, 500 West Collins Drive, 510 West Collins Drive, 550 West Collins Drive, 600 West Collins Drive, 675 South Walnut, 501 West Midwest Avenue and 535 West Midwest Avenue, all within the city of Casper, Wyoming.

[STATE OF WYOMING - CASPER PROPERTIES]

**Section 10.**

(a) For the state owned property described as parcels 1, 2 and 3 in subsection (c) of this section, the department of administration and information and the state construction department shall:

(i) Seek a long-term tenant for the parcels, which may include use of the parcels as a parking lot. A long-term lease negotiated under this subsection shall take into consideration property improvements related to public safety and the costs of continuing routine and major maintenance and repairs to the property and improvements;

(ii) Report to the governor and the joint appropriations committee not later than December 1, 2018 concerning any lease negotiated or executed for the parcels.

(b) For the state owned property and facility located at 100 West Midwest Avenue, Casper, Wyoming 82601, with the legal description: CASPER BLK



2 LOT 24-25 INCL COMM EXEMPT, the department of administration and information and the state construction department shall:

(i) Undertake negotiations for the future use of the property. A lease negotiated under this subsection shall take into consideration the highest and best use of the property and facility in relation to current and planned development goals for the downtown area of the city of Casper;

(ii) Report to the governor and the joint appropriations committee not later than December 1, 2018 concerning whether the sale, transfer, demolition or other actions are necessary to meet the highest and best use of the property. Recommendations should include proposals for reasonable deed restrictions or allowances for use of the property to ensure the greatest public benefit for the state and the city of Casper.

(c) As used in this section:

(i) "Parcel 1" means the following: A PARCEL LOCATED IN AND BEING A PORTION OF THE NW1/4NE1/4, SW1/4NE1/4, SE1/4NW1/4 AND THE NE1/4NW1/4, SECTION 9, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL AND A POINT IN THE INTERSECTION OF THE SOUTHERLY LINE OF WEST MIDWEST AVENUE WITH THE WESTERLY LINE OF THE PROPOSED EXTENSION OF SOUTH DAVID STREET, IN SAID NW1/4NE1/4, SECTION 9; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE EASTERLY LINE OF SAID PARCEL AND THE WESTERLY LINE OF SAID PROPOSED EXTENSION OF SOUTH DAVID STREET, S.0°02'01"E., 231.80 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AND A POINT IN AND INTERSECTION WITH THE NORTHERLY LINE OF BLOCK 1, C & NW TRAIL ADDITION TO THE CITY OF CASPER, NATRONA COUNTY, WYOMING ACCORDING TO THE PLAT RECORDED NOVEMBER 27, 2001 AS INSTRUMENT NO. 682443; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL AND THE NORTHERLY LINE OF SAID BLOCK 1, C & NW TRAIL ADDITION S.63°38'05"W., 235.02 FEET TO A POINT; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL AND THE NORTHERLY LINE OF SAID BLOCK 1, C & NW TRAIL ADDITION, S.66°46'59"W., 96.99 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL, THE NORTHWESTERLY CORNER OF SAID BLOCK 1, C & NW TRAIL ADDITION AND A POINT IN AND INTERSECTION WITH THE EASTERLY LINE OF SOUTH ASH STREET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL AND THE EASTERLY LINE OF SAID SOUTH ASH STREET, N.0°09'36"W., 228.04 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL AND A POINT IN THE

INTERSECTION OF SAID EASTERLY LINE OF SOUTH ASH STREET WITH THE SOUTHERLY LINE OF SAID WEST MIDWEST AVENUE; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE SOUTHERLY LINE OF SAID WEST MIDWEST AVENUE, N.64°00'30"E., 333.99 FEET TO THE POINT OF BEGINNING;

(ii) "Parcel 2" means the following: A PARCEL LOCATED IN AND BEING A PORTION OF THE SE1/4NW1/4 AND THE SW1/4NE1/4, SECTION 9, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL AND A POINT IN THE INTERSECTION OF THE NORTHERLY LINE OF WEST COLLINS AVENUE WITH THE EASTERLY LINE OF SOUTH ASH STREET, IN SAID SE1/4NW1/4, SECTION 9; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE WESTERLY LINE OF SAID PARCEL AND THE EASTERLY LINE OF SAID SOUTH ASH STREET, N.0°09'13"W., 246.44 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL AND THE SOUTHWESTERLY CORNER OF BLOCK 1, C & NW ADDITION, TO THE CITY OF CASPER, NATRONA COUNTY, WYOMING ACCORDING TO THE PLAT RECORDED NOVEMBER 27, 2001 AS INSTRUMENT NO. 682443; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE SOUTHERLY LINE OF SAID BLOCK 1, C & NW TRAIL ADDITION, N.69°16'30"E., 11.90 FEET TO A POINT OF CURVE; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE SOUTHERLY LINE OF SAID BLOCK 1, C & NW TRAIL ADDITION, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1006.73 FEET AND THROUGH A CENTRAL ANGLE OF 5°46'34", NORTHEASTERLY, 101.49 FEET, AND THE CHORD OF WHICH BEARS N.66°40'51"E., 101.45 FEET TO A POINT OF TANGENCY; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE SOUTHERLY LINE OF SAID BLOCK 1, C & NW TRAIL ADDITION, N.63°49'53"E., 217.76 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL AND A POINT IN AND INTERSECTION WITH THE WESTERLY LINE OF THE PROPOSED EXTENSION OF SOUTH DAVID STREET; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL AND THE WESTERLY LINE OF SAID PROPOSED EXTENSION OF SOUTH DAVID STREET, S.0°02'01"E., 143.05 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL, PARALLEL TO THE NORTHERLY LINE OF SAID WEST COLLINS AVENUE, S.63°58'15"W., 195.78 FEET TO A POINT; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL, S.26°01'15"E., 87.79 FEET TO A POINT IN AND INTERSECTION WITH THE NORTHERLY LINE OF SAID WEST COLLINS AVENUE; THENCE ALONG THE SOUTHERLY LINE OF

SAID PARCEL AND THE NORTHERLY LINE OF SAID WEST COLLINS AVENUE, S.63°58'15"W., 180.02 FEET TO THE POINT OF BEGINNING;

(iii) "Parcel 3" means the following: A PARCEL LOCATED IN AND BEING A PORTION OF THE SW1/4NE1/4, SECTION 9, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH P.M., NATRONA COUNTY, WYOMING, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF THE PARCEL BEING DESCRIBED AND A POINT IN THE NORTHERLY LINE OF WEST COLLINS STREET AND FROM WHICH POINT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF SAID WEST COLLINS STREET WITH THE EASTERLY LINE OF SOUTH ASH STREET, BOTH IN THE CITY OF CASPER, WYOMING, BEARS S.64°02'W., 180.02 FEET; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE WESTERLY LINE OF SAID PARCEL AND LEAVING SAID NORTHERLY LINE OF WEST COLLINS STREET AND ALSO ALONG THE WESTERLY LINE OF THAT CERTAIN TRACT IDENTIFIED AS THE O.L. WALKER TRACT, N.25°57'30"W., 87.79 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL AND ALSO THE NORTHWESTERLY CORNER OF SAID O.L. WALKER TRACT; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL AND O.L. WALKER TRACT AND PARALLEL TO THE NORTHERLY LINE OF SAID WEST COLLINS STREET, N.64°02'E., 196.27 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL AND A POINT IN AND INTERSECTION WITH THE WESTERLY LINE OF PROPOSED DAVID STREET EXTENSION; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL AND THE WESTERLY LINE OF SAID PROPOSED DAVID STREET EXTENSION, S.0°00'03"W., 97.62 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AND A POINT IN AND INTERSECTION WITH THE NORTHERLY LINE OF SAID WEST COLLINS STREET; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL AND THE NORTHERLY LINE OF SAID WEST COLLINS STREET, S.64°02'W., 153.53 FEET TO THE POINT OF BEGINNING.

[MINERAL IMPACTED ROADS]

#### **Section 11.**

(a) Seven million five hundred thousand dollars (\$7,500,000.00) is appropriated from the legislative stabilization reserve account to the department of transportation for relocation, construction or improvement of roads and bridges directly impacted by development of coal resources. This appropriation shall be used to provide funding for a single project in which a county has provided a binding commitment to pay at least fifty percent (50%) of the anticipated cost of the project from county or private funding sources of up to fifteen million dollars (\$15,000,000.00) plus any project costs in excess of thirty million dollars (\$30,000,000.00). The department of transportation shall

contribute the same sum as is appropriated from the legislative stabilization reserve account under this subsection, up to seven million five hundred thousand dollars (\$7,500,000.00), from any available funds within the department. No funds appropriated under this subsection shall be expended unless a county has executed an agreement with the department of transportation that stipulates:

(i) The anticipated cost of the project and construction management of the project;

(ii) All funds provided by the county shall be expended prior to the expenditure of any state funds on the project;

(iii) No funds shall be returned to the county if the actual cost of the project is less than the anticipated cost.

(b) The determination as to whether a binding commitment has been received shall be made by the attorney general.

[RANCH A ACCOUNT APPROPRIATION]

**Section 12.** There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the Ranch A account created under W.S. 36-8-1701. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), this appropriation shall not lapse or revert at the end of any fiscal period.

[TASK FORCE ON UNIVERSITY OF WYOMING HOUSING]

**Section 13.**

(a) There is created a task force on University of Wyoming housing comprised of the following members, appointed not later than March 31, 2018:

(i) Two (2) members of the senate, appointed by the president of the senate;

(ii) Two (2) members of the house of representatives, appointed by the speaker of the house;

(iii) One (1) employee or elected official of the executive branch appointed by the governor to serve as his designee;

(iv) One (1) member appointed by the treasurer who shall be informed of state funding options, state investment goals and public purpose investments;

(v) Two (2) members of the board of trustees of the University of Wyoming appointed by the University of Wyoming board of trustees;

(vi) One (1) member appointed by the president of the University of Wyoming;

(v) One (1) member appointed by the governor with experience in providing large scale private student housing in Laramie;

(vi) One (1) member appointed by the governor from the University of Wyoming foundation with experience in public and private finance.

(b) The cochairmen of the task force shall be appointed by the president of the senate and the speaker of the house, respectively. The task force shall meet at the call of either the cochairmen or a majority of the membership of the task force.

(c) The task force shall review the housing master plan submitted to the joint appropriations committee by the University of Wyoming in January 2018 on file with the legislative service office and shall provide recommendations regarding implementation of the plan, revisions to the plan and potential financing alternatives, including state support, to implement the plan or a revised plan including:

(i) Investment of the permanent Wyoming mineral trust fund, other permanent funds administered by the state of Wyoming or nonpermanent funds of the state available for long-term investment in projects undertaken in furtherance of the plan whether directly or through the purchase of bonds issued by the university. The review shall consider:

(A) Potential state investment in refunding of existing University of Wyoming bonds in order to reduce interest incurred by the university;

(B) Interest rates which may be incurred by the university with and without such state investments;

(C) Potential gains or reductions of state investment returns through state funding of projects, including the potential for capital gains and losses in comparison to investment of the state funds pursuant to the state master investment policies, and overall benefits to the state of Wyoming under each alternative.

(ii) The feasibility of public/private partnerships in financing and operating projects under the plan, including tax revenue implications, potential impact on state funding, liabilities and the availability of revenues to the university under those partnerships as compared to funding and operation of the projects through exclusive public means;

(iii) Timeframes for undertaking components of the plan in consideration of other state funded capital construction projects, including university, community college, school district and state capital facility projects;

(iv) Whether the housing master plan as submitted to the joint appropriations committee has the capacity to meet the long-term needs and demands identified in the student surveys, including parking;

(v) The feasibility of providing financial assistance to the fraternity and sorority system as an incentive to reinvest and relocate fraternity and sorority housing to Harney Street, allowing for a larger footprint for the ten (10) year housing plan;

(vi) Whether the housing master plan will provide competitively priced

housing to students mandated to use provided housing;

(vii) Whether the housing master plan will not discourage construction of private off-campus housing for students not mandated to use on-campus housing;

(viii) Options for the joint appropriations committee to consider regarding different levels of general fund appropriations to augment the appearance and contribution to the architecture of the University of Wyoming.

(d) The task force shall provide a report of its findings to the University of Wyoming board of trustees, joint appropriations committee and the select committee on capital financing and investment not later than November 1, 2018. The report may include recommendations for legislative action, including whether the moratorium provided in subsection (h) of this section should be extended.

(e) The task force shall be staffed by the legislative service office. The University of Wyoming shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested.

(f) The task force shall terminate on June 30, 2019.

(g) Members of the task force who are government employees or public officials shall be considered on official business of their agency or of the legislature when performing duties as members of the task force. There is appropriated sixteen thousand dollars (\$16,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2019. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force for attendance at meetings of the task force. 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, 2019.

(h) There is imposed a moratorium on the expenditure of funds for demolition or construction in furtherance of the university's January 2018 housing master plan on file with the legislative service office and no university owned real property that is within, adjacent to, contiguous with or east of the university campus in Laramie, Wyoming shall be sold, traded or transferred until after adjournment of the 2019 legislative general session.

[STATE OF WYOMING – CHEYENNE PROPERTY]

**Section 14.** Notwithstanding W.S. 9-2-1016(b)(viii), in the event that the state sells the decommissioned liquor commission warehouse located at 1520 E. 5th Street in Cheyenne, Wyoming the net proceeds from the sale shall be deposited in the state building commission contingency fund.

[CENTRAL WYOMING COMMUNITY COLLEGE - TETON  
COUNTY]

**Section 15.**

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the legislative stabilization reserve account to the Wyoming community college endowment challenge fund created by W.S. 21-16-1103. This appropriation shall be deposited to the central Wyoming community college account within the fund and shall only be expended to provide matching funds for a new central Wyoming community college outreach facility in Teton County as provided in this section.

(b) Matching funds appropriated in this section shall be administered in accordance with W.S. 21-16-1101 through 21-16-1104 except that, to the extent funds are available in the challenge fund for purposes of this section, the state treasurer shall match each endowment gift by transferring from the challenge fund to the community college an amount equal to one-half (1/2) the amount of each endowment gift.

(c) Nothing in this section shall be interpreted to provide authorization to commence construction of a new central Wyoming community college outreach facility in Teton County without further legislative authorization.

(d) This section is repealed effective June 30, 2023. Any unexpended, unencumbered and unobligated funds remaining from the appropriation in this section shall revert as provided by law.

[GOVERNOR'S RESIDENCE]

**Section 16.**

(a) The state building commission shall review the security facility requirements of the governor's residence and the buildings and grounds related to the residence, and authorize modifications to nonpersonnel security measures for the residence, buildings and grounds as it determines appropriate. In authorizing modifications, the commission shall consider the provisions of this section in regard to the potential construction of a new governor's residence.

(b) The state building commission shall:

(i) Review and evaluate at least three (3) potential locations to construct a new governor's residence or to modify another existing building to serve as the governor's residence. The commission may consider modification of the existing governor's residence as well, but the alternative of modification to the existing residence shall be in addition to review and consideration of at least three (3) other locations;

(ii) Determine the potential cost for a new governor's residence at each reviewed location, including associated grounds and buildings, together with

necessary nonpersonnel security measures;

(iii) Study the feasibility of leasing a temporary facility to serve as the governor's residence until modification or construction of a governor's residence is completed;

(iv) Determine estimated revenues to the state from the sale of the current governor's residence and grounds;

(v) Propose a schedule for construction of a new governor's residence, which may include modification of the existing governor's residence or another existing building to serve as a governor's residence.

(c) If the state building commission determines that a viable location for a new governor's residence has been identified and that security or other issues make continued use of the current governor's residence not practical, it may authorize negotiations to sell the current governor's residence and grounds. The commission may enter into an agreement to sell the residence and grounds or to provide a right of first refusal to a potential buyer, but any agreement shall be contingent upon legislative appropriation of sufficient funds to construct a new governor's residence enacted in the 2019 general session.

(d) The state building commission shall provide a report of its actions under subsections (a) through (c) of this section to the management council of the legislature and to the joint appropriations committee not later than November 1, 2018. The commission shall include in the report:

(i) A prioritization of at least three (3) locations for a new governor's residence. The modification of the current residence may be included as one (1) of the locations;

(ii) Estimated costs associated with each location, which may include potential modification of traffic flows in coordination with officials of the city of Cheyenne;

(iii) An evaluation of each location based upon meeting security needs;

(iv) An evaluation of the suitability of each location to meet the dignity of the office;

(v) Other considerations the commission determines advisable in considering the location of the governor's residence.

(e) The management council and joint appropriations committee shall consult regarding the report and may sponsor legislation for introduction in the 2019 general session, either separately or jointly, as council and committee determine appropriate.

(f) There is appropriated four hundred thousand dollars (\$400,000.00) from the legislative stabilization reserve account to the state building commission. This appropriation shall be for the period beginning with the effective date of



this section and ending June 30, 2020. This appropriation shall only be expended for the purposes of this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. This appropriation shall not be included in the state building commission's 2021-2022 standard biennial budget request.

[EFFECTIVE DATES]

### **Section 17.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

(b) The following portions 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:

- (i) Sections 3, 6, 7, 8, 9, 10, 13, 14, 15 and 16 of this act;
- (ii) The appropriation in section 4(a)(i) to the DOC- WSP Repairs and Contingency pursuant to footnote 5;
- (iii) The appropriation in section 4(a)(i) to the State Facilities Construction pursuant to footnote 7; and
- (iii) The appropriation in section 4(a)(ii) to the UW Family Med-Cheyenne pursuant to footnote 1.

Approved March 19, 2018.

## **Chapter 137**

### **SCHOOL FINANCE AMENDMENTS-4**

Original House Bill No. 140

AN ACT relating to school finance; modifying provisions of the state's public school funding system; requiring school districts to comply with department of workforce services programs as specified; requiring the average daily membership calculation within the school district funding model to be calculated at the school district level; revising workers' compensation provisions for special education professionals; prohibiting school districts from leasing buses; amending provisions regarding school bus purchase reimbursements; amending school district funding for groundskeepers; repealing assessment funding; requiring a report; requiring the establishment of special education staffing guidelines; amending special education funding; providing an appropriation; authorizing rulemaking; providing for additional distributions to school districts as specified; and providing for effective dates.

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

**Section 1.** W.S. 21-3-110(a) by creating a new paragraph (xxxvi), 21-13-309(m)(iv)(A), 21-13-320(j)(iii) by creating new paragraphs (iv) and (v) and (m), 21-13-321(b) and 27-14-108(d)(xvi) and (f) by creating a new

paragraph (x) are amended to read:

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxxvi) Participate in programs of the department of workforce services necessary to receive premium discounts for the state worker's compensation program.

**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:

(iv) Based upon reports from each district on schools operating within that district for the current school year and on grade configurations contained within each reported school during that school year, compute the average daily membership (ADM) for each reported school and each grade within each reported school in accordance with identified grade configurations subject to the following:

(A) If the district's average daily membership (ADM) ADM for the three (3) immediately preceding school years is greater than the district's ADM from the previous school year, each reported school shall be computed based upon the average of the school's ADM counts completed at the end of the three (3) immediately preceding school years, or otherwise each reported school within the district shall be computed based on the school's ADM for the previous school year; whichever is greater;

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(j) Effective for the school year 2018-2019 and each school year thereafter the amount computed under this section shall be in accordance with the provisions of this subsection. Each district shall receive:

(iii) An amount calculated in accordance with subsection (g) of this section for each school bus purchased or initially leased on or after March 15, 2017 but before July 1, 2018, if the school district first applied to the department and the department determined the purchase or lease was necessary to alleviate an emergency; plus

(iv) One hundred percent (100%) reimbursement for each school bus purchased on or after July 1, 2018, if the school district first applied to the department and the department determined the purchase was necessary to alleviate an emergency; plus

(v) One hundred percent (100%) reimbursement for a bus purchase that

will be partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program minus the amount that will be paid for or rebated under the applicable program.

(m) No district shall purchase a school bus ~~or enter into a new lease for a school bus~~ on or after March 15, 2017 unless it first applies to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus, ~~except that, beginning July 1, 2018, a district may purchase a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program as confirmed by a letter of assurance from the state or federal government. No district shall enter into a new lease for a school bus on or after July 1, 2018.~~

**21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements.**

(b) The amount provided for special education within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services. The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding any additional appropriation for that purpose by the legislature.

**27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.**

(d) This act applies to governmental entities engaged in an industrial classification listed under subsection (a) of this section and to employees of governmental entities engaged in or employed as the following:

(xvi) Public school educational assistants who provide services to special education students while working directly with special education students and certified special education teachers and related services providers as defined by 34 C.F.R. 300.18 and 300.156 and W.S. 21-2-802 and 21-7-303 who provide services to eligible students ~~with behavioral, emotional, cognitive, learning, physical or health disabilities that require educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom~~ while working directly with eligible students;

(f) As used in this section:

(x) “Eligible student” means a student with behavioral, emotional, cognitive, learning, physical or health disabilities who requires educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom.

**Section 2.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT “A” (b)(xxxiii) 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:

(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:

- (xxxiii) Maintenance and operations: Based on ADM, gross square footage, number of buildings and classrooms, and age of buildings ~~and site acreage~~ for custodians; and maintenance workers, ~~and groundskeepers~~; computed in accordance with the 2010 cost of education study. Any building without allowable gross square footage for purposes of major maintenance computations under W.S. 21-15-109 shall use the actual educational gross square footage as approved by the school facilities commission. Groundskeeper FTE computations for elementary, middle and high schools shall be computed in accordance with the 2010 cost of education study, subject to the following. Elementary, middle and high school site acreage shall be based upon the lesser of the actual site acreage on which the facility is situated as defined by department rule and regulation, or the school facility guidelines and site acreages established by the school

facilities commission under W.S. 21-15-114. Elementary, middle and high school acreages acquired on or prior to July 1, 1997, and acreages acquired after July 1, 1997 through an exchange with another governmental entity if the acreages involved in the exchange were originally acquired by the district and the governmental entity on or prior to July 1, 1997, shall not be subject to groundskeeper FTE computation limitations. Groundskeeper FTE computations for district level sites shall be equal to 10% of the groundskeeper FTEs for elementary, middle and high schools.

**Section 3.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT “A” (b)(xxviii), as amended by 2017 Wyoming Session Laws, Chapter 205, ATTACHMENT “A” (b)(xxviii), is repealed.

**Section 4.**

(a) The department of education shall review state statutes relating to special education and school district transportation and its rules relating to special education and transportation for any possible fiscal efficiencies. By June 1, 2018, the department of education shall report to the joint education interim committee on its review and shall include suggested changes to statute or rule and any rulemaking conducted as a result of its review.

(b) On or before January 1, 2019, the state superintendent of public instruction shall establish statewide guidelines for adequate special education staffing levels as required by W.S. 21-2-202(a)(xxiii).

**Section 5.**

(a) The department of education shall determine, for school years 2018-2019 and 2019-2020, the reduction caused by amendments to W.S. 21-13-309(m)(iv)(A) and 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT “A” (b)(xxxiii) contained in this act to each school district’s foundation program amount calculated pursuant to W.S. 21-13-309(p).

(b) The department of education shall increase a school district’s total foundation program amount calculated under W.S. 21-13-309 for the 2018-2019 school year by an amount equal to two-thirds (2/3) of the reduction calculated for that school district under subsection (a) of this section for that

school year.

(c) The department of education shall increase a school district's total foundation program amount calculated under W.S. 21-13-309 for the 2019-2020 school year by an amount equal to one-third (1/3) of the reduction calculated for that school district under subsection (a) of this section for that school year.

**Section 6.**

(a) In addition to all other appropriations for special education programs and services, two million dollars (\$2,000,000.00) is appropriated to the department of education from the school foundation program account for purposes of making payments to school districts for out of district placements for special education students. For purposes of distribution under this section, out of district placement costs shall be calculated in accordance with W.S. 21-13-321, but funds appropriated under this section shall be distributed to school districts pursuant to rules promulgated under this section for the 2019-2020 and 2020-2021 school years. The funds appropriated under this section shall therefore not be subject to the limitation of W.S. 21-13-321(b), and shall not be included for purposes of calculating the statewide reimbursement amount calculated for purposes of W.S. 21-13-321(b). 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 to the school foundation program account on June 30, 2021.

(b) The department of education may promulgate necessary rules and regulations to implement this section.

**Section 7.** For school year 2018-2019 and each school year thereafter through the next recalibration of the education resource block grant model pursuant to W.S. 21-13-309(t), the foundation program amount computed under W.S. 21-13-309(p) for a school district with fewer than two hundred forty-three (243) ADM, less amounts reimbursed under W.S. 21-13-309(m)(v)(E), shall not be less than ninety-seven and one-half percent (97.5%) of the foundation program amount available to that school district during the previous school year, as computed under W.S. 21-13-309(p) prior to the addition of reimbursement amounts for that school year. To the extent necessary to implement this section, this section shall supersede W.S. 21-13-309(p).

**Section 8.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

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

Approved March 27, 2018.

**Original House Resolution No. 2**

A JOINT RESOLUTION requesting Congress to enact legislation permitting western states to enter into a voluntary compact to establish a graduated commercial driver licensing program that would allow commercial drivers between eighteen (18) and twenty-one (21) years of age to operate a commercial motor vehicle in a consenting, contiguous state.

WHEREAS, federal law requires drivers to be at least twenty-one (21) years of age to operate a commercial motor vehicle between states; and

WHEREAS, drivers who are between eighteen (18) and twenty-one (21) years of age may operate a commercial motor vehicle intrastate within the states of Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming; and

WHEREAS, the trucking industry delivers goods across state lines and faces a severe shortage of drivers because of increased shipping demand and a high number of retiring drivers; and

WHEREAS, it is difficult to recruit drivers who are twenty-one (21) years of age or older into the trucking industry because they have already entered another career path; and

WHEREAS, the unemployment rate for persons between eighteen (18) and twenty-one (21) years of age is higher than that of other age groups; and

WHEREAS, the safety performance statistics for non-commercial drivers who are between eighteen (18) and twenty-one (21) years of age do not necessarily reflect the safety performance of the same group who hold a commercial driver's license; and

WHEREAS, the safety benefits of graduated licensing for noncommercial vehicle drivers are well documented and similar safety benefits may be possible with a graduated commercial licensing program that expands commercial driving privileges; and

WHEREAS, legislation allowing a voluntary compact between Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming could include a conditional lowering of the twenty-one (21) year old commercial driver age requirement and would allow these contiguous states to establish a graduated commercial driver licensing program to allow drivers between eighteen (18) and twenty-one (21) years of age to operate a commercial motor vehicle in a consenting, contiguous state.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That Congress enact legislation permitting Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming to enter into a voluntary compact to establish a graduated commercial driver licensing program to allow drivers who are between eighteen (18) and twenty-one (21) years of age and who hold a commercial driver's license issued by a compact state to operate a commercial motor vehicle in a consenting, contiguous compact state.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the President and the Majority Leader of the Senate and the Speaker of the House of Representatives of the United States Congress, the Wyoming Congressional Delegation and to the congressional delegations and the legislative bodies of Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota and Utah.

Approved March 10, 2018.

### **Original Senate Resolution No. 2**

A JOINT RESOLUTION to commemorate the sesquicentennial of the signing of the 1868 Treaty of Fort Laramie.

WHEREAS, the area in and around what is presently known as Fort Laramie, Wyoming has served like a grand meeting hall, described by author Starley Talbott as a place “where the mountains meet the plains; where two rivers converge; where Native American tribes gathered; where fur trappers and traders rendezvoused; where emigrants met for rest and supplies; where soldiers came and went; where homesteaders linked the past to the present; and where today's travelers come to partake in Fort Laramie's fascinating history;” and

WHEREAS, Fort Laramie and its surrounding area had been occupied by tribes of the Great Plains throughout the course of history; and

WHEREAS, in 1812, Robert Stuart was the first non-Indian person to visit the area later known as Fort Laramie and Alfred Jacob Miller became the first artist to record the area's landscape in 1837; and

WHEREAS, beginning in 1841, emigrants bound for the West Coast stopped in Fort Laramie as they traveled to what would later become the Oregon, California and Mormon Trails, with westward migration peaking in the early 1850s at more than fifty thousand (50,000) people traveling these trails annually; and

WHEREAS, the United States military purchased the Fort Laramie Post in 1849 and stationed soldiers to protect wagon trains, thereby establishing a social and economic center for Indians and non-Indians; and

WHEREAS, despite efforts to secure peace between Native Americans and the



non-Indian emigrants and military personnel, conflicts arose, culminating in wars between Plains Tribes and the United States; and

WHEREAS, the indigenous Nations of the northern Great Plains region entered into treaties with the United States of America in 1868 at Fort Laramie, in the Dakota Territory, which is now present day Wyoming, and at other military posts in the region; and

WHEREAS, these treaties are collectively regarded as the 1868 Treaty of Fort Laramie and include the following Tribes in treaty with the United States:

Treaty with the Sioux and Arapaho

Brulé band of Sioux (presently “Brule Lakota”: Lower Brule and Rosebud Reservations)

Ogallalah band of Sioux (presently “Oglala Lakota”: Pine Ridge Reservation)

Minneconjou band of Sioux (presently “Miniconjou Lakota”: Cheyenne River Reservation)

Yanktonai band of Sioux (presently “Yanktonai Dakota” and “Yankton”: Standing Rock, Yankton and Crow Creek Reservations)

Arapaho (presently “Southern Arapaho”: headquartered in Concho, Oklahoma, Cheyenne-Arapaho Oklahoma Tribal Statistical Area)

Hunkpapa band of Sioux (presently “Hunkpapa Lakota”: Standing Rock Reservation)

Blackfeet band of Sioux (also “Blackfoot,” presently “Blackfeet Lakota”: Cheyenne River and Standing Rock Reservations)

Cuthead band of Sioux (presently “Cuthead Dakota”: Standing Rock Reservation)

Two Kettle band of Sioux (presently “Two Kettle Lakota”: Cheyenne River Reservation)

Sans Arc band of Sioux (presently “Sans Arc Lakota”: Cheyenne River Reservation)

Santee band of Sioux (presently “Santee Dakota”: Santee Sioux, Flandreau, Crow Creek and Lake Traverse Reservations and the Upper Sioux, Lower Sioux, Prairie Island and Shakopee Mdewakanton Indian Communities)

Treaty with the Crow (Crow Reservation)

Treaty with the Northern Cheyenne and Northern Arapaho (Northern Cheyenne and Wind River Reservations, respectively); and

WHEREAS, each of the Tribes and the United States Government desiring for peace, the parties signed the 1868 Treaty of Fort Laramie to cease wars among the parties and bring about and maintain peace; and

WHEREAS, the 1868 Treaty of Fort Laramie did not end conflict, as terms of the Treaty were broken resulting from the discovery of gold in the Black Hills, the area of Fort Laramie remained a supply and communications center for the United States military's efforts to confine Native people onto reservations; and

WHEREAS, the United States military abandoned Fort Laramie in 1890, and all but one (1) of the fort's sixty (60) structures were sold at private auction and were used as private dwellings, businesses, a dance hall and livestock shelters during the fort's homestead period of 1890 to 1937; and

WHEREAS, interested homesteaders, local residents and others recognized the historical significance of Fort Laramie in the 1930s and the State of Wyoming acquired Fort Laramie in 1937, which eventually became a unit of the national park system in 1938; and

WHEREAS, today, the Fort Laramie National Historic Site is open to the public and restoration of many of the structures to their historic appearances provides visitors with a glimpse of a bygone era; and

WHEREAS, the legacy of the 1868 Treaty of Fort Laramie has had an impact in numerous ways on the lives of Tribal members of Tribes party to the Treaty from generation to generation since the signing; and

WHEREAS, the indigenous Nations of the northern Great Plains and their people have endured difficult burdens, sometimes navigating treacherous trails in their dedicated effort to preserve and pass along their physical and cultural identity, while at the same time making significant contributions to the development of the Republic; and

WHEREAS, the indigenous Nations of the northern Great Plains and their people continue to defend their inherent sovereignty and celebrate their cultural heritage; and

WHEREAS, the anniversary of the signing of the 1868 Treaty of Fort Laramie will be commemorated throughout 2018 at the Fort Laramie National Historic Site to honor the spirit of this area's rich past and its First Nations, with events from sunrise to sunset slated for April 28 and ending festivities on November 6. Throughout the anniversary year, celebrations will commemorate individual Tribe signing dates and may include traditional culture and history demonstrations; and

WHEREAS, Wyoming values and respects the historical and modern contributions of American Indian people, as evidenced by the 2017 passage

of the American Indian Educational Program Act, which will educate all Wyoming students about American Indian tribes of the region, to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming legislature commemorates the one hundred fiftieth (150<sup>th</sup>) anniversary of the signing of the 1868 Treaty of Fort Laramie by educating people about the Treaty and history of this nationally significant place.

**Section 2.** That the Wyoming legislature supports nationwide public education about the heritage, history and contributions of Native American tribes and urges the federal government to uphold its federal trust responsibilities.

**Section 3.** That the Wyoming legislature supports permanently displaying in Wyoming the original treaties that comprise the 1868 Treaty of Fort Laramie, which are presently on file with the National Archives.

**Section 4.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the majority and minority leader and whip of each house, the Wyoming Congressional Delegation, each state governor and the business council of each tribal nation that signed the 1868 Treaty of Fort Laramie.

Approved March 12, 2018.

### **Original House Resolution No. 8**

A JOINT RESOLUTION to commemorate the sesquicentennial of the signing of the 1868 Treaty of Fort Bridger.

WHEREAS, the Shoshone (eastern band) and the Bannock Tribes of Indians, presently known as the Eastern Shoshone and Shoshone-Bannock Tribes, entered into a treaty with the United States of America on July 3, 1868 at Fort Bridger, in the Utah Territory, which is now present day Wyoming; and

WHEREAS, each of the Tribes and the United States Government desiring for peace to continue among and between themselves signed the 1868 Treaty of Fort Bridger to keep and maintain peace; and

WHEREAS, the legacy of the 1868 Treaty of Fort Bridger has had an impact in numerous ways on the lives of Tribal members of both Tribes from generation to generation since the signing; and

WHEREAS, members of both the Eastern Shoshone and the Shoshone-Bannock Tribes have endured difficult burdens, sometimes navigating treacherous trails in their dedicated effort to preserve and pass along their physical and cultural identity, while at the same time making significant contributions to the development of the Republic; and

WHEREAS, the Eastern Shoshone and Shoshone-Bannock Tribes plan a sesquicentennial treaty reenactment ceremony at Fort Bridger State Historic Site to honor the spirit of this area's rich past and its First Nations, with celebrations open to the public on July 3, 2018, including the reenactment between the Tribes and military slated for 10:00 a.m. and dances, feasts and games throughout the day; and

WHEREAS, Wyoming values and respects the historical and modern contributions of American Indian people, as evidenced by the 2017 passage of the American Indian Educational Program Act, which will educate all Wyoming students about American Indian tribes of the region, to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed; and

WHEREAS, the Eastern Shoshone and the Shoshone-Bannock Nations and their people continue to be integral components of American society.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming legislature commemorates the one hundred fiftieth (150th) anniversary of the signing of the 1868 Treaty of Fort Bridger by educating native and nonnative people about the Treaty and by illustrating that the Eastern Shoshone and Shoshone-Bannock Tribes continue to be significant contributors to the success of this country and its future with forward-looking, positive relationships with the United States Government and each of the several states.

**Section 2.** That the Wyoming legislature supports nationwide public education about the heritage, history and contributions of Native American tribes and urges the federal government to uphold its federal trust responsibilities.

**Section 3.** That the Wyoming legislature supports permanently displaying in Wyoming the original 1868 Treaty of Fort Bridger, which is presently on file with the National Archives.

**Section 4.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the majority and minority leader and whip of each house, the Wyoming Congressional Delegation, each state governor and the business councils of the Eastern Shoshone and Shoshone-Bannock Tribes.

Approved March 12, 2018.

**Original House Resolution No. 5**

A JOINT RESOLUTION to the United States Secretary of the Interior and the Director of the National Park Service relating to the collection of wildlife conservation fees at Yellowstone National Park and Grand Teton National Park.

WHEREAS, Yellowstone National Park and Grand Teton National Park are rich in wildlife that attracts millions of visitors each year to the parks; and

WHEREAS, the wildlife in Yellowstone National Park and Grand Teton National Park migrate throughout the year within and outside the wide boundaries of the parks and across Wyoming, Montana and Idaho; and

WHEREAS, a significant portion of the winter and transitional habitats of these wildlife, and in particular the habitats of big game animals, are provided by federal, state and private lands adjacent to Yellowstone National Parks and Grand Teton National Park; and

WHEREAS, these states are financially responsible for managing their wildlife, protecting wildlife migration corridors and wildlife habitats and mitigating impacts of diseases by wildlife that migrate to and from Yellowstone National Park and Grand Teton National Park; and

WHEREAS, these states are also financially responsible for improving human safety, reducing wildlife-vehicle collisions and resolving conflicts with big game animals and large carnivores that migrate to and from Yellowstone National Park and Grand Teton National Park; and

WHEREAS, states have traditionally addressed these responsibilities and managed wildlife through consumptive uses of wildlife; and

WHEREAS, states request the assistance of all Yellowstone National Park and Grand Teton National Park visitors to pay a fee to be transferred back to the states of Wyoming, Montana and Idaho to protect and mitigate impacts to wildlife and the public outside the boundaries of the parks; and

WHEREAS, the collection of a wildlife conservation fee is important to the benefits and services provided to visitors and would provide an opportunity for these states to address these responsibilities and manage wildlife through nonconsumptive uses of wildlife; and

WHEREAS, the wildlife conservation fees will be prioritized to address the responsibilities described above but will allow the states to utilize a portion of these dollars for general wildlife management in their states.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Legislature requests the United States Secretary of the Interior and the Director of the National Park Service to enter into an

agreement with the State of Wyoming to collect a wildlife conservation fee at Grand Teton National Park and the States of Wyoming, Montana and Idaho to collect a wildlife conservation fee at Yellowstone National Park. The agreements shall provide that revenue collected from the fee be transferred back to these states for wildlife conservation efforts.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the Wyoming Congressional Delegation, to the United States Secretary of the Interior, to the Director of the National Park Service, to the Governors of Wyoming, Montana and Idaho and to the directors of the Wyoming, Montana and Idaho game and fish agencies.

Approved March 12, 2018.

# INDEX

(Catch Title)

(Chapter No.)

## **Administration of the Government**

2018 large project funding.....	60
Collection of state financial obligations.....	25
Economic diversification and development.....	125
Economic diversification-broadband services.....	126
Estelle Reel.....	51
Interfund loan accounts and interest rates.....	62
Investment of state funds-amendments .....	28
Kickstart Wyoming-economic diversification .....	127
Large project account modifications.....	98
Medicaid birth cost recovery .....	131
Obsolete reporting-department of workforce services.....	29
Organ donation promotion-task force .....	49
Penitentiary savings fund-amendments.....	114
Professional licensing-applicant criminal records .....	107
Public employee retirement plan-contributions .....	119
Retirement income security task force-2.....	132
Revisor's bill.....	108
Speeding fines amendments-2.....	117
State construction department-amendments .....	2
Veterans' skilled nursing center .....	48
Workforce development-priority economic sector program.....	128
Wyoming Legal Tender Act.....	87
Wyoming lottery revenues .....	50
Wyoming retirement plans-member accounts.....	31

## **Aeronautics**

Commercial air service improvement .....	124
Vertical takeoff and landing aircraft-regulation .....	104

## **Agriculture/Livestock/Other Animals**

Revisor's bill.....	108
State fair board-2 .....	111
State fair endowment .....	122

## **Appropriations**

Drug Donation Program Act-expansion.....	130
Economic diversification-broadband services.....	126
First judicial district-number of district judges .....	56
General government appropriations.....	134
Government efficiency project .....	112
Justice reform-graduated sanctions .....	75
Legislative budget .....	24
Omnibus water bill-planning.....	94
Opioid addiction task force.....	106
Public employee retirement plan-contributions .....	119

School finance-major maintenance formula.....	35
State fair board-2 .....	111
State fair endowment .....	122
State funded capital construction.....	136
Workforce development-priority economic sector program.....	128
<b><u>Children</u></b>	
Child support amendments .....	42
Medicaid birth cost recovery .....	131
Wyoming children's trust fund-amendments .....	74
<b><u>Cities and Towns</u></b>	
Municipal jurisdiction .....	83
<b><u>City/County/State/Local Powers</u></b>	
Audit requirements for conservation districts.....	4
Municipal jurisdiction .....	83
Orphan site remediation funding.....	12
Research and wildlife information-confidentiality .....	113
State funded capital construction.....	136
<b><u>Civil Procedure</u></b>	
Domestic abuse-phone numbers.....	68
Medicaid birth cost recovery .....	131
Required reports in adoptions.....	22
Volunteer health care .....	95
<b><u>Corporations/Partnerships/Associations</u></b>	
Electronic corporate records.....	47
Insurance-corporate governance annual disclosure .....	13
Limited liability companies-series.....	46
Local government distributions .....	70
Open blockchain tokens-exemptions .....	44
Wyoming invests now exemption-amendments .....	71
<b><u>Counties</u></b>	
Court information technology equipment.....	18
Revisor's bill.....	108
<b><u>Courts</u></b>	
Court information technology equipment.....	18
First judicial district-number of district judges .....	56
Municipal court authority-conditional suspension of fines .....	67
Speeding fines amendments-2.....	117
<b><u>Crimes and Offenses</u></b>	
Concealed weapons in places of worship .....	85
Corrections exception to defense of habitation law.....	26
Health care providers-sexual assault protections-2 .....	80
Impersonation through electronic means-spoofing .....	116
Orders of protection-revisions.....	97



Revisor's bill.....	108
Stalking revisions.....	63
Stand your ground-2.....	135
Uniformity in domestic violence law.....	88
<b><u>Criminal Procedure</u></b>	
Health care providers-sexual assault protections-2.....	80
Justice reform-graduated sanctions.....	75
Orders of protection-revisions.....	97
Post-conviction relief.....	77
Revisor's bill.....	108
Stalking revisions.....	63
Stand your ground-2.....	135
<b><u>Defense Forces and Affairs</u></b>	
Military Service Relief Act additional protections.....	58
Veterans tuition program limits.....	109
<b><u>Domestic Relations</u></b>	
Child support amendments.....	42
Custody in the best interest of the Children.....	7
<b><u>Economic Development</u></b>	
Economic diversification and development.....	125
Economic diversification-broadband services.....	126
Large project account modifications.....	98
Workforce development-priority economic sector program.....	128
<b><u>Education</u></b>	
Alternative school accountability.....	69
Child sexual abuse education and prevention.....	133
Common college transcripts.....	78
Education reporting-children of military personnel.....	64
Education-computer science and computational thinking.....	123
Hathaway scholarship application deadline-extension.....	65
Interfund loan accounts and interest rates.....	62
Military member spouse and children-resident tuition.....	20
School facility property insurance.....	100
School finance amendments-4.....	137
School finance-capital construction amendments.....	36
School finance-major maintenance formula.....	35
School finance recalibration-transportation.....	103
State funded capital construction.....	136
<b><u>Elections</u></b>	
Election Code revisions.....	118
Election law violations-penalties and enforcement.....	40
Elections-notices and resolutions.....	101
<b><u>Game and Fish</u></b>	
Antelope hunt licenses.....	10

Game and fish department-budget requests.....	54
Game and fish licenses.....	89
Game animal licenses-limitations.....	9
Hunting colors-fluorescent pink.....	105
Revisor's bill.....	108
Veterans' skilled nursing center.....	48

### **General Provisions**

Estelle Reel.....	51
Purple Heart Day and state.....	8
State songs.....	82

### **Highways**

Approval of bridge designs, plans and specifications.....	73
Wyoming Women's Suffrage Pathway-highway designation.....	59

### **Institutions of the State**

Veterans' skilled nursing center.....	48
---------------------------------------	----

### **Insurance Code**

Insurance code revisions.....	21
Insurance-audited annual financial reports.....	14
Insurance-corporate governance annual disclosure.....	13

### **Labor and Employment**

Interfund loan accounts and interest rates.....	62
Military spouse unemployment sunset repeal.....	110
Nonresident employer bonding.....	39
Obsolete reporting-department of workforce services.....	29
Real estate exemption restoration.....	6
School finance amendments-4.....	137
Worker's compensation-extraterritorial reciprocity.....	38

### **Legislature**

Amendments to agency plans and new program review-2.....	99
Legislator communications on recordings and broadcasts.....	81

### **Mines and Minerals**

Miner's hospital board account.....	52
-------------------------------------	----

### **Motor Vehicles**

Duplicate titles-motor vehicles.....	37
Glider kit vehicles-title and registration.....	129
Motor club services updates.....	33
Motor vehicle registration-deployed military members.....	61
Move over requirement.....	79
Overweight vehicles-agriculture exemption.....	32
Revisor's bill.....	108
Speeding fines amendments-2.....	117
Wildlife conservation license plates.....	72

**Noncodified Statutes Water**

Omnibus water bill-construction .....	121
Purchase of water rights and facilities .....	115
Small water projects .....	16

**Professions and Occupations**

Biological products-pharmacies .....	93
Board of law examiners appointment-supreme court rules .....	92
County clerk map recording fees-conforming amendment .....	27
Health care providers-sexual assault protections-2 .....	80
Nationwide multistate licensing system-collection agencies .....	19
Professional licensing-applicant criminal records .....	107
Revisor's bill .....	108

**Property/Conveyances and Security Transactions**

Municipal jurisdiction .....	83
------------------------------	----

**Public Health and Safety**

Cease and transfer priority list .....	90
Controlled substance prescription tracking .....	96
Domestic abuse-phone numbers .....	68
Drug Donation Program Act-expansion .....	130
Elections-notices and resolutions .....	101
Financial assurance-class I and V UIC wells .....	11
Genetic information privacy .....	120
Hemp extract revisions .....	86
Orders of protection-revisions .....	97
Orphan site remediation funding .....	12
Prescription and possession of FDA approved drugs .....	84
Professional licensing-applicant criminal records .....	107
Real property as a collateral bond .....	102
Required reports in adoptions .....	22
Revisor's bill .....	108
Roadside waiver of property rights prohibited .....	66
State emergency response commission membership .....	41
Volunteer health care .....	95
Wyoming children's trust fund-amendments .....	74

**Public Lands**

Fire protection revolving account .....	23
Medicine Lodge state archaeological site .....	15
Quebec 1 missile alert facility-fees .....	43
State parks designations-updates .....	30

**Public Utilities**

Economic diversification-broadband services .....	126
Public utility regulation-joint powers entities .....	55
Utilities-rate making .....	57

**Resolutions**

150th Anniversary of the 1868 Treaty of Fort Bridger .....	N/A
150th Anniversary of the 1868 Treaty of Fort Laramie .....	N/A
Commercial driver's license-compact agreement .....	N/A
Yellowstone and Grand Teton wildlife conservation fees.....	N/A

**State Lands**

State funded capital construction.....	136
--	-----

**Taxation and Revenue**

Ad valorem tax collections .....	1
Collection of state financial obligations.....	25
Excise tax audits.....	53
Nationwide multistate licensing system-collection agencies.....	19
Produced water treatment .....	76
Property taxation-digital currencies .....	45

**Trade and Commerce**

Open blockchain tokens-exemptions .....	44
Revisor's bill.....	108
Wyoming Money Transmitter Act-virtual currency exemption .....	3

**Water**

Instream flow consultant .....	34
Omnibus water bill-planning.....	94
Water development project requirements.....	17

**Welfare**

Medicaid birth cost recovery .....	131
Supplemental security income program.....	5

**Wills/Estates/Probates**

Notice of hearing to reopen an estate-amendments .....	91
--	----

## CROSS REFERENCE

HB/SF	CHAPTER	
HB0001	134	GENERAL GOVERNMENT APPROPRIATIONS.
HB0002	40	ELECTION LAW VIOLATIONS-PENALTIES AND ENFORCEMENT.
HB0003	27	COUNTY CLERK MAP RECORDING FEES-CONFORMING AMENDMENT.
HB0004	28	INVESTMENT OF STATE FUNDS-AMENDMENTS.
HB0006	113	RESEARCH AND WILDLIFE INFORMATION-CONFIDENTIALITY.
HB0008	63	STALKING REVISIONS.
HB0009	29	OBSOLETE REPORTING-DEPARTMENT OF WORK FORCE SERVICES.
HB0010	38	WORKER'S COMPENSATION-EXTRATERRITORIAL RECIPROCITY.
HB0014	83	MUNICIPAL JURISDICTION.
HB0017	42	CHILD SUPPORT AMENDMENTS.
HB0018	39	NONRESIDENT EMPLOYER BONDING.
HB0019	3	WYOMING MONEY TRANSMITTER ACT-VIRTUAL CURRENCY EXEMPTION.
HB0021	30	STATE PARKS DESIGNATIONS-UPDATES.
HB0022	43	QUEBEC 1 MISSILE ALERT FACILITY-FEES.
HB0023	4	AUDIT REQUIREMENTS FOR CONSERVATION DISTRICTS.
HB0026	77	POST-CONVICTION RELIEF.
HB0028	64	EDUCATION REPORTING-CHILDREN OF MILITARY PERSONNEL.
HB0029	69	ALTERNATIVE SCHOOL ACCOUNTABILITY.
HB0031	65	HATHAWAY SCHOLARSHIP APPLICATION DEAD LINE-EXTENSION.
HB0032	35	SCHOOL FINANCE-MAJOR MAINTENANCE FORMULA.
HB0033	36	SCHOOL FINANCE-CAPITAL CONSTRUCTION AMENDMENTS.
HB0034	37	DUPLICATE TITLES-MOTOR VEHICLES.
HB0035	33	MOTOR CLUB SERVICES UPDATES.
HB0036	79	MOVE OVER REQUIREMENT.
HB0039	72	WILDLIFE CONSERVATION LICENSE PLATES.
HB0040	118	ELECTION CODE REVISIONS.
HB0041	86	HEMP EXTRACT REVISIONS.
HB0042	75	JUSTICE REFORM-GRADUATED SANCTIONS.
HB0058	9	GAME ANIMAL LICENSES-LIMITATIONS.
HB0061	66	ROADSIDE WAIVER OF PROPERTY RIGHTS PROHIBITED.
HB0066	115	PURCHASE OF WATER RIGHTS AND FACILITIES.

HB0069	116	IMPERSONATION THROUGH ELECTRONIC MEANS-SPOOFING.
HB0070	44	OPEN BLOCKCHAIN TOKENS-EXEMPTIONS.
HB0072	1	AD VALOREM TAX COLLECTIONS.
HB0076	5	SUPPLEMENTAL SECURITY INCOME PROGRAM.
HB0077	34	INSTREAM FLOW CONSULTANT.
HB0078	121	OMNIBUS WATER BILL-CONSTRUCTION.
HB0084	73	APPROVAL OF BRIDGE DESIGNS, PLANS AND SPECIFICATIONS.
HB0086	131	MEDICAID BIRTH COST RECOVERY.
HB0088	2	STATE CONSTRUCTION DEPARTMENT-AMENDMENTS.
HB0093	117	SPEEDING FINES AMENDMENTS-2.
HB0099	84	PRESCRIPTION AND POSSESSION OF FDA APPROVED DRUGS.
HB0100	41	STATE EMERGENCY RESPONSE COMMISSION MEMBERSHIP.
HB0101	47	ELECTRONIC CORPORATE RECORDS.
HB0103	87	WYOMING LEGAL TENDER ACT.
HB0106	67	MUNICIPAL COURT AUTHORITY-CONDITIONAL SUSPENSION OF FINES.
HB0108	51	ESTELLE REEL.
HB0109	119	PUBLIC EMPLOYEE RETIREMENT PLAN-CONTRIBUTIONS.
HB0110	31	WYOMING RETIREMENT PLANS-MEMBER ACCOUNTS.
HB0117	68	DOMESTIC ABUSE-PHONE NUMBERS.
HB0119	120	GENETIC INFORMATION PRIVACY.
HB0125	50	WYOMING LOTTERY REVENUES.
HB0126	46	LIMITED LIABILITY COMPANIES-SERIES.
HB0129	129	GLIDER KIT VEHICLES-TITLE AND REGISTRATION.
HB0130	122	STATE FAIR ENDOWMENT.
HB0140	137	SCHOOL FINANCE AMENDMENTS-4.
HB0141	85	CONCEALED WEAPONS IN PLACES OF WORSHIP.
HB0144	71	WYOMING INVESTS NOW EXEMPTION-AMENDMENTS.
HB0156	82	STATE SONGS.
HB0157	80	HEALTH CARE PROVIDERS-SEXUAL ASSAULT PROTECTIONS-2.
HB0162	114	PENITENTIARY SAVINGS FUND-AMENDMENTS.
HB0164	32	OVERWEIGHT VEHICLES-AGRICULTURE EXEMPTION.
HB0168	135	STAND YOUR GROUND-2.
HB0170	74	WYOMING CHILDREN'S TRUST FUND-AMENDMENTS.
HB0172	76	PRODUCED WATER TREATMENT.
HB0175	78	COMMON COLLEGE TRANSCRIPTS.

HB0192	81	LEGISLATOR COMMUNICATIONS ON RECORDINGS AND BROADCASTS.
HB0194	136	STATE FUNDED CAPITAL CONSTRUCTION.
SF0002	24	LEGISLATIVE BUDGET.
SF0003	10	ANTELOPE HUNT LICENSES.
SF0005	15	MEDICINE LODGE STATE ARCHAEOLOGICAL SITE.
SF0006	6	REAL ESTATE EXEMPTION RESTORATION.
SF0007	13	INSURANCE-CORPORATE GOVERNANCE ANNUAL DISCLOSURE.
SF0008	14	INSURANCE-AUDITED ANNUAL FINANCIAL REPORTS.
SF0009	21	INSURANCE CODE REVISIONS.
SF0010	57	UTILITIES-RATE MAKING.
SF0011	55	PUBLIC UTILITY REGULATION-JOINT POWERS ENTITIES.
SF0013	100	SCHOOL FACILITY PROPERTY INSURANCE.
SF0015	98	LARGE PROJECT ACCOUNT MODIFICATIONS.
SF0016	11	FINANCIAL ASSURANCE-CLASS I AND V UIC WELLS.
SF0017	90	CEASE AND TRANSFER PRIORITY LIST.
SF0018	12	ORPHAN SITE REMEDIATION FUNDING.
SF0019	88	UNIFORMITY IN DOMESTIC VIOLENCE LAW.
SF0020	7	CUSTODY IN THE BEST INTEREST OF THE CHILDREN.
SF0021	22	REQUIRED REPORTS IN ADOPTIONS.
SF0022	97	ORDERS OF PROTECTION-REVISIONS.
SF0024	18	COURT INFORMATION TECHNOLOGY EQUIPMENT.
SF0025	26	CORRECTIONS EXCEPTION TO DEFENSE OF HABITATION LAW.
SF0026	19	NATIONWIDE MULTISTATE LICENSING SYSTEM-COLLECTION AGENCIES.
SF0027	53	EXCISE TAX AUDITS.
SF0029	123	EDUCATION-COMPUTER SCIENCE AND COMPUTATIONAL THINKING.
SF0030	91	NOTICE OF HEARING TO REOPEN AN ESTATE-AMENDMENTS.
SF0031	48	VETERANS' SKILLED NURSING CENTER.
SF0033	20	MILITARY MEMBER SPOUSE AND CHILDREN-RESIDENT TUITION.
SF0034	110	MILITARY SPOUSE UNEMPLOYMENT SUNSET REPEAL.
SF0035	58	MILITARY SERVICE RELIEF ACT ADDITIONAL PROTECTIONS.
SF0036	109	VETERANS TUITION PROGRAM LIMITS.
SF0037	8	PURPLE HEART DAY AND STATE.
SF0040	124	COMMERCIAL AIR SERVICE IMPROVEMENT.

SF0041	49	ORGAN DONATION PROMOTION-TASK FORCE.
SF0042	107	PROFESSIONAL LICENSING-APPLICANT CRIMINAL RECORDS.
SF0044	23	FIRE PROTECTION REVOLVING ACCOUNT.
SF0045	111	STATE FAIR BOARD-2.
SF0046	101	ELECTIONS-NOTICES AND RESOLUTIONS.
SF0050	25	COLLECTION OF STATE FINANCIAL OBLIGATIONS.
SF0053	16	SMALL WATER PROJECTS.
SF0054	17	WATER DEVELOPMENT PROJECT REQUIREMENTS.
SF0056	102	REAL PROPERTY AS A COLLATERAL BOND.
SF0057	92	BOARD OF LAW EXAMINERS APPOINTMENT- SUPREME COURT RULES.
SF0058	89	GAME AND FISH LICENSES.
SF0060	59	WYOMING WOMEN'S SUFFRAGE PATHWAY- HIGHWAY DESIGNATION.
SF0061	105	HUNTING COLORS-FLUORESCENT PINK.
SF0062	94	OMNIBUS WATER BILL-PLANNING.
SF0063	62	INTERFUND LOAN ACCOUNTS AND INTEREST RATES.
SF0066	95	VOLUNTEER HEALTH CARE.
SF0068	99	AMENDMENTS TO AGENCY PLANS AND NEW PROGRAM REVIEW-2.
SF0069	60	2018 LARGE PROJECT FUNDING.
SF0070	108	REVISOR'S BILL.
SF0072	103	SCHOOL FINANCE RECALIBRATION- TRANSPORTATION.
SF0075	93	BIOLOGICAL PRODUCTS-PHARMACIES.
SF0078	106	OPIOID ADDICTION TASK FORCE.
SF0079	104	VERTICAL TAKEOFF AND LANDING AIRCRAFT- REGULATION.
SF0081	54	GAME AND FISH DEPARTMENT-BUDGET REQUESTS.
SF0082	52	MINER'S HOSPITAL BOARD ACCOUNT.
SF0083	96	CONTROLLED SUBSTANCE PRESCRIPTION TRACKING.
SF0084	61	MOTOR VEHICLE REGISTRATION-DEPLOYED MILITARY MEMBERS.
SF0089	70	LOCAL GOVERNMENT DISTRIBUTIONS.
SF0090	56	FIRST JUDICIAL DISTRICT-NUMBER OF DISTRICT JUDGES.
SF0093	133	CHILD SEXUAL ABUSE EDUCATION AND PREVENTION.
SF0100	126	ECONOMIC DIVERSIFICATION-BROADBAND SERVICES.
SF0105	130	DRUG DONATION PROGRAM ACT-EXPANSION.



445

## CROSS REFERENCE

SF0108	125	ECONOMIC DIVERSIFICATION AND DEVELOPMENT.
SF0111	45	PROPERTY TAXATION-DIGITAL CURRENCIES.
SF0116	132	RETIREMENT INCOME SECURITY TASK FORCE-2.
SF0118	127	KICKSTART WYOMING-ECONOMIC DIVERSIFICATION.
SF0119	128	WORKFORCE DEVELOPMENT-PRIORITY ECONOMIC SECTOR PROGRAM.
SF0120	112	GOVERNMENT EFFICIENCY PROJECT.

## TABLE OF LAWS CREATED

WYOMING STATUTES	HB/SF	Laws 2018 Chapter No.
1-22-104(c)(vi)	SF0021	22
1-39-103(a)(iv)(G)	SF0066	95
1-41-102(a)(v)(E)	SF0066	95
5-3-205(a)(iii)	HB0093	117
5-6-116	HB0106	67
6-2-301(a)(ix)	HB0157	80
6-2-506(f) and (g)	HB0008	63
6-2-510(b)(ii)(G) through (M)	SF0019	88
6-2-511(b)(ii)(G) through (M) and (b)(iii)(G) through (M)	SF0019	88
7-12-401 through 7-12-407	HB0026	77
7-13-1107(b)(iii)(C) through (E)	HB0042	75
7-13-1501(a)(iv) and (m)(iv)	HB0157	80
7-19-106(a)(xxix)	SF0026	19
8-4-111	SF0037	8
8-4-111	HB0108	51
9-1-101(d)	HB0108	51
9-2-1013(f)	SF0063	62
9-2-2609 through 9-2-2611	SF0119	128
9-2-3002(a)(iii)	HB0088	2
9-2-3004(c)(viii)	HB0194	136
9-3-405(d)	HB0110	31
9-3-421(d)	HB0110	31
9-3-602(a)(xxi)	HB0110	31
9-3-702(a)(xi)	HB0110	31
9-4-601(k)	HB0001	134
9-4-715(p)(vi)	HB0162	114
9-4-719(q)(iii)	HB0001	134
9-4-1301 through 9-4-1305	HB0103	87
9-12-105(a)(ix)	SF0100	126
9-12-105(b) through (f)	SF0118	127
9-12-108(c)	SF0118	127
9-12-408 and 9-12-409	SF0118	127

9-12-1402(a)(xii)	SF0108	125
9-12-1501 through 9-12-1509	SF0100	126
9-17-105(a)(v)	HB0125	50
10-1-101(a)(xi)	SF0079	104
10-7-101 through 10-7-105	SF0040	124
11-10-118	HB0130	122
14-2-822(g)	HB0086	131
14-2-1001 through 14-2-1008	HB0086	131
14-8-104(a)(iv)	HB0170	74
15-5-402(a)(xvi)	HB0110	31
16-1-111	HB0194	136
16-4-203(b)(viii)	HB0006	113
17-4-102(a)(iv)(F) and (xxviii)(F)	HB0070	44
17-4-203(a)(v)(B)(VIII)	HB0144	71
17-4-206	HB0070	44
17-16-140(a)(xlvi) through (xlix)	HB0101	47
17-16-141(c)(ii)	HB0101	47
17-16-142(a)(iv)	HB0101	47
17-29-211	HB0126	46
19-11-125	SF0035	58
19-14-106(a)(vi)	SF0036	109
20-2-304(f)	HB0017	42
20-2-401(f) and (g)	HB0086	131
21-2-204(n)	HB0029	69
21-3-110(a)(xxxvi)	HB0140	137
21-3-133	SF0093	133
21-9-101(b)(i)(O)	SF0029	123
21-9-104	SF0093	133
21-13-320(j)(iv) and (v)	HB0140	137
21-18-202(a)(vi)	HB0175	78
21-18-319	HB0194	136
22-1-102(a)(liii)	HB0040	118
22-16-106(d)	HB0040	118
22-25-108(f) through (m)	HB0002	40
22-26-102(b) through (e)	HB0002	40
22-26-106(b) through (e)	HB0002	40
24-1-136	SF0060	59
26-1-102(a)(xlii)	SF0042	107

26-3-302(a)(xiv)	SF0008	14
26-3-313(d)	SF0008	14
26-3-315(b)	SF0008	14
26-3-316	SF0008	14
26-9-211(e) and (f)	SF0042	107
26-29-239	SF0007	13
26-34-135(d)	SF0007	13
26-54-101 through 26-54-108	SF0007	13
27-14-102(a)(vii)(S)	SF0006	6
27-14-108(f)(x)	HB0140	137
28-1-115(a)(ii)(D)(VI) and (f)	SF0068	99
28-8-116(d)	HB0192	81
30-6-104(a)(v)	SF0082	52
31-2-106(a)(vii)	HB0129	129
31-2-112	HB0129	129
31-2-201(q)	SF0084	61
31-2-231	HB0039	72
31-5-224(b) and (d)	HB0036	79
31-5-1201(d)(vi) through (viii) and (h)	HB0093	117
33-1-118	HB0157	80
33-1-304	SF0042	107
33-11-101(a)(xiii) and (xiv)	SF0026	19
33-11-105(c) and (d)	SF0026	19
33-11-107(e) through (h)	SF0026	19
33-11-113(c)	SF0026	19
33-24-147(a)(vii)	SF0075	93
33-26-402(a)(xxxv)	HB0157	80
35-2-401(e)	SF0046	101
35-7-1049(bb)	HB0061	66
35-7-1602(a)(iii)	SF0105	130
35-7-1603(b)(viii)	SF0105	130
35-7-1901(a)(viii)	HB0041	86
35-11-417(g)	SF0056	102
35-11-1701(h)	SF0018	12
35-21-102(a)(vi) through (viii)	HB0117	68
35-21-106(e)	HB0117	68
35-31-101 through 35-31-103	SF0066	95
35-31-101 through 35-31-104	HB0119	120

## TABLE OF LAWS CREATED

36-8-1501(b)(xxiv) through (xxvi)	HB0021	30
36-8-1701	HB0194	136
37-2-122(c) and (d)	SF0010	57
39-13-111(c)	HB0072	1
39-14-205(m)	HB0172	76
39-14-801(b)(iii) and (g)	HB0001	134
39-16-107(b)(ix)	SF0050	25
40-22-102(a)(xxii)	HB0019	3
40-22-104(a)(vi)	HB0019	3
40-22-104(a)(vi)	HB0070	44
40-22-126(b)	HB0070	44
41-2-121(e)	SF0054	17
42-4-122	HB0086	131
99-1-601 and 99-1-602	HB0066	115
99-3-2301 through 99-3-2305	HB0078	121
99-99-1001(a)(ix) and (n)	HB0066	115

## TABLE OF LAWS AMENDED

WYOMING STATUTES	HB/SF	Laws 2018 Chapter No.
1-15-505(a)(intro)	SF0070	108
1-22-104(d)	SF0021	22
1-39-109	SF0066	95
1-39-110(b)	SF0066	95
2-8-102	SF0030	91
3-1-111(b)	SF0070	108
5-2-120	SF0024	18
5-3-102(a)	SF0090	56
5-9-144	HB0093	117
6-1-104(a)(xii)	SF0019	88
6-1-204	HB0168	135
6-2-301(a)(iv)	HB0157	80
6-2-303(b)	HB0157	80
6-2-506(a)(ii), (d), (e)(i) and (iv)	HB0008	63
6-2-506(e)(iv)	SF0022	97
6-2-509(b)	SF0019	88
6-2-510(b)(i), (ii)(intro), (E) and (c)	SF0019	88
6-2-511(b)(ii)(intro), (E), (iii)(intro), (E) and (c)	SF0019	88
6-2-602	HB0168	135
6-2-602(b)(iii), (d)(i) and (ii)	SF0025	26
6-3-203(c)(v) and (vi)	SF0070	108
6-3-902(a)	HB0069	116
6-4-403(f)	SF0070	108
6-4-404(a)	SF0022	97
7-3-507(a)(intro)	SF0022	97
7-3-508(c)	SF0022	97
7-3-509(b)	SF0022	97
7-3-510(b)(intro)	SF0022	97
7-6-104(c)(vii)	HB0026	77
7-12-308	SF0070	108
7-13-105(b)(i), (ii) and (c)(ii)	SF0070	108
7-13-408(e)	HB0042	75
7-13-1107(a)	HB0042	75

7-13-1301(a)(vi)	SF0019	88
7-13-1501(a)(intro)	HB0157	80
7-14-101(b)	HB0026	77
7-14-103(b)	HB0026	77
7-14-105(a)	HB0026	77
8-3-108	HB0156	82
9-1-415(a)	SF0050	25
9-1-417	SF0063	62
9-1-418	SF0063	62
9-1-633(n)	HB0093	117
9-2-123(q)(i)	SF0070	108
9-2-1002(a)(iii)	SF0081	54
9-2-1010(a)(iii)	SF0081	54
9-2-1035(a)(v)(intro)	SF0070	108
9-2-1036(b)(iii)	SF0070	108
9-2-1037(a)(i) and (iii)	SF0070	108
9-2-1704(c)	SF0070	108
9-2-2601(d) and (g)(vii)	SF0119	128
9-2-2906(b)(xii)	SF0100	126
9-2-3003(b)	HB0088	2
9-2-3005(a)	HB0088	2
9-3-205(e)	SF0063	62
9-3-402(a)(i)	HB0110	31
9-3-412(a), (c)(iii) and (iv)	HB0109	119
9-3-413	HB0109	119
9-3-424(a)	HB0110	31
9-3-617(a)	HB0110	31
9-3-709	HB0110	31
9-4-220	HB0162	114
9-4-220	HB0194	136
9-4-220.1	HB0162	114
9-4-305(b)	HB0001	134
9-4-601(b)(i)(intro), (iv)(A), (B), (d)(intro), (vi) and (vii)	HB0001	134
9-4-715(b) and (p)(intro)	HB0004	28
9-4-719(b)	HB0194	136
9-4-719(q)(i)	HB0001	134
9-12-102(a)(viii)	SF0100	126

9-12-103(f)	SF0100	126
9-12-105(a)(i), (v), (vi) and (viii)	SF0118	127
9-12-105(a)(vii)	SF0108	125
9-12-105(a)(vii)	SF0100	126
9-12-109	SF0108	125
9-12-1401(a)	SF0108	125
9-12-1404	SF0108	125
9-12-1404	SF0100	126
9-12-1404	SF0118	127
9-12-1404	SF0119	128
9-17-102(a)(ii)	HB0125	50
9-17-105(a)(iv)	HB0125	50
9-17-107(a)(vi)	HB0125	50
9-17-108(a)(ii)	HB0125	50
9-17-109(a)(i)	HB0125	50
9-17-119(g)	SF0070	108
10-1-101(a)(xi)	SF0040	124
10-3-201(e) and (j)	SF0079	104
10-3-301	SF0079	104
10-4-303(a)(intro), (b) and (c)	SF0079	104
11-10-101	SF0045	111
11-10-102	SF0045	111
11-10-104	SF0045	111
11-10-105	SF0045	111
11-10-106	SF0045	111
11-10-106	HB0130	122
11-10-107	SF0045	111
11-10-107	HB0130	122
11-10-108	SF0045	111
11-10-115	SF0045	111
11-16-122(a)	HB0023	4
11-28-103(a)	SF0070	108
11-31-301(m)	SF0070	108
12-4-505(a)	SF0045	111
14-2-204(d)	HB0017	42
14-3-435(b)	HB0017	42
14-6-236(b)	HB0017	42
14-6-435(b)	HB0017	42



14-8-104(a)(intro), (i) and (ii)	HB0170	74
15-3-202(b)(intro) and (ii)	HB0014	83
15-5-414	HB0110	31
15-9-103(a)(ii)	HB0014	83
16-1-206(b) and (c)	SF0018	12
16-3-107(g)	SF0070	108
16-4-203(b)(iii)	HB0006	113
17-4-102(a)(iv)(D), (E), (xvii)(intro), (xxviii)(D) and (E)	HB0070	44
17-4-203(a)(i), (ii)(intro), (A)(III), (B), (C), (iii)(A), (B), (iv), (v)(B)(intro), (vii), (viii), (ix)(intro) and (C)	HB0144	71
17-4-412(d)(iii)	SF0042	107
17-16-140(a)(ix), (xxxvii) and (xxxix)	HB0101	47
17-16-141(c)(i)	HB0101	47
17-16-142(a)(ii) and (iii)	HB0101	47
17-16-626(b)	HB0101	47
17-16-720(a)	HB0101	47
17-16-724(a) and (b)	HB0101	47
17-16-730(a)	HB0101	47
17-16-1601(c) and (d)	HB0101	47
17-29-203(a)(v)	SF0070	108
18-2-103	SF0024	18
18-8-101(a)(ii)	SF0070	108
19-10-106	SF0035	58
19-11-101	SF0035	58
19-11-103(a)(xii)	SF0035	58
19-11-122(b) through (d)	SF0035	58
19-14-106(b), (d), (f), (j) and (k)	SF0036	109
20-2-201(d)	SF0020	7
20-2-304(c) and (d)	HB0017	42
21-2-204(c)(intro), (d)(intro), (e), (f)(intro), (ii), (h)(intro) and (m)	HB0029	69
21-2-204(j)(ii)	HB0028	64
21-2-304(a)(iii)(C)	SF0029	123
21-2-304(a)(vi)	HB0029	69
21-2-802(e)(i)	SF0042	107
21-3-129(d)	SF0013	100
21-9-101(b)(iii)(C)	SF0029	123
21-13-309(m)(iv)(A)	HB0140	137

21-13-320(j)(iii) and (m)	HB0140	137
21-13-321(b)	HB0140	137
21-15-109(a)(iii), (b), (c)(i)(intro) and (v)	HB0032	35
21-15-109(c)(iii)(intro)	HB0033	36
21-15-115(b)(i)	HB0032	35
21-15-116(a)(intro)	HB0032	35
21-15-120(b)	HB0033	36
21-15-121(a)(viii)	HB0033	36
21-15-123(f)(v)(H), (vi) and (viii)	HB0033	36
21-16-1303(b)(iii)(B)	HB0031	65
21-16-1307(b)(i)(D) and (d)(i)(D)	SF0029	123
21-16-1308(b)(iv)(A)	HB0031	65
21-17-105(e)(intro), (i), (ii)(B) and (C)	SF0033	20
21-18-102(a)(xxiii)	HB0194	136
21-18-202(a)(iii)	SF0033	20
22-2-109(b)	SF0046	101
22-5-305(c) and (d)	HB0040	118
22-16-103(c)(viii)(C)(II) and (E)(II)	HB0040	118
22-16-106(a) and (b)	HB0040	118
22-18-111(a)(i), (ii), (iii)(A), (C), (vi), (b) and (c)	HB0040	118
22-21-103	SF0046	101
22-21-104	SF0046	101
22-25-108(a) and (b)	HB0002	40
22-26-102(a)(intro) and (i)	HB0002	40
22-26-106(a)(intro), (i) and (iii)	HB0002	40
22-26-113	HB0040	118
22-26-121	HB0002	40
22-29-109(f)	SF0046	101
22-29-110(a) and (b)	SF0046	101
23-1-502(a)	SF0081	54
23-1-703(c)	HB0058	9
23-1-703(f)	SF0058	89
23-1-704	SF0058	89
23-1-705(b)	SF0003	10
23-2-209	SF0070	108
23-2-306(a)(intro)	SF0058	89
23-2-307(b)	SF0058	89
23-2-416(a)(iii)	SF0042	107

23-3-105(b)	SF0058	89
23-3-113(a)	SF0061	105
23-5-105	SF0058	89
23-5-108(a)(i)	SF0058	89
23-5-109	SF0058	89
24-1-132(a) and (c) through (g)	HB0084	73
24-2-106(a)(iii)	HB0084	73
26-3-105(a)(intro), (i) and (iii)	SF0009	21
26-3-112(a)(vi)	SF0009	21
26-3-122(b)	SF0070	108
26-3-302(a)(vi) and (vii)	SF0008	14
26-3-308	SF0008	14
26-9-211(a)(vi)	SF0042	107
26-23-321(b)	SF0042	107
26-24-121(c)	SF0009	21
26-34-110(b)(i)	SF0008	14
26-37-117(a)(iv)	SF0042	107
26-37-120(a)(v)	SF0042	107
26-48-101(a)(iii), (iv) and (xiv)	SF0009	21
26-49-103(c)	SF0009	21
27-1-106(a) and (b)	HB0018	39
27-3-108(a)(v)	SF0006	6
27-3-303(e)	SF0063	62
27-3-311(a)(i)(D)	SF0034	110
27-14-108(d)(xvi)	HB0140	137
27-14-205(b)	HB0009	29
27-14-301(a)(intro)	HB0010	38
27-14-306(b)	HB0010	38
28-1-115(a)(ii)(intro), (A) and (D)(V)	SF0068	99
28-8-116(a)(intro)	HB0192	81
30-6-102(f)(v)	SF0082	52
31-2-105(a)	HB0034	37
31-2-106(a)(intro)	HB0129	129
31-2-201(a)(intro)	SF0084	61
31-2-206(h)	SF0070	108
31-2-505	HB0034	37
31-5-224(a)(i) and (ii)	HB0036	79
31-5-1201(d)(v), (e) and (g)	HB0093	117

31-14-102(a)(vi), (vii), (xii) and (xiv)	HB0035	33
31-14-110	HB0035	33
31-14-115	HB0035	33
31-14-116(a)(ii) and (v)	HB0035	33
31-18-103(a)(iv) and (v)	HB0164	32
31-18-201(b)(intro)	HB0129	129
33-3-121(a)(v)	SF0042	107
33-5-101	SF0057	92
33-10-110(a)(iii)	SF0042	107
33-11-110(b)	SF0026	19
33-11-111	SF0026	19
33-15-108(a)	SF0042	107
33-15-120(a)	SF0042	107
33-16-523	SF0042	107
33-22-108(a)(i)	SF0042	107
33-23-110(b)(iii)	SF0042	107
33-24-116(a)(iii)	SF0042	107
33-24-122(a)(i)	SF0042	107
33-24-135(e)(iii)	SF0042	107
33-24-136(a) and (e)	SF0075	93
33-24-147(a)(iv) and (vi)	SF0075	93
33-24-148(b), (e)(intro) and (g)	SF0075	93
33-24-149	SF0075	93
33-24-301(f)(iv)	SF0042	107
33-26-402(a)(xxvii)(K)	SF0042	107
33-26-402(a)(xxxiv)	HB0157	80
33-27-119(b)	SF0070	108
33-28-106(g)(iii)	SF0042	107
33-28-111(a)(xxii)	SF0042	107
33-29-402(a)(i) and (b)(i)	SF0042	107
33-29-403(a)(i), (b)(i) and (c)(i)	SF0042	107
33-29-406(a)(i) and (b)(i)	SF0042	107
33-29-906(c)	HB0003	27
33-30-206(a)	SF0042	107
33-30-212(a)(iv)	SF0042	107
33-30-224(a)(ii) and (iii)	SF0042	107
33-33-305(a)(iii)	SF0042	107
33-35-115(b)(i)	SF0042	107

33-37-111(a)(i)	SF0042	107
33-38-106(a)(ii), (b)(ii), (c)(ii), (d)(ii), (e)(ii), (j)(ii), (k)(ii), (m)(ii) and (n)(iii)	SF0042	107
33-38-110(c)(i)	SF0042	107
33-39-123(a)(ii)	SF0042	107
33-44-105(a)(viii)	SF0042	107
33-44-106(a)(i)	SF0042	107
33-45-111(a)(iii)	SF0042	107
33-49-111(a)(iii)	SF0042	107
34-12-103	HB0014	83
35-1-416(a) through (c)	SF0021	22
35-1-428(b)	HB0170	74
35-1-1202(g)(v)	SF0078	106
35-7-1002(a)(i)(intro)	SF0070	108
35-7-1025(c)	SF0083	96
35-7-1031(c)(intro)	HB0099	84
35-7-1060(b)	SF0083	96
35-7-1602(a)(i)	SF0105	130
35-7-1902(f)	HB0041	86
35-7-2104(b)	SF0070	108
35-9-153(a)(intro) and (vi)	HB0100	41
35-11-302(a)(viii)	SF0016	11
35-11-417(b)	SF0056	102
35-11-1424(a), (p)(intro) and (q)	SF0018	12
35-11-1701(a)	SF0018	12
35-21-104(b)	HB0008	63
35-21-104(b)	SF0022	97
35-21-105(c)	HB0008	63
35-21-105(c)	SF0022	97
35-21-106(b)	SF0022	97
36-2-109	SF0044	23
36-8-1501(b)(xv)	HB0021	30
36-8-1501(c)(ii)	SF0005	15
36-8-1602	HB0022	43
37-1-101(a)(vi)(H)(II)	SF0011	55
39-11-105(b)(vi)(A)	SF0111	45
39-11-105(b)(vi)(A)	HB0103	87
39-13-111(a)(i)(intro)	HB0072	1

39-14-801(b)(intro), (i) and (d)(intro)	HB0001	134
39-15-101(a)(xxxix)(A)	HB0103	87
39-15-107(b)(x)	SF0050	25
39-15-108(a)	SF0027	53
39-16-108(a)	SF0027	53
40-10-122(a)(xviii)(B)(I)	SF0070	108
40-22-104(a)(iv) and (v)	HB0019	3
40-22-104(a)(iv) and (v)	HB0070	44
40-22-108(a)(ii)	SF0042	107
41-3-1004(a)	HB0077	34
42-1-102(a)(intro)	HB0086	131
42-2-103(d)	HB0076	5
99-3-1503(g)(vi)	HB0078	121
99-3-1603(e)(vi) and (f)(vii)	HB0078	121
99-3-1803(f)(vi) and (j)(vii)	HB0078	121
99-3-1804(h)(vii)	HB0078	121
99-3-1903(k)(iv) through (vi)	HB0078	121
99-3-1903(k)(vii)	SF0053	16
99-3-1904(m)(iv) through (vi)	HB0078	121
99-3-1904(m)(vii)	SF0053	16
99-3-2004(d)(iv) through (vi)	HB0078	121
99-3-2203(e)(iii) through (vi)	HB0078	121

## TABLE OF LAWS REPEALED

WYOMING STATUTES	HB/SF	Laws 2018 Chapter No.
5-9-104	SF0070	108
6-2-303(a)(viii)	HB0157	80
6-4-404(b)	SF0022	97
6-8-104(t)(viii)	HB0141	85
7-3-510(b)(i) and (ii)	SF0022	97
9-2-1016(h)(iii)	SF0070	108
9-2-2608(d)	HB0009	29
9-2-3005(b) through (f)	HB0088	2
14-8-107(b)(ii)	HB0170	74
17-4-203(a)(xiii)	HB0144	71
20-2-304(b)	HB0017	42
20-2-305	HB0017	42
21-15-109(c)(i)(C)	HB0032	35
21-15-109(c)(iii)(A) and (B)	HB0033	36
21-9-101(b)(i)(M)	SF0029	123
22-1-102(a)(xxxiii)	HB0040	118
22-5-501	HB0040	118
22-24-420(a)	HB0040	118
22-25-108(c) through (e)	HB0002	40
22-25-109	HB0002	40
22-26-101(a)(i) through (v)	HB0002	40
23-1-502(d) and (e)	SF0081	54
24-2-106(a)(iv) and (b)	HB0084	73
26-1-104(a)(i)	SF0009	21
26-3-112(a)(xi)	SF0009	21
26-26-101 through 26-26-131	SF0009	21
28-1-115(e)	SF0068	99
31-5-1201(d)(i) through (iii)	HB0093	117
31-14-102(a)(iv)	HB0035	33
31-14-120 through 31-14-129	HB0035	33
33-25-111(a)(xx)	HB0157	80
33-26-102(a)(xiii)	HB0157	80
33-26-402(a)(vii)	HB0157	80
35-11-1424(r)	SF0018	12
36-8-1501(b)(xiii) and (xx)	HB0021	30

## TABLE OF LAWS RENUMBERED

WYOMING STATUTES	HB/SF	Laws 2018 Chapter No.
6-2-301(a)(ix) as (x)	HB0157	80
9-17-105(a)(v) as (vi)	HB0125	50
9-3-702(a)(xi) as (xii)	HB0110	31
10-1-101(a)(xi) as (xii)	SF0079	104
17-16-140(a)(xlvi) as (l)	HB0101	47
26-3-315(c) through (f) as (d) through (g) and (h) through (m) as (j) through (n)	SF0008	14
26-3-316 and 26-3-317 as 26-3-317 and 26-3-318	SF0008	14
28-1-115(f) as (g)	SF0068	99
33-11-101(a)(xiii) as (xv)	SF0026	19
33-24-147(a)(vi) as (viii)	SF0075	93
35-21-102(a)(vi) as (viii)	HB0117	68
40-22-126(b) through (f) as (c) through (g)	HB0070	44

## TABLE OF LAWS AMENDED AND RENUMBERED

WYOMING STATUTES	HB/SF	Laws 2018 Chapter No.
17-16-141(c)(ii) as (iii)	HB0101	47
26-3-315(b) as (c)	SF0008	14
26-3-315(g) as (h)	SF0008	14
31-5-224(b) as (c)	HB0036	79



**TABLE OF LAWS  
SESSION LAWS AMENDED or REPEALED**

<b>WYOMING STATUTES</b>	<b>HB/SF</b>	<b>Laws 2018 Chapter No.</b>
<b>Amended:</b>		
2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxxiii)	HB0140	137
2012 Wyoming Session Laws, Chapter 27, Section 2(c)(v) as amended by 2016 Wy- oming Session Laws, Chapter 116, Section 5 (b)	HB0001	134
2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ii), (vii) and (viii)	SF0015	98
2014 Wyoming Session Laws, Chapter 46, Section 2(e)(intro), (ix) and (h), as amended by 2016 Wyoming Session Laws, Chapter 41, Section 3	SF0015	98
2016 Wyoming Session Laws, Chapter 31, Section 322	HB0001	134
2016 Wyoming Session Laws, Chapter 97, Section 3(a)(i)	HB0194	136
2016 Wyoming Session Laws, Chapter 97, Section 8	HB0194	136
2016 Wyoming Session Laws, Chapter 108, Section 1(d) and (e), as amended by 2017 Wyoming Session Laws, Chapter 95, Section 8	HB0029	69
2017 Wyoming Session Laws, Chapter 120, Section 3, Section 300(k)	HB0001	134
2017 Wyoming Session Laws, Chapter 140, Section 4	HB0001	134
2017 Wyoming Session Laws, Chapter 140, Section 4	SF0119	128
2017 Wyoming Session Laws, Chapter 150, Section 2	SF0015	98

**Repealed:**

2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxviii), as amended by 2017 Wyoming Session Laws, Chapter 205, ATTACHMENT "A" (b)(xxviii)	HB0140	137
2016 Wyoming Session Laws, Chapter 70	SF0090	56
2017 Wyoming Session Laws, Chapter 32	SF0017	90















