

**SESSION  
LAWS  
OF  
WYOMING**



**2010  
Budget Session**

**SESSION LAWS**  
**OF THE**  
**STATE OF WYOMING**  
**PASSED BY THE**  
**SIXTIETH STATE LEGISLATURE**  
**2010 BUDGET SESSION**

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## USERS NOTES

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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

Legislative Service Office



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**LAWS**  
**PASSED BY THE**  
**SIXTIETH**  
**WYOMING LEGISLATURE**  
**2010 BUDGET SESSION**

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**Chapter 1**

**SCHOOL FINANCE AUDITS-AMENDMENT**

Original House Bill No. 48

AN ACT relating to school finance audits; modifying vocational education program periodic audit requirement; and providing for an effective date.

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

**Section 1.** W.S. 9-1-513(b)(ix) is amended to read:

**9-1-513. School finance audits and management studies.**

(b) The school finance section within the department established under subsection (a) of this section shall:

(ix) As a part of the requirements under paragraph (i) of this subsection, conduct periodic audits of vocational education information and computations submitted by districts as necessary for implementation of W.S. 21-13-309(m)(v)(D) and include audit findings in the report to the department of education required under paragraph (iv) of this subsection and the report to the legislature required under paragraph (viii) of this subsection. ~~Each district shall be audited for purposes of this paragraph not less than once every three (3) years.~~

**Section 2.** This act is effective July 1, 2010.

Approved February 26, 2010.

## Chapter 2

### VETERINARIANS

Original House Bill No. 2

AN ACT relating to veterinarians; modifying the veterinarian loan repayment program, modifying eligibility requirements; and providing for an effective date.

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

**Section 1.** W.S. 11-18-119(a)(intro) is amended to read:

**11-18-119. Veterinarian loan repayment program; rulemaking authority.**

(a) The board is authorized to enter into agreements with graduate veterinarians who have graduated from accredited veterinary colleges are licensed to practice in the state of Wyoming, to provide food animal health care in this state. For purposes of this section, “food animal” means cattle, swine, sheep or goats. The agreements shall:

**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 1, 2010.

## Chapter 3

### ELECTION CODE-REVISIONS

Original House Bill No. 7

AN ACT relating to elections; providing for post election audits of tabulating equipment; providing for withdrawal of voter registration without notarization; amending terminology; providing for retention of absentee ballots after acceptance; providing for verification of write-in candidates qualifications; providing timelines for initial renewal of a mill levy proposition; repealing requirement to indicate date a voter became a resident of the county; and providing for an effective date.

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

**Section 1.** W.S. 22-11-109 is created to read:

**22-11-109. Post election audit.**

The county clerk shall conduct a random audit of ballots by processing the preaudited group of test ballots as described in W.S. 22-11-104(b)(iii) on

five percent (5%) of the automated tabulating equipment for that county, but on not less than one (1) machine, within thirty (30) days of any election in which the tabulating equipment was used.

**Section 2.** W.S. 22-3-103(a)(vii), 22-3-106, 22-5-213, 22-9-115, 22-11-104(b)(iii), 22-16-103(c) by creating a new paragraph (vi) and by renumbering paragraph (vi) as (vii) and 35-2-414(d) are amended to read:

**22-3-103. Furnishing of oath forms; contents thereof.**

(a) The county clerk shall furnish voter registration oath forms to registry agents which forms shall require the following voter information from the applicant:

(vii) His political party affiliation, if any, ~~and~~

**22-3-106. Request for voter registration withdrawal; form.**

If a voter registration applicant affirms that he is registered in another county or state, the registry agent shall require that the applicant ~~complete and sign a "Request for Voter Registration Withdrawal" form~~ make a written withdrawal of voter registration from another county or state on the Wyoming registration application. The registry agent shall cause notice to be sent to the registry agent of the jurisdiction in which the applicant was last registered. The withdrawal form shall conform in substance to the following:

REQUEST  
FOR  
VOTER REGISTRATION WITHDRAWAL

~~I, ..., whose date of birth is ... and social security number is (optional) ... having now registered to vote in the County of ..., State of Wyoming, hereby request that my registration to vote in the County of ..., State of ... be withdrawn.~~

My previous address was:

..... Street  
..... City  
.....

Signature of requester \_\_\_\_\_

Subscribed and sworn to before me by .... this .... day of ..., (year).

.....  
Name of person receiving request  
.....  
Title

**22-5-213. Entry in pollbook.**

The judges of election shall check or enter in the pollbook the name of each elector voting in the primary election and his party affiliation, if declared. An elector voting only a nonpartisan ballot shall be entered in the pollbook

as ~~a nonpartisan~~ an unaffiliated voter.

**22-9-115. Receipt by clerk; handling procedure.**

(a) After an absentee ballot has been accepted by the clerk, it shall not be returned to the voter.

(b) The clerk shall place completed absentee ballot envelopes in a large precinct envelope for the precinct in which they shall be voted and keep custody of them until they are delivered to the precinct or the designated counting center. The clerk shall endorse on the precinct envelope the number of the district and precinct and the words "Envelope contains ballots of absentee qualified electors and shall be opened only on election day at the polls when the polls are open" and shall affix his signature, official title, and seal the envelope.

**22-11-104. Conduct of elections in which systems utilized.**

(b) The county clerk of each county using an electronic voting system shall:

(iii) Before testing an electronic voting system for an election, ~~mail a written notice to notify~~ the county chairman of each political party having a candidate on the ballot, stating the time and place of the test. The political party representatives and representatives of independent candidates may be present for the test, which shall be held at least two (2) weeks before the election. The test shall ascertain that the automatic tabulating equipment will accurately count the votes cast for all offices and all measures. The test shall be conducted by processing a preaudited group of paper ballots or ballot cards on which are recorded a predetermined number of valid votes for each candidate and on each measure and shall include for each office one (1) or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be secured and certified to by the county clerk. ~~The tabulating equipment shall pass the same test before and after the ballot count on an election day before the election returns are certified by the election judges.~~ On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots;

**22-16-103. County canvass procedures.**

(c) The county canvassing board shall:

(vi) Review and certify successful write-in candidates after determination of the number of votes for candidates and verification of candidate qualification;

~~(vi)~~(vii) Cause minutes of the meeting to be taken, signed by the canvassing board and filed with the county clerk.

**35-2-414. Administration of finances; assessment and levy of tax.**

(d) If the proposition to authorize a mill levy is approved, the same proposition or a proposition to impose a mill levy in a different amount, not to exceed three (3) mills, shall be submitted to the voters, until defeated, at the second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter. If the proposition to impose or continue the tax is defeated, the proposition shall not again be submitted to the electors for at least twenty-three (23) months.

**Section 3.** W.S. 22-3-103(a)(viii) is repealed.

**Section 4.** This act is effective July 1, 2010.

Approved March 1, 2010.

## Chapter 4

### OFFICIAL STATE CODE

Original Senate File No. 51

AN ACT relating to state symbols; adopting the code of the west as the official state code as specified; and providing for an effective date.

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

**Section 1.** W.S. 8-3-123 is created to read:

**8-3-123. State code.**

(a) The code of the west, as derived from the book, Cowboy Ethics by James P. Owen, and summarized as follows, is the official state code of Wyoming. The code includes:

- (i) Live each day with courage;
- (ii) Take pride in your work;
- (iii) Always finish what you start;
- (iv) Do what has to be done;
- (v) Be tough, but fair;

- (vi) When you make a promise, keep it;
- (vii) Ride for the brand;
- (viii) Talk less, say more;
- (ix) Remember that some things are not for sale;
- (x) Know where to draw the line.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 5

### DUI IMPAIRMENT PERIOD AND PERIOD FOR ENHANCED PENALTIES

Original Senate File No. 19

AN ACT relating to driving under the influence; amending the time in which a driver may not exceed the maximum blood alcohol level; making corresponding amendments for youthful driver's with detectable alcohol concentrations; amending the time in which chemical tests may be relevant; expanding the period for enhanced penalties for prior violations; expanding the period for license suspension and revocation as specified; adding definitions; and providing for an effective date.

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

**Section 1.** W.S. 31-5-233(a)(ii) by creating a new subparagraph (C), by creating new paragraphs (vii) and (viii), (b)(i), by creating a new paragraph (ii), by renumbering (ii) as (iii), (d) and (e), 31-5-234(b), 31-6-101(a)(ii) by creating a new subparagraph (C), 31-7-127(a)(ii)(intro) and 31-7-128(b)(ii)(intro) are amended to read:

#### **31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances; penalties.**

- (a) As used in this section:
  - (ii) "Controlled substance" includes:

(C) Any drug or psychoactive substance, or any combination of these substances, capable of impairing a person's physical or mental faculties.

(vii) "Alcohol" means any substance or substances containing any form of alcohol;



(viii) "Chemical test" means a test which analyzes an individual's breath, blood, urine, saliva or other bodily fluids or tissues for evidence of drug or alcohol use.

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

(i) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more; ~~or~~

(ii) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, as measured within two (2) hours after the time of driving or being in actual physical control of the vehicle following a lawful arrest resulting from a valid traffic stop; or

~~(ii)~~(iii) To a degree which renders him incapable of safely driving:

(A) Is under the influence of alcohol;

(B) Is under the influence of a controlled substance; or

(C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.

(d) Subsection (c) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcohol, including tests obtained more than ~~three (3)~~ two (2) hours after the alleged violation. The fact that any person charged with a violation of subsection (b) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under subsection (b) of this section.

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection (h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. On a second offense resulting in a conviction within ~~five (5)~~ ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse

provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00). On a third offense resulting in a conviction within five (5) ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall receive a substance abuse assessment pursuant to W.S. 7-13-1302 and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least thirty (30) days in jail except that the court shall consider the substance abuse assessment and may order the person to undergo outpatient alcohol or substance abuse treatment during any mandatory period of incarceration. The minimum period of imprisonment for a third violation shall be mandatory, but the court, having considered the substance abuse assessment and the availability of public and private resources, may suspend up to fifteen (15) days of the mandatory period of imprisonment if, subsequent to the date of the current violation, the offender completes an inpatient treatment program approved by the court. In addition, the person may be fined not less than seven hundred fifty dollars (\$750.00) nor more than three thousand dollars (\$3,000.00). The judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection and place the defendant on probation on condition that the defendant pursues and completes an alcohol education or treatment program as prescribed by the judge. Notwithstanding any other provision of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall not exceed three (3) years for up to and including a third conviction. On a fourth offense resulting in a conviction or subsequent conviction within five (5) ten (10) years for a violation of this section or other law prohibiting driving while under the influence, he shall be guilty of a felony and fined not more than ten thousand dollars (\$10,000.00), punished by imprisonment for not more than two (2) years, or both.

**31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.**

(b) A person younger than twenty-one (21) years of age shall not operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent (0.02%) or more or operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent (0.02%) or more as measured within two (2) hours after the time of driving or being in actual physical control following a lawful arrest resulting from a valid traffic stop.

**31-6-101. Definitions.**

(a) As used in this act:

(ii) "Controlled substance" includes:

(C) Any drug or psychoactive substance, or combination of these substances, capable of impairing a person's physical or mental faculties.

**31-7-127. Mandatory revocation of license for certain violations.**

(a) The division shall revoke the license or nonresident operating privilege of any person, upon receipt of a record of conviction of the person of any of the following violations:

(ii) A conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence, if the person has been previously convicted two (2) or more times under W.S. 31-5-233 or other law prohibiting driving while under the influence within the ~~five (5)~~ ten (10) year period preceding:

**31-7-128. Mandatory suspension of license or nonresident operating privilege for certain violations; suspension of registration.**

(b) Upon receiving a record of a driver's conviction under W.S. 31-5-233 or other law prohibiting driving while under the influence, the division shall suspend the license or nonresident operating privilege for:

(ii) One (1) year, if the person has been previously convicted once under W.S. 31-5-233 or other law prohibiting driving while under the influence within the ~~five (5)~~ ten (10) year period preceding:

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

**Chapter 6****UNDERAGE DRINKING**

Original House Bill No. 13

AN ACT relating to alcohol; creating an offense for persons under age twenty-one (21) years who attempt or gain admittance to liquor dispensing rooms or drive-in liquor areas as specified; expanding offenses for persons under the age of twenty-one (21) years who possess or consume alcohol; providing exceptions; providing penalties; providing for prima facie evidence; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 12-6-101 by creating new subsections (c) through (e), by renumbering (c), (d) and (e) as (f), (g) and (h) and by creating a new subsection (j) is amended to read:

**12-6-101. Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.**

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

(i) Purchase or attempt to purchase any alcoholic liquor or malt beverage;

(ii) Solicit another person to purchase alcoholic liquor or malt beverage;

(iii) Possess any alcoholic liquor or malt beverage;

(iv) Consume any ethyl alcohol; or

(v) Have measurable blood, breath or urine alcohol concentration in his body.

(d) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:

(i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;

(ii) As part of a church's or religious organization's religious services;  
or

(iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:

(A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or

(B) Pursuant to a lawful prescription.

(e) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of twenty-one (21) years specified in this section shall not apply:

(i) When the person is making a delivery of alcoholic liquor or malt

beverages pursuant to his employment;

(ii) When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or

(iii) To a person who is a licensee under this title.

~~(e)~~(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

~~(d)~~(g) Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor.

~~(e)~~(h) A motor vehicle driver's license issued by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or by an official governmental agency of Canada or Mexico, a permanent resident card issued by the United States citizenship and immigration services, an identification card issued to a member of the armed forces, an internationally accepted passport document with a discernible date of birth and photograph or an identification card issued by the department of transportation is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

(j) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

**Section 2.** W.S. 12-6-101(b) is repealed.

**Section 3.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 7

### GAME AND FISH-SPECIAL HUNTING SEASON EXTENSION

Original Senate File No. 43

AN ACT relating to game and fish; providing for regulation of the administration of a special hunting season extension for hunters with disabilities; and providing for an effective date.

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

**Section 1.** W.S. 23-1-302(a)(i) is amended to read:

#### **23-1-302. Powers and duties.**

(a) The commission is directed and empowered:

(i) To fix season and bag limits, open, shorten or close seasons including providing for season extensions for hunters with disabilities as established by commission rules and regulation, on any species or sex of wildlife for any type of legal weapon, except predatory animals, predacious birds, protected animals, and protected birds, in any specified locality of Wyoming, and to give notice thereof;

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 8

### STATE LOAN & INVESTMENT BOARD-LOAN REFINANCING

Original Senate File No. 28

AN ACT relating to intergovernmental cooperation; authorizing the refinancing of state loan and investment board loans as specified; and providing for an effective date.

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

**Section 1.** W.S. 16-1-109 by creating a new subsection (e) is amended to read:

#### **16-1-109. State loan and investment board loans; amount; interest; security; conditions.**

(e) The board, whenever it deems necessary for the better protection of permanent funds of the state invested in loans under this section, may refinance any delinquent loan and reamortize the loan over not more than thirty (30) years from the date of refinancing. All costs of refinancing the

loan shall be paid by the borrowing entity and no loan shall be refinanced where it appears refinancing will jeopardize the collection of the loan. An additional fee of one percent (1%) of the amount of the reamortized loan shall be paid by the borrowing entity to the board to be credited to the loss reserve account created by W.S. 16-1-110 as provided by subsection (a) of this section.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 9

### STATE PARKS-BEAR RIVER STATE PARK

Original Senate File No. 10

AN ACT relating to state lands; providing for the transfer of lands in the Bear River state park; and providing for an effective date.

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

#### **Section 1.**

(a) The board of land commissioners is authorized and directed to convey its right, title and interest in the following lands to the department of state parks and cultural resources:

(i) In Township 15 North, Range 120 West, 6th P.M., Section 22: N1/2 SE1/4; SE1/4 SE1/4; that portion of S1/2 NE1/4 lying south of the Interstate 80 highway right-of-way; that portion of SW1/4 SE1/4 and E1/2 SW1/4 lying northeast of a line described as follows: beginning at a point on the south line of Section 22 which is 42.30 chains East of the Southwest corner of Section 22, then running North 21°15' West 11.20 chains to a point, and then running North 27° West 43.50 chains, more or less, to a point where the line intersects the west line of SE1/4 NW1/4 of Section 22; and that portion of SE1/4 NW1/4 lying northeast of the above described line and south of the Interstate 80 highway right-of-way; containing 280 acres, more or less.

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

Approved March 3, 2010.

## Chapter 10

### STATE PARKS-DISPOSITION OF LANDS

Original Senate File No. 11

AN ACT relating to state parks and cultural resources; providing for de minimus disposals, designations or removal of designations of state outdoor recreational resources by the department without legislative approval; providing for rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 36-4-104(f) and 36-4-106(e), (f) and by creating a new subsection (g) are amended to read:

#### **36-4-104. Powers; interpretive service agreements.**

(f) The department, in consultation with the commission, may recommend that any outdoor recreation resource ~~designated as a state park, public recreation ground, historical park, historical, archaeological, geological or ecological site area and facility~~ be no longer designated as such or may recommend that it be disposed of through sale, exchange, lease or assignment of fee ownership. The recommendation for removal of the designation or disposal shall follow application of the criteria and procedures for accessioning areas or facilities under W.S. 36-4-106(e), ~~and (f) and (g).~~

#### **36-4-106. Plan for acquisition and development of resources; authority of department; coordination of activities; exceptions; agreements with United States; state archaeologist.**

(e) The department of state parks and cultural resources, in consultation with the commission shall develop and maintain a comprehensive plan for the acquisition, disposal and development of outdoor recreation resources of the state. Criteria for evaluating resources for acquisition, disposal and development as an outdoor recreation area or facility under the plan shall be adopted as rules in accordance with the Wyoming Administrative Procedure Act.

(f) Except as provided in subsection (g) of this section, prior to acquiring or accepting title to any lands for an outdoor recreation area or facility or designating or removing a designation of lands as an outdoor recreation area or facility, or disposing of any property as provided in W.S. 36-4-104(f), the department shall apply the site criteria process developed pursuant to subsection (e) of this section. The department shall consult with the commission regarding the application of the site criteria and may inform the joint travel, recreation, wildlife and cultural resources interim committee regarding the potential acquisition, or designation, disposal or removal of designation. The department shall determine if the site should be acquired or disposed of or the lands so designated or removed from



designation. After consultation with the commission, if the department determines the site should be acquired or disposed of or so designated or removed from designation, it shall make the recommendation to the joint travel, recreation, wildlife and cultural resources interim committee. The committee shall prepare legislation for the acquisition, disposal, removal from designation or designation of lands as an outdoor recreation area or facility as it determines appropriate and necessary.

(g) The department may dispose of, designate or remove from designation any lands for an outdoor recreation area or facility without complying with the provisions of subsection (e) or (f) of this section if:

(i) The disposal, designation or removal of designation is de minimus in nature as provided in department rule and regulation. "De minimus", as used in this paragraph, means the property in question is less than five (5) acres in size;

(ii) The action conforms to either the department's mission or the current strategic plan of the department;

(iii) The action conforms to the provisions of the department's current master plan for the park or site where the property is located; and

(iv) The action is presented to the joint travel, recreation, wildlife and cultural resources interim committee for informational purposes prior to completion of the action.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 11

### STATE PARKS AND HISTORIC SITES-BOUNDARIES AND DESIGNATIONS

Original Senate File No. 12

AN ACT relating to state parks and historic sites; designating state parks, state historic sites, state archaeological sites and state recreation areas; requiring legal descriptions by rule; repealing statutory legal descriptions; and providing for an effective date.

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

**Section 1.** W.S. 36-8-1501 is created to read:

#### ARTICLE 15 OTHER DESIGNATIONS

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

**designation.**

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

(i) The lands in Fremont County managed by the department as of July 1, 2010 as Boysen state park;

(ii) The lands in Park County managed by the department as of July 1, 2010 as Buffalo Bill state park;

(iii) The lands in Natrona County managed by the department as of July 1, 2010 as Edness Kimball Wilkins state park;

(iv) The lands in Platte County managed by the department as of July 1, 2010 as Glendo state park;

(v) The lands in Platte County managed by the department as of July 1, 2010 as Guernsey state park;

(vi) The lands in Crook County managed by the department as of July 1, 2010 as Keyhole state park;

(vii) The lands in Carbon County managed by the department as of July 1, 2010 as Seminole state park.

(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:

(i) The lands in Albany County managed by the department as of July 1, 2010 as Ames Monument state historic site;

(ii) The lands in Sheridan County managed by the department as of July 1, 2010 as Conner Battlefield state historic site;

(iii) The lands in Sheridan County managed by the department as of July 1, 2010 as Fetterman Battlefield state historic site;

(iv) The lands in Sublette County managed by the department as of July 1, 2010 as Fort Bonneville state historic site;

(v) The lands in Uinta County managed by the department as of July 1, 2010 as Fort Bridger state historic site;

(vi) The lands in Converse County managed by the department as of July 1, 2010 as Fort Fetterman state historic site;

(vii) The lands in Johnson County managed by the department as of July 1, 2010 as Fort Phil Kearny state historic site;

(viii) The lands in Johnson County managed by the department as of July 1, 2010 as Fort Reno state historic site;

(ix) The lands in Uinta County managed by the department as of July 1, 2010 as Fort Supply state historic site;

(x) The lands in Sweetwater County managed by the department as of July 1, 2010 as Granger Stage Station state historic site;

(xi) The lands in Laramie County managed by the department as of July 1, 2010 as the Historic Governors' Mansion state historic site;

(xii) The lands in Natrona County managed by the department as of July 1, 2010 as Independence Rock state historic site;

(xiii) The lands in Fremont County managed by the department as of July 1, 2010 as Lander Cemetery state historic site;

(xiv) The lands in Lincoln County managed by the department as of July 1, 2010 as Names Hill state historic site;

(xv) The lands in Platte County managed by the department as of July 1, 2010 as Oregon Trail Ruts state historic site;

(xvi) The lands in Uinta County managed by the department as of July 1, 2010 as Piedmont Kilns state historic site;

(xvii) The lands in Carbon County managed by the department as of July 1, 2010 as Platte River Stage Crossing state historic site;

(xviii) The lands in Sweetwater County managed by the department as of July 1, 2010 as Point of Rocks Stage Station state historic site;

(xix) The lands in Natrona County managed by the department as of July 1, 2010 as Red Buttes Battle and Cemetery state historic site;

(xx) The lands in Platte County managed by the department as of July 1, 2010 as Register Cliff state historic site;

(xxi) The lands in Sheridan County managed by the department as of July 1, 2010 as Trail End state historic site;

(xxii) The lands in Sheridan County managed by the department as of July 1, 2010 as Wagon Box Fight state historic site;

(xxiii) The lands in Platte County managed by the department as of July 1, 2010 as Wyoming Pioneer Museum state historic site.

(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:

(i) The lands in Hot Springs County managed by the department as of July 1, 2010 as Legend Rock state archaeological site;

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

(d) The lands in Goshen County managed by the department as of July 1, 2010 as Hawk Springs recreation area are designated as the Hawk Springs state recreation area. The department shall by rule specify the legal description of the recreation area.

**Section 2.** W.S. 36-8-302, 36-8-501 by creating a new subsection (c), 36-8-601(a)(intro), 36-8-701(a), 36-8-801(a)(intro) and (b), 36-8-902(a) and (d) and 36-8-1001(a)(intro), (b), (c) and (d)(intro) and 36-8-1002(b)(intro) and (i) are amended to read:

**36-8-302. Name of park.**

~~From and after the passage of this act, the land which was granted to the state of Wyoming by act of congress of 1897, which ceded to the state of Wyoming, one (1) square mile of land, managed by the department as of July 1, 2010~~ in the northeast portion of the Shoshone Indian Reservation, upon which is located the Big Horn Hot Springs, is hereby declared to be and shall hereafter be known as the "Hot Springs State Park". The department shall by rule specify the legal description of the state park.

ARTICLE 5  
SOUTH PASS CITY STATE HISTORIC SITE

**36-8-501. South Pass City state historic site.**

(c) The lands in Fremont County managed by the department as of July 1, 2010 as South Pass City are designated as the South Pass City state historic site. The department shall by rule specify the legal description of the historic site.

**36-8-601. Declaration of Curt Gowdy state park.**

(a) The lands in Laramie and Albany counties ~~known as the~~ managed by the department as of July 1, 2010 at Granite Reservoir, Crystal Reservoir and Upper North Crow Reservoir areas described as follows known

collectively as Curt Gowdy state park are hereby declared to be a state park. The department shall by rule specify the legal description of the state park.

**36-8-701. Declaration of Sinks Canyon state park; disposal of land.**

(a) ~~The state owned lands in Fremont County managed by the department as of July 1, 2010 and known as Sinks Canyon described as follows are hereby declared to be a state park. In township 32 north, range 100 west, 6th p.m., section 8: S1/2SE1/4, NE1/4SE1/4; section 9: NW1/4SW1/4; section 17: E1/2NW1/4, N1/2SW1/4; SW1/4SW1/4; W1/2NE1/4; section 18: NE1/4SE1/4; S1/2SE1/4; SE1/4SW1/4, containing 600 acres, more or less~~ The department shall by rule specify the legal description of the state park.

**36-8-801. Declaration of area as Fort Fred Steele state historic site; administration; safety facilities.**

(a) ~~The lands in Carbon county managed by the department as of July 1, 2010 and known as the Fort Fred Steele area described as follows are hereby declared to be a historical-state park-historic site. The department shall by rule specify the legal description of the site.~~

(b) ~~The department of state parks and cultural resources shall administer this area providing for the best possible historical-state park-state historic site, and it shall be the responsibility of the department to provide all reasonable and necessary safety facilities made necessary by reason of the increased hazards resulting from the establishing of a state park adjacent to, and on both sides of, Union Pacific Railroad Company's main line right-of-way and tracks. These safety facilities shall include, but are not limited to, such fencing of Union Pacific Railroad Company's main line right-of-way as is reasonably necessary to prevent access by the general public to such right-of-way; some type of pedestrian walkway through the grade separation to provide pedestrian access between the south and north sides of the park-site; and either the closing of the Fort Steele grade crossing to the general public or the establishment at said crossing of grade crossing protection devices consisting of flasher lights and gates. The department is hereby authorized to enter into agreements with Union Pacific Railroad Company relative to the department's providing such reasonable and necessary safety facilities. In the event the department and Union Pacific Railroad Company are unable to so agree, the public service commission of Wyoming shall determine what reasonable and necessary safety facilities shall be provided by the department at Fort Fred Steele state park-historic site, upon application filed with the public service commission of Wyoming by either Union Pacific Railroad Company or the department. These necessary and reasonable safety facilities shall be constructed before the opening of the Fort Fred Steele state park-historic site to the public.~~

**36-8-902. Designation of lands as Bear River state park; park administration and operation.**

(a) ~~The state-owned lands in Uinta county described as follows are designated as the managed by the department as of July 1, 2010 and known as Bear River State Park: In Township 15 North, Range 120 West, 6th P.M., Section 22: N1/2 SE1/4; SE1/4 SE1/4; that portion of S1/2 NE1/4 lying south of the Interstate 80 highway right-of-way; that portion of SW1/4 SE1/4 and E1/2 SW1/4 lying northeast of a line described as follows: beginning at a point on the south line of Section 22 which is 42.30 chains east of the southwest corner of Section 22, then running North 21°15' West 11.20 chains to a point, and then running North 27° West 43.50 chains, more or less, to a point where the line intersects the west line of SE1/4 NW1/4 of Section 22; and that portion of SE1/4 NW1/4 lying northeast of the above described line and south of the Interstate 80 highway right-of-way; containing 280 acres, more or less. Effective no later than May 1, 1997, pursuant to a conveyance of state-owned lands from the Wyoming state hospital to the department of commerce, the state-owned lands in Uinta county described as follows shall be designated as part of the Bear River State Park: within Section 26, Township 15 N. Range 120 W., 6th Principal Meridian, Uinta County, Wyoming described to wit: NW1/4 OF NW 1/4 of the NW1/4 of said Section 26; containing 10 acres, more or less are declared to be a state park. The department shall by rule specify the legal description of the state park.~~

(d) ~~The department of state parks and cultural resources is the successor agency to the department of commerce and the Wyoming recreation commission and shall administer and operate the state park created by this section, in accordance with the plan specified in W.S. 36-8-901(e) unless otherwise directed by the legislature.~~

### **36-8-1001. Wyoming Territorial Prison state historic site.**

(a) ~~The state-owned lands in Albany County described as follows managed by the department as of July 1, 2010 and known as the Wyoming Territorial Prison are declared to be a state park and historical historic site. The department shall by rule specify the legal description of the state historic site.~~

(b) ~~The state park and historical-historic site shall be known as the "Wyoming territorial prison state park and historical-historic site".~~

(c) ~~The board of land commissioners shall not trade, sell or otherwise dispose of the lands described in paragraph (a)(i)(a) of this section without approval of the legislature.~~

(d) ~~The department of state parks and cultural resources shall prepare a plan for the operation of the Wyoming territorial prison historic site and state park by the department as part of the department's comprehensive plan under W.S. 36-4-106. In developing the plan, the department shall:~~

### **36-8-1002. Transfer of lands; site administration; lease and contract agreements.**

(b) The department of state parks and cultural resources shall administer, operate and maintain the state park, ~~excluding lands and buildings comprising the historic site; as specified under W.S. 36-8-1001(e); as follows:~~

(i) ~~Park development, operation and management shall be~~ In accordance with the plan specified under W.S. 36-8-1001(d). The department may, under lease agreement or contract management arrangement with a local public or private nonprofit entity, provide for special events at the ~~park historic site~~ in accordance with W.S. 36-4-121(o) or management of specified areas of the park by the public or private entity;

**Section 3.** W.S. 36-8-501(a), 36-8-601(a)(i) through (v), 36-8-801(a)(i) through (iii), 36-8-901, 36-8-902(b) and (c), 36-8-1001(a)(i), (d)(i) and (ii) and 36-8-1002(a) and (c) are repealed.

**Section 4.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 12

### MEDICAL SUPPORT OF CHILDREN

Original Senate File No. 8

AN ACT relating to child support; requiring that parents provide for the medical support of dependent children as specified; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 20-2-401(a)(i)(A), (B) and (ii) and 20-2-406(a) by creating new paragraphs (xi) through (xiii) and by renumbering (xi) as (xiv) are amended to read:

**20-2-401. Medical support to be included as part of child support order.**

(a) In any action to establish or modify a child support obligation, the court shall order either or both of the parents to provide medical support, which may include dental, optical or other health care needs for their dependent children. The court shall:

(i) Require in the support order:

(A) That one (1) or both parents shall provide insurance coverage for the children if insurance can be obtained ~~through an employer or other group carrier, or if it is otherwise reasonably available at a reasonable cost~~

and the benefits under the insurance policy are accessible to the children;  
and

(B) That ~~one (1) or~~ both parents be liable to pay any medical expenses not covered by insurance and any deductible amount on the required insurance coverage as cash medical support; or

(ii) Specify in the court order the proportion for which each parent will be liable for any medical expenses as cash medical support, which may include dental, optical or other health care expenses incurred by any person or agency on behalf of a child if the expenses are not covered by insurance.

**20-2-406. Definitions.**

(a) As used in this act:

(xi) “Accessible” means the health care insurance plan is available and provides coverage for the child residing within the geographic area covered by the insurance plan;

(xii) “Cash medical support” means any child support order calculated pursuant to article 3 of this chapter, or an amount ordered to be paid toward the cost of health care coverage provided by another parent through the parent’s employer or otherwise, or for other medical costs not covered by insurance;

(xiii) “Reasonable cost” means the cost to provide health care coverage or to provide cash medical support for children at no more than five percent (5%) of the providing party’s income, as defined in W.S. 20-2-303(a)(ii);

~~(xi)~~(xiv) “This act” means W.S. 20-2-401 through 20-2-406.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

**Chapter 13**

**CRIMINAL PROCEDURE-TIME LIMITS FOR COMPETENCY EVALUATIONS**

Original House Bill No. 4

AN ACT relating to criminal procedure; amending the time period for competency evaluations of nonadjudicated defendants as specified; providing procedures for competency evaluations; authorizing courts to order release of relevant records as specified; requiring reports and hearings as specified; and providing for an effective date.

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



**Section 1.** W.S. 7-11-303(b) and (g) is amended to read:

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

(b) The court shall order an examination of the accused by a designated examiner. The order may include, but is not limited to, an examination of the accused at the Wyoming state hospital on an inpatient or outpatient basis, at a local mental health center on an inpatient or outpatient basis, or at his place of detention. In selecting the examination site, the court may consider proximity to the court, availability of an examiner, and the necessity for security precautions. If the order provides for commitment of the accused to a designated facility, the commitment shall continue no longer than a thirty (30) day period for the study of the mental condition of the accused. The prosecuting attorney and counsel for the accused shall cooperate in providing the relevant information and materials to the designated examiner, and the court may order as necessary that relevant information be provided to the examiner.

(g) If the court determines that the accused is mentally fit to proceed, the court may order that the accused be held in confinement, be committed to a designated facility pending further proceedings, or be released on bail or other conditions. If the court determines that the accused lacks mental fitness to proceed, the proceedings against him shall be suspended and the court shall commit him to a designated facility ~~for such period as the court may order but not to exceed the time reasonably necessary to determine whether there is substantial probability that the accused will regain his fitness to proceed:~~

~~(i) If it is determined that there is no substantial probability that the accused will regain his fitness to proceed, the accused shall not be retained in a designated facility. The examiner shall provide a full report to the court, the prosecuting attorney and the accused or his counsel within ninety (90) days of arrival of the accused at the designated treating facility. If the examiner is unable to complete the assessment within ninety (90) days the examiner shall provide to the court and counsel a summary progress report which informs the court that additional time is necessary to complete the assessment, in which case the examiner may have up to an additional ninety (90) days to provide the full report for good cause shown, as follows:~~

(A) The full report shall assess:

(I) The facility's or program's capacity to provide appropriate treatment for the accused;

(II) The nature of treatments provided to the accused;

(III) What progress toward competency restoration has been made with respect to the factors identified by the court in its initial order;

(IV) The accused's current level of mental disorder or mental deficiency and need for treatment, if any; and

(V) The likelihood of restoration of competency and the amount of time estimated to achieve competency.

(B) Upon receipt of the full report, the court shall hold a hearing to determine the accused's current status. The burden of proving that the accused is fit to proceed shall be on the proponent of the assertion. Following the hearing, the court shall determine by a preponderance of the evidence whether the accused is:

(I) Fit to proceed;

(II) Not fit to proceed with a substantial probability that the accused may become fit to proceed in the foreseeable future; or

(III) Not fit to proceed without a substantial probability that the accused may become fit to proceed in the foreseeable future.

(C) If the court makes a determination pursuant to subdivision (B)(I) of this paragraph, the court shall proceed with the trial or any other procedures as may be necessary to adjudicate the charges;

(D) If the court makes a determination pursuant to subdivision (B)(II) of this paragraph, the court may order that the accused remain committed to the custody of the designated facility for the purpose of treatment intended to restore the accused to competency;

(E) If the court makes a determination pursuant to subdivision (B)(III) of this paragraph, the court shall order the accused released from the custody of the designated facility unless proper civil commitment proceedings have been instituted and held as provided in title 25 of the Wyoming statutes. The continued retention, hospitalization and discharge of the accused shall be the same as for other patients. However, if the accused is discharged, the criminal proceedings shall be resumed, unless the court determines that so much time has elapsed since the commitment of the accused that it would not be appropriate to resume the criminal proceeding;

(ii) If it is determined pursuant to subdivision (i)(B)(II) of this subsection that there is substantial probability that the accused will regain his fitness to proceed, the commitment of the accused at a designated facility shall continue until the head of the facility reports to the court that in his opinion the accused is fit to proceed, ~~as provided in paragraph (iii) of subsection (c) of this section.~~ If this opinion is not contested by the state, the accused or his counsel, the criminal proceeding shall be resumed. If the opinion is contested, the court shall hold a hearing as provided in subsection (f) of this section. While the accused remains at a designated facility under this subsection, the head of the facility shall issue a full report at least once every three (3) months in accordance with the requirements

of subparagraph (i)(A) of this subsection on the progress the accused is making towards regaining his fitness to proceed.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 14

### APIARY LAWS

Original Senate File No. 3

AN ACT relating to apiaries; providing and amending definitions; providing for holding yard and spray yard locations; providing for variance agreements; modifying registration and inspections of apiaries; providing for export certificates; providing for a penalty; and providing for an effective date.

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

**Section 1.** W.S. 11-7-213 through 11-7-215 are created to read:

#### **11-7-213. Holding yard apiary location.**

(a) The department may grant a certificate of registration for a temporary holding yard location to provide an area for holding hives prior to and after returning from pollination of a commercial agricultural crop in another state.

(b) A temporary holding yard location shall not be used for planned honey production.

(c) A general beekeeper shall provide the department location information for all temporary holding yard locations by designating the yard name and latitude and longitude coordinates which shall be included on the yearly renewal application and designated with "HY" for holding yard, as the authorized class.

(d) A colony may be held at a temporary holding yard location for not more than two (2) months during the spring and for not more than two (2) months during the fall.

#### **11-7-214. Spray yard apiary location.**

(a) The department may grant a certificate of registration for a spray yard apiary location to provide an area for holding hives during pesticide application to allow a safe haven for the health and safety of the bees.

(b) A spray yard apiary location shall not be used for planned honey production.

(c) Any hive shall not be held at a spray yard apiary location for more than sixteen (16) days after any pesticide application and the hive then shall be returned to the registered location.

(d) A general beekeeper shall notify the department or the apiary inspector when hives are moved to spray yard apiary locations.

**11-7-215. Variance agreements.**

(a) Upon request from a general beekeeper, the department may enter into a variance agreement with the general beekeeper because of drought conditions, crop rotation, conservation reserve program acres or other unforeseen circumstances adverse to a yard location.

(b) Following a thorough investigation of each request under subsection (a) of this section, the department shall determine whether or not to enter into the requested variance agreement. If granted, a variance agreement shall contain an expiration date, after which the bees shall be returned to the original registered location. Failure to return the bees to the original registered apiary location shall cause that registered apiary location to be forfeited.

(c) Signed copies of a variance agreement between a beekeeper and the department shall be on file in the department's Cheyenne office and with the area apiary inspector and the beekeeper.

**Section 2.** W.S. 11-7-130, 11-7-131(a)(ii), (iii), (iv) and by creating new paragraphs (xviii) through (xxiii), 11-7-201(b)(ii), (iii), (v) and (e), 11-7-202(a) and (d)(i), 11-7-205(a)(iv), 11-7-301(a)(intro), (i), (iii) and (iv) and 11-7-302(a) are amended to read:

**11-7-130. Short title.**

This chapter may be cited as the "Wyoming Apiculture Act" ~~of 1983~~.

**11-7-131. Definitions.**

(a) As used in this chapter:

(ii) "Bee diseases" means American or European foulbrood, sacbrood, bee paralysis or other disease or abnormal condition of the egg, larval, pupal or adult stages of bees, including bee parasites and bee pests;

(iii) "Bees" means any stage of the bees life cycle in the genus Apis;

(iv) "Colony" means the bees, hive and all equipment used in connection

with the hive;

(xviii) "Bee parasites" means mites, including but not limited to varroa mites and tracheal mites;

(xix) "Bee pests" means insects, including but not limited to small hive beetles and red imported fire ants;

(xx) "General beekeeper" means a person who owns more than five (5) hives and manages and operates the bees and the hives;

(xxi) "Global positioning system or GPS" means a device that provides accuracy in positioning using latitude and longitude coordinates;

(xxii) "Holding yard" means an area where colonies are temporarily placed prior to leaving the state or returning from pollination in another state;

(xxiii) "Spray yard" means a temporary location where colonies are moved prior to any pesticide application in the area of the beekeeper's registered location.

**11-7-201. Apiary registration; procedure; information; conditions; penalties.**

(b) Application for registration shall be made to the department on forms it prescribes and furnishes and shall include:

(ii) The total number of colonies of bees, hives and equipment in the apiary the beekeeper owns;

(iii) The location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, ~~and~~ the township and range and the latitude and longitude coordinates, or if within the corporate limits of a municipality, the number of the lot and block in the municipality including street address and the latitude and longitude coordinates determined using GPS. All new registrations shall include latitude and longitude coordinates. Effective July 1, 2012, latitude and longitude coordinates shall be required for all apiary registrations;

(v) The date the apiary was first established which shall be included for each location on yearly apiary renewal applications; and

(e) Certificates of registration shall not be issued for new apiaries which are within such close proximity to established registered apiaries that there is danger of spread of ~~disease~~ bee diseases, bee parasites or bee pests or that the proximity may interfere with the proper feeding and honey flow of established apiaries.

**11-7-202. General apiary registrations.**

(a) In order to control, limit and prevent the spread of bee diseases, ~~and other contagious or infectious diseases~~ bee parasites or bee pests among bees, hives and apiaries and to control, limit and prevent interference with proper feeding and honey flow of established apiaries, general apiaries registered to different persons shall be located at least two (2) miles apart, except as otherwise provided in this article. The department shall not register or issue a certificate of registration for any general apiary that is located less than two (2) miles from a general apiary registered to another person, except as otherwise provided in this section.

(d) A person with an existing apiary that is located less than two (2) miles from an existing general apiary registered to another person may register his apiary as a general apiary under the following conditions:

(i) His apiary is established and registered with the department as a general apiary under the department's rules in effect prior to ~~May 27, 1983~~ December 31, 2009; and

#### **11-7-205. Hobbyist apiary registrations.**

(a) The department may grant hobbyist apiary registrations to hobbyist beekeepers under the following conditions:

(iv) If the department determines that too many hobbyist apiaries are being registered within too close proximity of each other or of other established apiaries so that there is danger of the spread of bee diseases, ~~or other contagious or infectious diseases~~ bee parasites or bee pests among bees or apiaries or that there will be interference with the proper feeding and honey flow of established apiaries, the department may refuse to grant any further hobbyist registrations in the locality and area of the danger.

#### **11-7-301. Apiaries; powers and duties of the department.**

(a) To prevent the spread of ~~contagious and infectious disease~~ bee diseases, bee parasites or bee pests among bees and apiaries, to protect apiaries against depredation by wildlife and to assist law enforcement agencies in an effort to alleviate losses due to theft, the department may:

(i) Order the transfer of colonies of bees from hives or containers which cannot be properly examined for brood or other bee diseases, bee parasites or bee pests to other hives or containers;

(iii) Quarantine any apiary where foulbrood or any contagious or infectious bee diseases, bee parasites or bee pests are present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special permit issued by the department permitting the removal under conditions it prescribes. A person may not sell or offer for sale any apiary, bees or equipment which are under quarantine unless the department issues a permit authorizing the sale or removal. Written notice of quarantine shall be posted by the department, owner or person in

charge at the quarantined apiary at a conspicuous place, and a copy shall be personally served or sent by certified mail to the owner of the apiary or person in charge. The quarantine continues in effect until it is ordered removed and a copy of the removal order served in the same manner;

(iv) Inspect any apiary, hives, equipment or premises for the presence of ~~disease~~ bee diseases, bee parasites or bee pests. Hives belonging to persons owning apiaries within the state shall be inspected for contagious diseases according to schedules established by the department. Apiary inspectors shall establish the date for the inspection of any apiary with the beekeeper. The inspection date shall be agreeable to the inspector and the beekeeper and shall include a total of seven (7) consecutive days upon which the inspection can be undertaken due to weather and unforeseen circumstances. Any beekeeper responsible for an apiary who refuses an inspection on any of the seven (7) agreed upon dates is subject to penalties provided pursuant to W.S. 11-7-133;

### **11-7-302. Importation of bees, combs or hives.**

(a) ~~It is unlawful to ship bees on drawn combs, combs or any used beekeeping equipment into this state unless the combs or equipment are certified and marked as disease free by an official responsible for apiary regulations of the state from which the combs or equipment are being moved. This inspection shall have been conducted not more than ninety (90) days prior to entry into Wyoming. Prior to entry of bees and equipment into this state, the certification of health shall be sent to the department. Any shipment must be accompanied by the health certificate. Upon entry into this state, an owner must~~ A beekeeper shall notify the department and request an inspection to be conducted at any specified registered location or holding yard not later than fourteen (14) days after entry of any colony into this state. Following an inspection for colony health, the department may issue an export certificate for any colony imported into Wyoming. An export certificate is valid for one (1) year and allows export from and re-entry into Wyoming at any port of entry.

**Section 3.** W.S. 11-7-201(j) is repealed.

**Section 4.** This act is effective July 1, 2010.

Approved March 3, 2010.

**Chapter 15****PRIVATE SCHOOL LICENSING-EXEMPTION**

Original House Bill No. 16

AN ACT relating to private school licensing; providing an exemption from private school licensing requirements as specified; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 21-2-406(a)(i)(A), by creating a new subparagraph (C) and by creating a new subsection (c) is amended to read:

**21-2-406. Schools exempted; definition.**

(a) This article does not apply to:

(i) Any parochial, church or religious school as defined by W.S. 21-4-101(a)(iv) which is maintained by a church, religious denomination or religious organization comprised of multid denominational members of the same recognized religion, lawfully operating the school or institution pursuant to applicable laws governing its organization, and the school or institution:

(A) Offers elementary and secondary education programs only; or

(C) Operates as a degree granting post secondary education institution, provides instruction through means not defined as distance education and the institution;

(I) Issues diplomas or degrees restricted to the beliefs and practices of the affiliated church, religious denomination or religious organization and includes a statement on the face of issued diplomas or degrees and course transcripts referencing the theological or religious nature of the subject area for which any diploma or degree is awarded, clearly reflecting the nature of the diploma title as "Diploma of Religious Studies" or degree title as "Associate of Religious Studies", "Associate of Arts of Religious Studies", "Bachelor of Religious Studies" or "Bachelor of Arts of Religious Studies";

(II) Annually files with the department evidence of nonprofit religious organization status for purposes of federal taxation and organization under the laws of this state; and

(III) On and after the effective date of this act for any institution not currently operating in this state, not less than sixty (60) days prior to first issuing any degree under this subparagraph, reports to the department any degree which the institution will award and the religious affiliation



the institution maintains.

(c) For the purposes of this section, “distance education” means the teacher and student are physically separated by time or space and connected by means of a communications source used to provide synchronous or asynchronous instruction.

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

Approved March 3, 2010.

## Chapter 16

### SPECIAL DISTRICT ELECTIONS

Original Senate File No. 4

AN ACT relating to special districts; providing for county clerk oversight of special district elections; and providing for an effective date.

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

**Section 1.** W.S. 22-29-113 by creating a new subsection (m) and 22-29-116(a)(intro) are amended to read:

**22-29-113. General provisions relating to special district elections.**

(m) All special district elections, including mail ballot elections, shall be overseen by the county clerk in the county wherein the special district exists. If the special district exists in more than one (1) county, the county clerk of the county wherein the largest portion of the special district exists shall oversee the election. The county clerk shall determine whether the election shall be conducted by the county clerk or the special district, taking into account each special district’s expertise, manpower and ability to conduct an election. “Oversee” as used in this subsection may include training, advice or assistance but does not include responsibility for the actions, conduct or outcome of the election unless the county clerk conducts the election.

**22-29-116. Procedures for mail ballot elections.**

(a) Mail ballot elections shall be overseen by the county clerk as provided in W.S. 22-29-113(m). Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that mail ballot packets shall

be prepared in accordance with the following:

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 17

### PARI-MUTUEL WAGERING-SIMULCASTING

Original Senate File No. 47

AN ACT relating to pari-mutuel wagering; setting longevity of simulcasting permits; providing for requirements for obtaining simulcasting permits; providing for rulemaking; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 11-25-102(a) by creating a new paragraph (xii) and 11-25-104 by creating a new subsection (m) are amended to read:

#### **11-25-102. Definitions.**

(a) As used in this act:

(xii) "Horsemen's association" means the association that represents the majority of the owners and trainers licensed by the commission to race horses at an event.

**11-25-104. Pari-mutuel commission; officers; director; meetings; quorum; records; licenses generally; effect of financial interest in events.**

(m) The commission shall establish the number of actual live horse racing or pari-mutuel event days required to qualify for a simulcasting permit. The commission shall adopt rules governing establishment of live horse racing or pari-mutuel event days required for a simulcasting permit in a manner that ensures fair and equitable involvement of all affected parties, including consideration of the economic viability of those days to permit applicants.

**Section 2.** This act is effective January 1, 2011.

Approved March 3, 2010.

**Chapter 18****SPECIAL DISTRICTS-PUBLIC RECORDS**

Original Senate File No. 5

AN ACT relating to special districts and other specified public entities; providing for filing of public records with county clerks; providing for notice and location of public meetings of special districts and other specified entities; and providing for an effective date.

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

**Section 1.** W.S. 16-12-101 through 16-12-105 are created to read:

CHAPTER 12  
SPECIAL DISTRICTS

**16-12-101. Short title.**

This chapter may be cited as the “Special District Public Records and Meetings Act”.

**16-12-102. Definitions.**

(a) As used in this act:

(i) “Director” or “district director” means a voting member of the governing body of a special district or other specified entity, regardless of what title is used in the principal act;

(ii) “Principal act” means the statutes under which a special district or other specified entity listed under W.S. 16-12-103(a) is formed or is operating;

(iii) “This act” means W.S. 16-12-101 through 16-12-105.

**16-12-103. Applicability to special districts and other specified entities; general provisions.**

(a) This act applies to the following entities as specified in subsection (b) of this section:

- (i) Airport joint powers boards;
- (ii) Boards of cooperative educational services;
- (iii) Cemetery districts;
- (iv) Conservation districts;

- (v) Downtown development authorities;
- (vi) Drainage districts;
- (vii) Fire protection districts;
- (viii) Flood control districts;
- (ix) Hospital districts;
- (x) Housing authorities;
- (xi) Improvement and service districts;
- (xii) Irrigation districts;
- (xiii) Joint powers boards;
- (xiv) Local improvement districts;
- (xv) Museum districts;
- (xvi) Predator management districts;
- (xvii) Recreation districts;
- (xviii) Recreation joint powers boards;
- (xix) Regional transportation authorities;
- (xx) Resort districts;
- (xxi) Rural health care districts;
- (xxii) Sanitary and improvement districts;
- (xxiii) Senior citizens' districts;
- (xxiv) Solid waste disposal districts;
- (xxv) Water and sewer districts;
- (xxvi) Water conservancy districts;
- (xxvii) Watershed improvement districts;
- (xxviii) Weed and pest districts;

(xxix) Other districts as specified by law.

(b) This act specifies requirements pertaining to public records and meetings of the entities listed in subsection (a) of this section where the principal act is silent or unclear. The specific provisions of a principal act or the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205, are effective and controlling to the extent they conflict with this act.

(c) If an entity is authorized to promulgate rules and regulations or adopt ordinances or bylaws, the district shall file any rules and regulations it promulgates, ordinances or bylaws it adopts and any amendments thereto with the county clerk for each county in which it is located. No rule, regulation, ordinance or bylaw shall be effective unless filed in accordance with this subsection.

#### **16-12-104. Maintaining public records.**

(a) All special districts and other specified entities shall maintain a copy of the following documents, if the documents exist, provided that the Wyoming Public Records Act and all applicable federal statutes shall control the obligations of disclosure of those documents: adopted minutes of all meetings of the governing board and the governing board's committees and subcommittees, records of meetings of the governing board and the governing board's committees and subcommittees, audits, financial statements, election results, budgets, bylaws, rate schedules, policies and employment contracts with all administrators.

(b) All special district and other specified entities shall maintain the records described in subsection (a) of this section for public review at their business office if the business office is open to the public for at least twenty (20) business hours each week.

(c) If a special district or other specified entity cannot maintain the records described in subsection (a) of this section as required under subsection (b) of this section, the special district or other specified entity shall file copies of those records with the county clerk in the county wherein the largest portion of the district or entity lies. The documents may be in an electronic format unless otherwise specified by the county clerk. The county clerk may specify the format for records filed pursuant to this subsection.

(d) All special districts or other specified entities shall provide by September 30 each year to the county clerk in every county wherein the entity exists a filing specifying where documents required under subsection (a) of this section are maintained for public review.

#### **16-12-105. Public meetings.**

(a) In addition to the requirements of W.S. 16-4-401 through 16-4-408, all public meetings of special districts and specified entities shall be held in a location accessible to the general public or made accessible to the public for purposes of the meeting.

(b) Notice of any meeting of a special district or specified entity shall be made in compliance with W.S. 16-4-404.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 19

### IRRIGATION DISTRICT-ASSESSMENTS

Original Senate File No. 63

AN ACT relating to water; providing for the date when special assessments by a water conservancy district are due as specified; and providing for an effective date.

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

**Section 1.** W.S. 41-3-773(b) is amended to read:

**41-3-773. Methods of levying and collecting; class C.**

(b) The secretary of the board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and giving notice to all persons interested to appear at the office of the board at a time named in said notice and show cause in writing, if any they have, why the petition should not be granted. The board at the time and place mentioned in said notice, or at such times at which the hearing of said petition may be adjourned, shall proceed to hear the petition and objections thereto, presented, in writing, by any person showing cause as aforesaid why said petition should not be granted. The failure of any person interested to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to the granting of said petition. The board may, at its discretion, accept or reject the said petition, but if it deems it for the best interest of the district that said petition shall be granted, shall enter an order to that effect granting the said petition and from and after such order, the irrigation district and/or persons therein shall be deemed to have purchased, leased, or otherwise acquired the beneficial use of water as set forth in said order. If said petition is granted, the board shall, in each year, determine the amount of money necessary to be raised by special assessment on lands within such irrigation district and shall certify to the board of county commissioners of the county in which the lands of such irrigation district are located the amount of the assessment, plus a fair proportionate amount of the estimated operating and maintenance

charges for the next succeeding year on each tract of land on or before the third Monday in July of each year. Thereupon the county commissioners shall certify to and deliver said assessment roll to the county assessor of such county and such county assessor shall extend the amount of such special assessment, plus said operating and maintenance charges, on the tax roll as a special assessment against the lands upon which said special assessment is made. If a subdistrict or subdistricts are organized as herein provided, assessments of special benefits shall be made, spread on the tax rolls and collected in the same manner provided in the case of irrigation districts. A district may elect to establish the special assessment, operating and maintenance amount and due date after the third Monday of July and on or before the third Monday of October, provided the district shall be responsible for the billing and collection of special assessments, operating and maintenance charges.

**Section 2.** This act is effective July 1, 2010.

Approved March 3, 2010.

## Chapter 20

### PROPERTY TAX-REVIEW OF ASSESSMENT

Original Senate File No. 16

AN ACT relating to taxation and revenue; providing procedures for review of a property tax assessment as specified; providing definitions; amending related provisions; and providing for an effective date.

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

**Section 1.** W.S. 34-1-142(g)(intro), (i) and by creating a new paragraph (iii) and 39-13-109(b)(i) are amended to read:

**34-1-142. Instrument transferring title to real property; procedure; exceptions; confidentiality.**

(g) Any person or his agent who wishes to review his property tax assessment or who contests his property tax assessment or valuation in a timely manner pursuant to W.S. 39-13-109(b)(i) is entitled to review statements of consideration for properties of like use and geographic area available to the county assessor in determining the value of the property at issue as provided under W.S. 39-13-109(b)(i). During a review, the county assessor shall disclose information sufficient to permit identification of the real estate parcels used by the county assessor in determining the value of the property at issue and provide the person or his agent papers of all information, including statements of consideration, the assessor relied upon in determining the property value and including statements of consideration for properties of like use and geographic area which were

available to the assessor and are requested by the person or his agent. The county assessor shall, upon request, provide the person or his agent a statement indicating why a certain property was not used in determining the value of the property at issue. The county assessor and the contestant shall disclose those statements of consideration to the county board of equalization in conjunction with any hearing before the board with respect to the value or assessment of that property. As used in W.S. 34-1-142 through 34-1-144:

(i) A “review” is considered the initial meetings between the taxpayer and the county assessor’s office pursuant to W.S. 39-13-109(b)(i);

(iii) “Geographic area” may include any area requested by the property owner or his agent within the boundaries of the county in which the subject property is located.

### **39-13-109. Taxpayer remedies.**

(b) Appeals. The following shall apply:

(i) The county assessor shall notify any person whose property assessment has been increased by the county board of equalization of the increase. Any person wishing to review an assessment of his property shall contact the county assessor not later than thirty (30) days after the date of the assessment schedule. Any person wishing to contest an assessment of his property shall file not later than thirty (30) days after the date ~~or postmark date~~ of the assessment schedule properly sent pursuant to W.S. 39-13-103(b)(vii), ~~whichever is later,~~ a statement with the county assessor specifying the reasons why the assessment is incorrect. The county assessor shall provide a copy to the county clerk as clerk of the county board of equalization. The county assessor and the person contesting the assessment, or his agent, shall disclose witnesses and exchange information, evidence and documents relevant to the appeal, including sales information from relevant statements of consideration if requested, no later than fifteen (15) days prior to the scheduled county board of equalization hearing. The assessor shall specifically identify the sales information used to determine market value of the property under appeal. A county board of equalization may receive evidence relative to any assessment and may require the person assessed or his agent or attorney to appear before it, be examined and produce any documents relating to the assessment. No adjustment in an assessment shall be granted to or on behalf of any person who willfully neglects or refuses to attend a meeting of a county board of equalization and be examined or answer any material question upon the board’s request. Minutes of the examination shall be taken and filed with the county clerk;

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

Approved March 3, 2010.



**Chapter 21****JUVENILE DETENTION FACILITIES-STANDARDS**

Original Senate File No. 9

AN ACT relating to juvenile detention; requiring sheriffs to develop and implement standards for juvenile detention facilities as specified; requiring a report; providing definitions; providing exceptions; and providing for effective dates.

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

**Section 1.** W.S. 14-4-117 is created to read:

**14-4-117. Juvenile detention facilities standards; definitions; report.**

(a) Sheriffs, in consultation with other operators of juvenile detention facilities, shall develop and implement uniform standards after consideration of nationally recognized criteria for the operation of all hardware secure and staff secure juvenile detention facilities.

(b) No minor shall be detained in a hardware secure or staff secure juvenile detention facility unless the facility has adopted the standards specified under subsection (a) of this section.

(c) The sheriffs shall report to the joint judiciary interim committee by November 15, 2012 with respect to their progress in developing and implementing the standards specified under subsection (a) of this section.

(d) As used in this section:

(i) "Hardware secure juvenile detention facility" means a facility used for the detention of minors that is characterized by locks on the doors and other restrictive hardware designed to restrict the movement of the minors and protect public safety;

(ii) "Staff secure juvenile detention facility" means a facility used for the detention of minors that is characterized by a trained staff to supervise the movement and activities of detained minors at the facility, without the additional use of hardware secure equipment.

(e) Nothing in this section shall apply to the Wyoming boys' school or the Wyoming girls' school.

**Section 2.**

(a) Except as provided in subsection (b) of this act, this act is effective March 31, 2013.

(b) W.S. 14-4-117(a), created by section 1 of this act, is effective July 1, 2010.

**Revisor's Note: See Chapter 82, Section 4 of 2010 Wyoming Session Laws for amendments made to Section 2(a) and (b).**

Approved March 4, 2010.

## Chapter 22

### JUVENILE DETENTION FACILITIES-ADMISSIONS CRITERIA

Original House Bill No. 12

AN ACT relating to juvenile detention; requiring a risk assessment for alleged delinquent minors as specified; requiring sheriffs to approve juvenile detention risk assessment instruments; providing definitions; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 5-6-112(b) by creating new paragraphs (iv) through (vi), 5-6-113 by creating new subsections (c) through (e), 7-1-107(b) by creating new paragraphs (iv) through (vi), 7-1-108 by creating new subsections (c) through (f) and 14-6-206(a)(intro) are amended to read:

#### **5-6-112. Detention of juvenile offenders.**

(b) As used in W.S. 5-6-112 and 5-6-113:

(iv) “Hardware secure juvenile detention facility” means a facility used for the detention of minors that is characterized by locks on the doors and other restrictive hardware designed to restrict the movement of the minors and protect public safety;

(v) “Shelter care” means as defined in W.S. 14-6-201(a)(xxii);

(vi) “Staff secure juvenile detention facility” means a facility used for the detention of minors that is characterized by a trained staff to supervise the movement and activities of detained minors at the facility, without the additional use of hardware secure equipment.

#### **5-6-113. Incarceration of juvenile offenders.**

(c) Except for an alleged delinquent minor who is released to the custody of the minor's parent, guardian or custodian, with verbal counsel, warning or a written promise to appear in court, the person taking the minor into custody shall ensure that a juvenile detention risk assessment shall be promptly performed, using a uniform assessment instrument designed by the county sheriffs. If the risk assessment finds that the minor is a serious risk to himself or to the safety of others, the minor may be:

(i) Placed in a hardware secure juvenile detention facility;

(ii) Transferred to a medical facility if the minor is believed to be suffering from a serious physical or mental illness that requires prompt diagnosis or treatment;

(iii) If the minor is not held pursuant to paragraph (i) of this subsection, placed in shelter care or a staff secure juvenile detention facility, or released to a parent, guardian or other custodian who can provide supervision and care for the minor pending the minor's appearance in court. If no space is available in shelter care or a staff secure juvenile detention facility, the minor may be held in a hardware secure juvenile detention facility.

(d) A minor under the age of eleven (11) years shall not be held in a hardware secure juvenile detention facility. If the minor under the age of eleven (11) years poses a substantial risk of harm to himself or others, a peace officer may detain and transport the minor for an emergency mental health evaluation.

(e) If a minor is taken into custody and is not released to the minor's parent, guardian or custodian, the person taking the minor into custody shall give notice thereof to the minor's parent, guardian or custodian as soon as possible, and in no case later than twenty-four (24) hours after taking the minor into custody.

#### **7-1-107. Detention of juvenile offenders.**

(b) As used in W.S. 7-1-107 and 7-1-108:

(iv) "Hardware secure juvenile detention facility" means a facility used for the detention of minors that is characterized by locks on the doors and other restrictive hardware designed to restrict the movement of the minors and protect public safety;

(v) "Shelter care" means as defined in W.S. 14-6-201(a)(xxii);

(vi) "Staff secure juvenile detention facility" means a facility used for the detention of minors that is characterized by a trained staff to supervise the movement and activities of detained minors at the facility, without the additional use of hardware secure equipment.

#### **7-1-108. Incarceration of juvenile offenders.**

(c) Except for an alleged delinquent minor who is released to the custody of the minor's parent, guardian or custodian, with verbal counsel, warning or a written promise to appear in court, the person taking the minor into custody shall ensure a juvenile detention risk assessment shall be promptly

performed, using a uniform assessment instrument designed by the county sheriffs. If the risk assessment finds that the minor is a serious risk to himself or to the safety of others, the minor may be:

(i) Placed in a hardware or staff secure juvenile detention facility;

(ii) Transferred to a medical facility if the minor is believed to be suffering from a serious physical or mental illness that requires prompt diagnosis or treatment;

(iii) If the minor is not held pursuant to paragraph (i) of this subsection, placed in shelter care or a staff secure juvenile detention facility, or released to a parent, guardian or other custodian who can provide supervision and care for the minor pending the minor's appearance in court. If no space is available in shelter care or a staff secure juvenile detention facility, the minor may be held in a hardware secure juvenile detention facility.

(d) A minor under the age of eleven (11) years shall not be held in a hardware secure juvenile detention facility. If the minor under the age of eleven (11) years poses a substantial risk of harm to himself or others, a peace officer may detain and transport the minor for an emergency mental health evaluation.

(e) If a minor is taken into custody and is not released to the minor's parent, guardian or custodian, the person taking the minor into custody shall give notice thereof to the minor's parent, guardian or custodian as soon as possible, and in no case later than twenty-four (24) hours after taking the minor into custody.

(f) The county sheriffs shall report on and the department of family services shall collect and analyze data regarding the application of the juvenile detention risk assessment instruments specified under W.S. 5-6-113(c) and subsection (c) of this section and shall report to the joint judiciary interim committee annually beginning January 1, 2011 and every January 1 thereafter.

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

(a) In accordance with procedures specified in W.S. 7-1-108(c) and (d), a child taken into custody shall not be held in detention or placed in shelter care without a court order unless detention or shelter care is required to:

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

**Chapter 23****ELIGIBILITY CONCEALED WEAPONS PERMIT**

Original Senate File No. 26

AN ACT relating to crimes and offenses; modifying concealed weapons permit eligibility; amending provisions relating to reciprocity of concealed weapons permits; and providing for an effective date.

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

**Section 1.** W.S. 6-8-104(a)(iii), (b)(i), (v) and (vi) is amended to read:

**6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.**

(a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for not more than six (6) months, or both, unless:

(iii) The person holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits; and is a valid statewide permit; ~~and the state has laws similar to the provisions of this section, as determined by the attorney general, including a proper background check of the permit holder.~~

(b) The attorney general is authorized to issue permits to carry a concealed firearm to persons qualified as provided by this subsection. The attorney general shall promulgate rules necessary to carry out this section no later than October 1, 1994. Applications for a permit to carry a concealed firearm shall be made available and distributed by the division of criminal investigation and local law enforcement agencies. The permit shall be valid throughout the state for a period of five (5) years from the date of issuance. The permittee shall carry the permit, together with valid identification at all times when the permittee is carrying a concealed firearm and shall display both the permit and proper identification upon request of any peace officer. The attorney general through the division shall issue a permit to any person who:

(i) Is a resident of the United States and has been a resident of Wyoming for not less than six (6) months prior to filing the application. The Wyoming residency requirements of this paragraph do not apply to any person who holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits; and is a valid statewide permit; ~~and the state has laws similar to the provisions of this section, as~~

determined by the attorney general, including a proper background check of the permit holder;

(v) Has not been;

(A) Committed to a state or federal facility for the abuse of a controlled substance, or within the one (1) year period prior to the date on which application for a permit under this section is submitted;

(B) Convicted of a felony violation of the Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001 through 35-7-1057 or similar laws of any other state or the United States relating to controlled substances and has not been pardoned; or

(C) Convicted of a misdemeanor violation of the Wyoming Controlled Substances Act of 1971, W.S. 35-7-1001 through 35-7-1057 or similar laws of any other state or the United States relating to controlled substances within the one (1) year period prior to the date on which application for a permit under this section is submitted.

(vi) Does not chronically or habitually use alcoholic liquor and malt beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been involuntarily committed, within the one (1) year period prior to the date on which application for a permit under this section is submitted, to any residential facility pursuant to the laws of this state or similar laws of any other state as a result of the use of alcohol;

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

Approved March 4, 2010.

## Chapter 24

### SCHOOL FINANCE-DISTANCE EDUCATION

Original House Bill No. 41

AN ACT relating to school finance; excluding specified district revenues from local resource computations used in computing foundation program amounts; and providing for an effective date.

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

**Section 1.** W.S. 21-13-310(a)(ix) is amended to read:

**21-13-310. Annual computation of district revenues.**

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(ix) The amount of tuition paid to the district during the previous school year, including any amount charged under W.S. 21-4-501 and any amount assessed in excess of the costs incurred for adult education programs, summer school programs, programs provided under an agreement for cooperative educational programs under W.S. 21-20-101 through 21-20-111 and any amount assessed for programs and services for children with disabilities, but excluding any tuition assessed by a district for the provision of distance education programs to participating nonresident students pursuant to W.S. 21-13-330;

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

Approved March 4, 2010.

## Chapter 25

### COMPULSORY SCHOOL ATTENDANCE-3

Original House Bill No. 109

AN ACT relating to compulsory school attendance; requiring parental consent to a child's withdrawal from school attendance as specified; and providing for an effective date.

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

**Section 1.** W.S. 21-4-102 by creating a new subsection (c) is amended to read:

**21-4-102. When attendance required; exemptions; withdrawal.**

(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18), who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based

educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 26

### INSURANCE-RISK BASED CAPITAL REVISIONS

Original House Bill No. 5

AN ACT relating to insurance; amending events triggering a company action level event under risk based capital requirements; and providing for an effective date.

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

**Section 1.** W.S. 26-48-101(a)(vi) and 26-48-103(a)(i) are amended to read:

#### ARTICLE 1 RISK BASED CAPITAL FOR INSURERS

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

(a) As used in this article:

(vi) "Negative trend" means with respect to a life or disability insurer a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the life RBC instructions;

##### **26-48-103. Company action level event.**

(a) "Company action level event" means any of the following events:

(i) The filing of an RBC report by an insurer which indicates ~~that~~ any of the following:

(A) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; ~~or~~

(B) If a life or disability insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of authorized control level RBC and two and one-half (2 1/2), and has a negative trend; ~~or~~



(C) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than three (3) times its authorized control level RBC and triggers the trend test in accordance with the trend test calculation included in the property and casualty RBC instructions.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 27

### GOVERNMENTAL CLAIMS ACT-PROCESS

Original House Bill No. 66

AN ACT relating to the Wyoming Governmental Claims Act; specifying where claims shall be filed and the contents thereof; repealing an obsolete provision; and providing for an effective date.

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

**Section 1.** W.S. 1-39-113(c) and by creating new subsections (d) and (e) is amended to read:

#### **1-39-113. Claims procedure.**

(c) All claims against the state shall be presented to the general services division of the department of administration and information. Claims against any other governmental entity shall be filed at the business office of that entity. In the case of claims against local governments the claim submitted need not be acted upon by the entity prior to suit. For purposes of this section, "business office" means:

(i) The county clerk of a county, including its agencies, instrumentalities and institutions;

(ii) The city or town clerk of a city or town, including its agencies, instrumentalities and institutions;

(iii) The secretary of a joint powers board, airport board, public corporation, community college district board of trustees or special district;

(iv) The superintendent of a school district;

(v) The president of the University of Wyoming.

(d) In any action under this act, the complaint shall state:

(i) That the claim required under subsection (c) of this section was filed in accordance with this section;

(ii) The date the claim under subsection (c) of this section was filed;

(iii) That the claim was in compliance with the signature and certification requirements of article 16, section 7 of the Wyoming Constitution.

(e) In any claim filed with a governmental entity under this act, the claim shall be signed by the claimant under oath in substantially the following format:

I, \_\_\_\_\_, have read and understand the provisions of the false swearing statute. I hereby certify under penalty of false swearing that the foregoing claim, including all of its attachments, if any, is true and accurate.

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Claimant

STATE OF WYOMING )  
 ) ss.  
COUNTY OF )

Subscribed and sworn to before me, a Notarial Officer, this ... day of .....,  
....

\_\_\_\_\_  
Notarial Officer

My Commission Expires: \_\_\_\_\_ (Seal).

**Section 2.** W.S. 1-39-121(b) is repealed.

**Section 3.** This act is effective July 1, 2010.

Approved March 4, 2010.

**Chapter 28****HIGHER EDUCATION ENDOWMENT CHALLENGE PROGRAMS**

Original House Bill No. 110

AN ACT relating to the higher education endowment challenge programs; specifying that gifts may be accumulated to qualify for matching funds; clarifying legislative authority over matching contributions; and providing for an effective date.

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

**Section 1.** W.S. 21-16-904(a)(i), (ii), (iv) and by creating a new subsection (c) and 21-16-1104(a), (d) and by creating a new subsection (m) are amended to read:

**21-16-904. Endowment challenge fund matching fund program; matching payments; agreements with university foundation; annual reports; reversions of appropriations; legislative oversight.**

(a) The state treasurer shall administer the matching fund program established under this section. The following shall apply to the program:

(i) To the extent that funds are available in the challenge account, the state treasurer shall match each substantial endowment gift actually received by the University of Wyoming foundation by transferring from the challenge account to the university an amount equal to the amount of the substantial endowment gift. Prior to the receipt of any substantial endowment gift, the donor shall be notified by the foundation that there may or may not be any state matching funds available for the gift. If funds are not available within the account, the amount of substantial endowment gifts to the foundation may be accumulated until such time as matching funds become available. Endowment gifts made directly to the university shall be endowment gifts to the foundation for purposes of this section. The university shall manage both the endowment gifts and the matching funds in the same manner as other endowment funds, but otherwise subject to the provisions of this section;

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the gift is received. Where a gift is made through a series of payments or transfers, except as provided in paragraph (ix) of this subsection, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the gift totals at least fifty thousand dollars (\$50,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that gift are received by the foundation. Nothing in this paragraph prohibits the university foundation from accumulating substantial endowment gifts until such time as state matching funds become available;

(iv) The state treasurer shall distribute funds or encumber funds

for future distribution in the case of a written commitment, to match a substantial endowment gift based on the order in which each substantial endowment gift is actually received or in which a written commitment to make a substantial endowment gift is received by the foundation. Matching funds shall not be distributed or encumbered in excess of the amount in the challenge account. In no event shall matching funds be transferred to the university except to match substantial endowment gifts actually received or to match gifts actually received and accumulated. The state treasurer shall rescind an encumbrance if the university notifies him that a donor who made a commitment will not make a substantial endowment gift that qualifies for matching funds under this section;

(c) Nothing in this section obligates the legislature to match accumulated substantial endowment gifts as authorized under subsection (a) of this section. The legislature reserves the right to modify or terminate the matching program at any time.

**21-16-1104. Endowment challenge fund matching program; matching payments; agreements with foundations; annual reports.**

(a) To the extent funds are available in the separate account of any community college within the endowment challenge fund, the state treasurer shall match endowment gifts actually received by that community college's foundation. Except as provided in subsection (k) of this section, a match shall be paid under this subsection by the state treasurer at the time any accumulated amounts actually received by a community college foundation total ten thousand dollars (\$10,000.00) or more. Endowment gifts actually received by a community college foundation may also be accumulated until such time as state matching funds become available. The match shall be made by transferring from the separate challenge fund account to the appropriate community college an amount equal to the amount accumulated by its foundation. The recipient community college shall immediately transfer matching funds received under this subsection to the community college foundation.

(d) Except as provided in subsection (k) of this section, to the extent funds are available to the separate account of any community college, the state treasurer shall make transfers to the appropriate community college under this section not later than the end of the calendar quarter following the quarter during which foundation gifts total at least ten thousand dollars (\$10,000.00). Prior to the receipt of any substantial endowment gift, the donor shall be notified by the foundation that there may or may not be any state matching funds available for the gift. If funds are not available for any community college account, the amount of gifts to that foundation may be accumulated until such time as matching funds become available. Except as provided in subsection (k) of this section, if gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00).

(m) Nothing in this section obligates the legislature to match accumulated endowment gifts authorized under this section. The legislature reserves the right to modify or terminate the matching program at any time.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 29

### BOARD OF NURSING-CONTINUING JURISDICTION

Original House Bill No. 32

AN ACT relating to professions and occupations; providing that the powers of the board of nursing include the power to issue subpoenas for testimony or evidence; providing that the board has continuing jurisdiction over license, certificate and permit holders as specified; and providing for an effective date.

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

**Section 1.** W.S. 33-21-122(c)(ix) and (x) is amended to read:

**33-21-122. Board of nursing; powers and duties.**

(c) Without limiting the foregoing, the board of nursing may do the following:

(ix) Notwithstanding any other provision of law, the board may issue administrative subpoenas for the testimony of any license, certificate or temporary permit holder or other witness and may issue administrative subpoenas for the production of evidence relating to any matter under investigation. The board may compel attendance of witnesses, issue subpoenas and administer oaths to those testifying at hearings;

(x) Determine and administer appropriate disciplinary action against all individuals found guilty of violating this act and board rules and regulations.; The board retains jurisdiction over the person issued a license, certificate or temporary permit pursuant to this act, regardless of whether the license, certificate or permit expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed by this act.

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

Approved March 4, 2010.

**Chapter 30****MEDICAID-ELDERLY CARE**

Original House Bill No. 86

AN ACT relating to Medicaid; authorizing as an optional Medicaid service a program of all-inclusive care for the elderly; providing program objectives; establishing program provider eligibility criteria; providing that participating program organizations do not require a certificate of authority as an insurer or health maintenance organization; granting rulemaking authority; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 42-4-121 is created to read:

**42-4-121. Program of all-inclusive care for the elderly.**

(a) The department, as an optional services program of the Medicaid program, may develop and implement a program of all-inclusive care for the elderly (PACE) in accordance with section 4802 of the Balanced Budget Act of 1997, P.L. 105-33, as amended, and 42 C.F.R. part 460.

(b) The department may contract with approved PACE organizations to provide, in the manner and to the extent authorized by federal law, comprehensive, community based acute and long term care services for older Medicaid eligible participants who are at least fifty-five (55) years old, living in a PACE service area, certified by the department as eligible for long term care facility placement and who elect to participate in the PACE program. Services provided through a PACE organization shall include all necessary medical and related care required by the PACE participant, including but not limited to physician and other health care provider visits, regular check ups, prescription drugs, rehabilitation services, home and personal care services, medically necessary transportation, hospitalization and skilled nursing facility services.

(c) The objective of the PACE program is to provide prepaid, capitated, quality comprehensive health care services that are designed to:

(i) Enhance the quality of life and autonomy for frail, older adults;

(ii) Maximize dignity of, and respect for, older adults;

(iii) Enable frail, older adults to live in the community as long as medically and socially feasible;

(iv) Preserve and support the older adult's family unit.

(d) The department shall adopt rules as necessary to implement this section. In adopting rules, the department shall:

(i) Provide application procedures for organizations seeking to become

a PACE program provider;

(ii) Establish the capitation rate for Medicaid participants electing to participate in the PACE program instead of receiving Medicaid services on a fee for service basis. The capitation rate shall be no less than ninety percent (90%) of the fee for service equivalent cost, including the department's cost of administration, that the department estimates would be payable for all services covered under the PACE organization contract if all of those services were to be provided on a fee for service basis;

(iii) Provide application procedures, including acknowledgment of informed consent, for Medicaid participants electing to participate in the PACE program in lieu of receiving fee for service Medicaid benefits.

(e) PACE provider organizations shall be public or private organizations providing or having the capacity to provide, as determined by the department, comprehensive health care services on a risk based capitated basis to PACE patients.

(f) To demonstrate capacity as required by subsection (e) of this section, the department shall consider evidence such as an organization's insurance, reinsurance, cash reserves, letters of credit, guarantees of companies affiliated with the organization or a combination of those arrangements.

(g) PACE organizations shall assume responsibility for all costs generated by PACE program participants, and shall create and maintain a risk reserve fund that will cover any cost overages for any participant. A PACE organization is responsible for the full financial risk that the cost of services required by a program participant might exceed the Medicaid capitated fee for that participant.

(h) The department shall develop and implement a coordinated plan to promote the PACE program among prospective Medicaid long term care patients in the service areas of approved PACE organizations.

(j) As soon as practicable after July 1, 2010, the department shall submit to the federal centers for Medicare and Medicaid services an amendment to the state Medicaid plan authorizing the state to implement the program of all-inclusive care for the elderly pursuant to this section. The department shall not enter into a contract with any PACE provider organization until all necessary state plan amendments or waivers are approved. An additional amendment to the state Medicaid plan shall not be required each time the department enters into a contract with a new PACE provider organization.

(k) Nothing in this section shall be construed to require a PACE organization to hold a certificate of authority as an insurer or a health maintenance organization under title 26 of the Wyoming statutes.

(m) The department shall provide a report to the joint labor, health and social services interim committee no later than October 1, 2011, and annually thereafter, with respect to the program established by this

section, including the number of PACE organizations authorized, the administrative structure of the program, the number of Medicaid eligible persons receiving services under the program and the historical annual actual and next biennium projected savings to the Medicaid program from the PACE program. As used in this section "PACE" means a program of all-inclusive care for the elderly meeting the requirements of this section.

(n) No PACE organization shall withhold any necessary medical or nonmedical services to any PACE participant in order to increase the organization's profit from the Medicaid capitated payment.

(o) PACE participants may disenroll from the PACE program at any time. A PACE organization shall promptly report the identity of all disenrolled participants to the department.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 31

### CHILD CARE DEVELOPMENT FUND

Original House Bill No. 25

AN ACT relating to public assistance and social services; providing a schedule of eligibility and copayments under the child care and development fund; providing for grants to child care facilities under the program as specified; and providing for an effective date.

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

**Section 1.** W.S. 42-2-103 by creating a new subsection (f) is amended to read:

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

(f) In administering the child care and development fund provided for in the federal Child Care and Development Block Grant Act, and subject to approval of a state plan amendment by the administration of children and families of the United States department of health and human services, the department shall:

(i) Annually by April 1 establish the hourly copayment required to be paid by parents for each eligible child, subject to the following:

(A) Households with income at or below one hundred percent (100%) of the federal poverty level shall not be required to make a copayment;



(B) For households with income above one hundred percent (100%) up to two hundred twenty-five percent (225%) of the federal poverty level, the copayment shall be calculated based on the following table. For each category of income in the first column, the parents' hourly copayment per child shall be determined by multiplying the annual income dollar amount for a family of two (2) that corresponds with the percentage of federal poverty level in the second column by the multiplier in the third column, then dividing by two thousand three hundred forty (2,340), the annual number of hours of child care required by a full-time working parent, and rounding the result to the nearest five cents (\$.05):

<u>Household Category of Income</u>	<u>Federal Poverty Level Income Factor</u>	<u>Multiplier</u>
<u>101% - 125%</u>	<u>113%</u>	<u>1.25%</u>
<u>126% - 150%</u>	<u>138%</u>	<u>2.00%</u>
<u>151% - 175%</u>	<u>163%</u>	<u>7%</u>
<u>176% - 200%</u>	<u>188%</u>	<u>9%</u>
<u>201% - 225%</u>	<u>213%</u>	<u>12%</u>

(C) In determining eligibility, the department shall use the most recent federal poverty guidelines for the applicant's household size and income. In determining the hourly copayment for each eligible child, the department shall use the appropriate category of income in which the household qualifies;

(D) If the department determines that funding will be inadequate to implement the child care and development fund for the balance of the appropriation period, the department may increase copayments as calculated by subparagraph (B) of this paragraph by ten percent (10%) for households whose income is less than two hundred percent (200%) of the federal poverty level and by twenty percent (20%) for households whose income is equal to or above two hundred percent (200%) of the federal poverty level.

(ii) From funds available under the American Recovery and Reinvestment Act of 2009, any funds not needed for completion of the electronic benefit transfer system shall be used to make grants for materials and supplies to child care facilities, provided however that a facility receiving a grant shall agree in writing to provide not less than twenty-five percent (25%) of the facility's available care to persons determined eligible under paragraph (i) of this subsection, for a period commensurate with the amount of the grant as determined by rule and regulation of the department, or to repay any monies granted under this paragraph to the state of Wyoming plus interest at the rate of ten percent (10%) per annum;

(iii) If the department determines that eligibility for other social services programs changes in ways that require a change in the formula

provided by paragraph (i) of this subsection, the department shall report the change together with recommended legislation to the joint labor health and social services interim committee.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 32

### OMNIBUS WATER BILL-PLANNING

Original House Bill No. 46

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

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

[2010-2011 WATER PROGRAM]  
[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

**Section 1. LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT.** The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2013, 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 2012 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Basin Planning Environmental and Recreation	Statewide	\$75,000
Bear River Groundwater		
Basin Planning	Bear River Basin	175,000
Buffalo Creek Watershed Study	Hot Springs County	250,000
Buffalo Northwest Water Supply	Johnson County	75,000

Lander Master Plan-Phase II	Fremont County	85,000
Rolling Hills Master Plan	Converse County	250,000
South Circle Master Plan-Phase II	Washakie County	30,000
Statewide Water Research	Statewide	300,000
Thunder Basin Watershed II	Converse/Niobrara Counties	<u>250,000</u>

Total appropriation for Section 1 \$1,490,000

**Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT.**

The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2013, 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 2012 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

Project	Location	Appropriation
Evansville Regional Connection	Natrona County	\$ 100,000
Kemmerer/Diamondville Water Supply	Lincoln County	100,000
Lucerne Water Supply	Hot Springs County	150,000
Squaw Creek Water Supply	Teton County	175,000
Thayne Storage	Lincoln County	85,000
Weather Modification Pilot	Carbon/Fremont Counties	2,850,000
Wright Well	Campbell County	<u>1,100,000</u>

Total appropriation for Section 2 \$4,560,000

**Section 3. LEVEL II FEASIBILITY STUDIES – STORAGE.** The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2013, 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 2012 legislative session.

[LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cottonwood Lake Enlargement	Lincoln County	\$ 290,000
Little Snake Supplemental Storage	Carbon County	300,000
Nowood River Storage	Washakie/Big Horn Counties	250,000
Shell Valley Storage	Big Horn County	<u>250,000</u>
Total appropriation for Section 3		\$1,090,000

**Section 4. LEVEL I RECONNAISSANCE STUDIES - REHABILITATION.** The following sums of money are appropriated from water development account II to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2013, 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 2012 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Keystone/Farmers Canal Master Plan	Big Horn/Park Counties	\$250,000
Total appropriation for Section 4		\$250,000

**Section 5. LEVEL II FEASIBILITY STUDIES - REHABILITATION.** The following sums of money are appropriated from water development account II to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2013, 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 2012 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Austin and Wall Rehabilitation	Uinta County	\$400,000
Little Snake Canals	Carbon County	100,000
Shell Canal Tunnel	Big Horn County	<u>150,000</u>

Total appropriation for Section 5

\$650,000

**Section 6.** The Wyoming Water Development Commission is authorized to contract with the University of Wyoming in an amount not to exceed one hundred sixty-five thousand dollars (\$165,000.00) from water development account I to fund the Office of Water Programs established under W.S. 41-2-125 from July 1, 2010 to June 30, 2012.

**Section 7.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2010.

### Chapter 33

#### MANUFACTURING SALES & USE TAX EXEMPTION

Original House Bill No. 49

AN ACT relating to taxation and revenue; extending sales and use tax exemption for manufacturing equipment as specified; repealing outdated provisions; and providing for an effective date.

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

**Section 1.** W.S. 39-15-105(a)(viii)(O)(intro), (I) and (II) and 39-16-105(a)(viii)(D)(intro), (I) and (II) are amended to read:

#### **39-15-105. Exemptions.**

(a) The following sales or leases are exempt from the excise tax imposed by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(O) Until December 31, ~~2010-2011~~, the sale or lease of machinery to be used in this state directly and predominantly in manufacturing tangible personal property, if the sale or lease:

(I) Is to a manufacturer classified by the department under the NAICS code manufacturing sector 31 - 33; and

(II) Does not include noncapitalized machinery except machinery expensed in accordance with section 179 of the Internal Revenue Code; and

**39-16-105. Exemptions.**

(a) The following purchases or leases are exempt from the excise tax imposed by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(D) Until December 31, ~~2010~~ 2011, the purchase or lease of machinery to be used in this state directly and predominantly in manufacturing tangible personal property, if the sale or lease:

(I) Is to a manufacturer classified by the department under the NAICS code manufacturing sector 31 - 33; and

(II) Does not include noncapitalized machinery except machinery expensed in accordance with section 179 of the Internal Revenue Code; and

**Section 2.** W.S. 39-15-105(a)(viii)(O)(III) and 39-16-105(a)(viii)(D)(III) 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 4, 2010.

**Chapter 34****COUNTY OFFICIALS-ADMINISTRATIVE AND FISCAL DUTIES**

Original House Bill No. 6

AN ACT relating to county officials; providing for delayed preparation of annual statements; providing for timing of payment of taxes, fines and fees collected by county officers; providing for appointment of a secretary for planning and zoning commissions; modifying certain publication requirements; repealing requirement of county clerks to compile jury list information; and providing for an effective date.

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

**Section 1.** W.S. 1-11-106(a), 1-11-128, 1-11-129, 18-3-515, 18-3-814 and 18-5-202(a) are amended to read:

**1-11-106. Jury list; preparation of ballots for jury box; drawing jury panel; certificate and summons.**

(a) The list of persons qualified to serve as trial jurors, ~~certified and~~

~~delivered to the clerk of the district court in accordance with W.S. 18-3-402 or a list of persons compiled under an alternate procedure pursuant to W.S. 1-11-129, is the base jury list for the district court and the circuit court from April 1 of the year in which the list is certified and delivered through March 31 of the following year. By order of the district judge or circuit judge, for their respective courts, the base jury list may be expanded by including some other source or sources of names in addition to voter lists. After the list is delivered and supplemented when applicable, suitable ballots shall be prepared and deposited in a box known as and plainly marked "jury box number one". Upon order of the court, the clerk of the district court, sheriff and county treasurer shall draw from jury box number one a panel of trial jurors, which shall contain such number of names as specified by the court.~~

**1-11-128. Preparation of jury lists in new counties.**

In new counties organized under the laws of Wyoming where no official register of voters for the new county exists, the board of county commissioners of the new county may demand from the county clerk of any county from which the new county was wholly or partially organized, a certified list of the names and addresses of the registered voters residing in that portion of the preexisting county which is included in the new county. The county clerk of the new county shall as soon as practicable compile and deliver to the clerk of court of the new county a list of qualified jurors, ~~and shall thereafter update the jury list, all as provided in W.S. 18-3-402.~~

**1-11-129. Procedure for maintaining jury lists, ballots and jury boxes.**

The procedures for compiling and maintaining of jury lists, jury ballots and jury boxes, and for drawing jurors, may be ~~modified~~ set by the court to permit the compilation and maintenance of jury lists and ballots and for the drawing of jurors by any manual, mechanical, electronic or other means calculated to insure the integrity of the system and a random selection process.

**18-3-515. Preparation and publication of annual statements.**

Each board of county commissioners at their regular July meeting shall ~~have prepared~~ request a statement of the receipts and expenditures of the county during the preceding twelve (12) months setting forth the source and amount of all receipts and the purpose and the amount of all expenditures to be prepared upon reconciliation of all accounts by the county treasurer and county clerk, not later than September 30. The statement shall be signed by the chairman and clerk of the board and shall be published at least two (2) times in a newspaper ~~printed of general circulation~~ in the county, or if there is none, by posting the statement in three (3) public places in the county.

**18-3-814. Officers to pay over monies and prepare statement for commissioners monthly; forfeiture.**

Every ~~district attorney and~~ elected or appointed county ~~or precinct~~ officer required or permitted to receive and pay to the county treasurer any taxes, fines, fees or other monies shall no later than the twenty-fifth day of each month following the month of collection pay the same to the county treasurer and take his official receipt therefor. If the money has not been deposited by the twenty-fifth day of the month following the month of collection, the ~~district, county or precinct officer shall forfeit to the county twenty-five dollars (\$25.00) a day for each day after the twenty-fifth day of the month during which no deposits are made~~ elected or appointed county officer shall be reported by the county treasurer to the board of county commissioners at their next meeting. Each ~~district, elected or appointed county or precinct officer shall prepare a monthly statement showing the source of all monies received by him and file it with the county clerk for presentation to the board of county commissioners.~~

**18-5-202. Planning and zoning commission; composition; residency requirements, terms and removal of members; vacancies; rules; record; meetings to be public; secretary; preparation and amendments; purpose; certifications and hearing; amendments.**

(a) Each board of county commissioners may by resolution create and establish a planning and zoning commission. The commission shall be composed of five (5) members appointed by the board at least three (3) of whom shall reside in the unincorporated area of the county, provided that this provision shall not affect the membership composition of any existing commission. The terms of the members appointed to the first planning and zoning commission shall be of such length and so arranged that the terms of one (1) member will expire each year, and thereafter each member shall be appointed for a term of three (3) years. Any member of the commission may be removed for cause other than politics or religion and after public hearing by the board of county commissioners. If a vacancy occurs in the commission the board of county commissioners shall fill the vacancy by appointment for the unexpired term. The planning and zoning commission shall organize within thirty (30) days after its establishment, shall adopt rules for the transaction of its business and keep a record of its actions and determinations. Three (3) members shall constitute a quorum for the transaction of business. All meetings, records and accounts of the commission shall be public. ~~The county clerk shall serve as secretary to the commission. The board of county commissioners shall designate the county clerk, another county employee or a member of the planning and zoning commission to serve as secretary to the commission. The secretary shall keep the record of commission actions in accordance with statute.~~

**Section 2.** W.S. 18-3-402(a)(xix) is repealed.

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



Approved March 4, 2010.

## Chapter 35

### STREAMLINED SALES/USE TAX-AMENDMENTS

Original House Bill No. 22

AN ACT relating to taxation and revenue; providing amendments to the sales and use tax statutes for telecommunications services as specified; repealing the multiple point of use exemption provision; and providing for an effective date.

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

**Section 1.** W.S. 39-15-104(f)(x) and (xi)(C) and 39-16-104(e)(vi) and (vii)(C) are amended to read:

#### **39-15-104. Taxation rate.**

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

(x) Except for the defined telecommunication services in paragraph (xi) of this subsection, a sale of telecommunication service sold on a basis other than a call-by-call basis and any ancillary service incidental to the sale, shall be sourced to the customer's place of primary use;

(xi) The sales of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(C) A sale of prepaid calling service and prepaid wireless calling service shall be sourced in accordance with paragraph (i) of this subsection. Provided however, in the case of a sale of ~~mobile telecommunications service that is a prepaid telecommunications wireless calling service~~, the rule provided in subparagraph (i)(E) of this subsection shall include as an option the location associated with the mobile telephone number;

#### **39-16-104. Taxation rate.**

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

(vi) Except for the defined telecommunication services in paragraph (vii) of this subsection, a purchase of telecommunication service sold on a basis other than a call-by-call basis and any ancillary service incidental to the sale, shall be sourced to the customer's place of primary use;

(vii) The purchase of the following telecommunication services shall

be sourced to each level of taxing jurisdiction as follows:

(C) A purchase of prepaid calling service and prepaid wireless calling service shall be sourced in accordance with paragraph (i) of this subsection. Provided however, in the case of a purchase of ~~mobile telecommunications service that is a prepaid telecommunications~~ wireless calling service, the rule provided in subparagraph (i)(E) of this subsection shall include as an option the location associated with the mobile telephone number;

**Section 2.** W.S. 39-15-104(f)(v) is repealed.

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

Approved March 4, 2010.

## Chapter 36

### INSURANCE REQUIREMENTS FOR NEWLY PURCHASED VEHICLES

Original House Bill No. 24

AN ACT relating to motor vehicle registration; specifying which vehicles must be registered; and providing for an effective date.

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

**Section 1.** W.S. 31-4-103(a) is amended to read:

**31-4-103. Failure to maintain liability coverage; penalties; exceptions.**

(a) No owner of a motor vehicle currently required to be registered or which is required to be registered within a period of time, shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi). Violation of this subsection is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or both. On a second or subsequent violation of this subsection, the person may be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00), imprisoned for not more than six (6) months, or both. In addition to the fine or imprisonment imposed for a second or subsequent violation of this subsection, the judge shall require the defendant to deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was

issued, and the registration and license plates shall be held by the county treasurer until such time as the judge determines that the defendant has met all obligations imposed by law. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which shall include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. The department shall report any violation of this subsection to the motor vehicle administrator in the state wherein the vehicle is registered. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

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

Approved March 4, 2010.

## Chapter 37

### BONDED INDEBTEDNESS MILL LEVY SUPPLEMENT

Original House Bill No. 56

AN ACT relating to school facilities; modifying school district bond issues eligible for the bonded indebtedness mill levy supplement; imposing notification duties upon the department of education; and providing for an effective date.

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

**Section 1.** W.S. 21-15-105(b) is amended to read:

**21-15-105. Bonded indebtedness mill levy supplement.**

(b) This section only applies to bonds issued on or before February 23, 2001, the original term of which was for at least ten (10) years. ~~This section shall also apply to the refunding of bonds issued on or before February 23,~~

~~2001, but only to those amounts of the refunding which constitute original bonds issued on or before February 23, 2001. If a bond has been refunded, the term of the bonds may be for a period less than or greater than ten (10) years if the original term of the refunded bond was at least ten (10) years. Effective commencing school year 2010-2011 and each school year thereafter, this section shall not apply to the refunding of any bond issues initially qualifying under this section if the refunding occurs on or after April 1, 2010.~~

**Section 2.** Not later than June 1, 2010, the department of education shall notify each school district receiving a mill levy supplement under W.S. 21-15-105 during the 2009-2010 school year of the provisions of this act.

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

Approved March 4, 2010.

## Chapter 38

### LIEN STATEMENT-NOTICE

Original House Bill No. 124

AN ACT relating to liens; requiring lien claimants to provide notice of liens; and providing for an effective date.

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

**Section 1.** W.S. 29-3-106(a) is amended to read:

**29-3-106. Lien statement to be filed; \$750 minimum; place and time of filing.**

(a) To perfect the lien provided by this chapter, a lien statement shall be filed with the county clerk and notice by certified mail shall be given by the ~~county clerk~~ lien claimant.

**Section 2.** This act is effective July 1, 2010.

Approved March 4, 2010.

## Chapter 39

### GENERAL GOVERNMENT APPROPRIATIONS

Original House Bill No. 1

AN ACT to make appropriations for the biennium commencing July 1, 2010, and ending June 30, 2012; providing definitions; providing for appropriations and transfers of funds during that biennium and for the remainder of the current biennium as specified; providing for funding for carryover of certain funds beyond the biennium as specified; conforming specified statutory provisions during the term of the budget period as related to these appropriations; providing for employee positions as specified; providing for fees, conditions and other requirements relating to appropriations; providing for position and other budgetary limitations; providing for task forces and committees; and providing for an effective date.

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

**Section 1.** As used in this act:

- (a) "Agency" means any governmental unit or branch of government receiving an appropriation under this act;
- (b) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;
- (c) "Approved budget" means an approved budget as defined by W.S. 9-2-1005(e);
- (d) "AG" means an agency's account within the agency fund;
- (e) "AR" means American Recovery and Reinvestment Act funds;
- (f) "A4" means agency trust account;
- (g) "EF" means the agency's account within the enterprise fund;

- (h) "FF" means federal funds;
- (j) "IS" means the agency's account within the internal service fund;
- (k) "PF" means the retirement account created by W.S. 9-3-407(a);
- (m) "PR" means private funding sources;
- (n) "RB" means revenue received from the issuance of revenue bonds;
- (o) "SR" means an agency's account within the special revenue fund;
- (p) "S1" means earmarked water development account I created by W.S. 41-2-124(a)(i);
- (q) "S2" means earmarked water development account II created by W.S. 41-2-124(a)(ii);
- (r) "S3" means the budget reserve account;
- (s) "S4" means the local government capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i) and 39-14-801(e)(ix);
- (t) "S5" means the school foundation program account within the special revenue fund;
- (u) "S6" means the school capital construction account within the special revenue fund;
- (w) "S7" means the highway account within the special revenue fund;

- (y) "S8" means the game and fish account within the special revenue fund;
- (z) "SO" means other funds identified by footnote;
- (aa) "T1" means the omnibus permanent land fund;
- (bb) "T2" means the miners' hospital permanent land income fund;
- (cc) "T3" means the state hospital permanent land fund;
- (dd) "T4" means the training school permanent land fund;
- (ee) "T6" means the university permanent land income fund;
- (ff) "T7" means the state employee group insurance flexible benefits account;
- (gg) "TO" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;
- (hh) "TT" means the tobacco settlement trust income account.

**Section 2.** The following sums of money, or so much thereof as necessary, are appropriated to be expended during the two (2) years beginning July 1, 2010 and ending June 30, 2012, or as otherwise specified, for the purposes, programs and number of employees specified by this act and the approved budget of each agency.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 001. OFFICE OF THE GOVERNOR</b>				
<b>PROGRAM</b>				
Administration <sup>1,2</sup>	7,302,690			7,302,690
Tribal Liaison	400,000			400,000
Commission on Uniform Laws	67,286			67,286
Special Contingent <sup>3</sup>	315,000			315,000
Clean Coal Technology <sup>4</sup>	100,000			100,000
Homeland Security	3,116,102	29,112,580	619,310	32,847,992
Natural Resource Policy Account	500,000			500,000
Endangered Species Administration	<u>1,846,210</u>			<u>1,846,210</u>
<b>TOTALS</b>	<u>13,647,288</u>	<u>29,112,580</u>	<u>619,310</u>	<u>43,379,178</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	48
Part Time	<u>1</u>
<b>TOTAL</b>	<b>49</b>

1. Of this general fund appropriation, forty thousand dollars (\$40,000.00) shall only be expended for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account. Not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) appointee. Any funds expended for this purpose shall be reimbursed to the state by the appointee if the appointee is employed by the state for less than twelve (12) months.

2. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) shall only be expended if there is a change of governor as a result of the 2010 general election and then only for transition staff salaries, travel and other related office



APPROPRIATION FOR GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION  
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expenses. Not more than ten thousand dollars (\$10,000.00) of this sixty thousand dollars (\$60,000.00) may be expended for expenses incurred in relocating from the governor's mansion. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account.

3. This appropriation shall only be used for addressing costs incurred to render essential state services in cases of natural disaster. **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2010.]**

4. Of this general fund appropriation, and any funds reappropriated under section 321 of this act, one hundred thousand dollars (\$100,000.00) shall only be expended for the purposes of continuing the work of the clean coal research task force created by W.S. 21-17-121.

**Section 002. SECRETARY OF STATE**

PROGRAM				
Administration <sup>1,2</sup>	6,159,008		73,866 SR	6,232,874
Securities Enforcement			555,639 SR	555,639
Bucking Horse & Rider			<u>200,200 AG</u>	<u>200,200</u>
TOTALS	6,159,008	0	829,705	6,988,713

**AUTHORIZED EMPLOYEES**

Full Time	30
Part Time	<u>0</u>
TOTAL	30

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

1. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended if there is a change of secretary of state as a result of the 2010 general election and then only for transition staff salaries, travel and other related office expenses. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account.

2. Of this general fund appropriation, not to exceed ten thousand dollars (\$10,000.00) shall be used for printing copies of the Wyoming constitution for free distribution to the citizens of this state.

**Section 003. STATE AUDITOR**

PROGRAM				
Administration <sup>1</sup>	17,733,735			17,733,735
GF License Revenue Recoupmen	<u>1,700,000</u>			<u>1,700,000</u>
TOTALS	19,433,735	<u>0</u>	<u>0</u>	<u>19,433,735</u>

AUTHORIZED EMPLOYEES	
Full Time	26
Part Time	<u>0</u>
TOTAL	<u>26</u>

1. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended if there is a change of state auditor as a result of the 2010 general election and then only for transition staff salaries, travel and other related office expenses. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 004. STATE TREASURER</b>				
<b>PROGRAM</b>				
Treasurer's Operations <sup>1.</sup>	4,138,743			4,138,743
Veterans' Tax Exemption <sup>2.</sup>	10,535,000			10,535,000
Manager Payments			44,260,996 AG	
			264,864 SR	44,525,860
Unclaimed Property			1,470,875 AG	1,470,875
Indian Motor Vehicle Exemption <sup>3.</sup>	<u>615,700</u>			<u>615,700</u>
<b>TOTALS</b>	15,289,443	<u>0</u>	45,996,735	61,286,178

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	26
Part Time	<u>0</u>
<b>TOTAL</b>	26

1. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended if there is a change of state treasurer as a result of the 2010 general election and then only for transition staff salaries, travel and other related office expenses. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account.
2. Of this general fund appropriation, one million three hundred thousand dollars (\$1,300,000.00) is effective immediately.
3. Of this general fund appropriation, seventy-five thousand dollars (\$75,000.00) is effective immediately.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 005. DEPARTMENT OF EDUCATION</b>				
<b>PROGRAM</b>				
Education Trust Fund			600,000 AG	600,000
Douvas Scholarship			1,000 T0	1,000
Workshops & Conferences Fund			80,500 EF	80,500
Montgomery Trust For The Blind			419,157 T0	419,157
WDE - General Fund Programs <sup>1,2</sup>	18,585,942		7,466,259 S5	26,052,201
WDE - Federal Fund Programs		251,515,646	2,436,043 EF	253,951,689
<b>TOTALS</b>	<u>18,585,942</u>	<u>251,515,646</u>	<u>11,002,959</u>	<u>281,104,547</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	125
Part Time	<u>6</u>
<b>TOTAL</b>	<u>131</u>

1. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended if there is a change of state superintendent as a result of the 2010 general election and then only for transition staff salaries, travel and other related office expenses. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert to the budget reserve account.
2. Of the school foundation program account appropriation, two hundred seventy thousand dollars (\$270,000.00) shall only be expended during the period commencing July 1, 2010, and ending June 30, 2012, to continue the study on the long term effects of the Hathaway student scholarship program on students in Wyoming high schools, as initiated under 2008 Wyoming Session Laws, Chapter 95, Section 901. Not more than one-half (1/2) of these funds shall be expended in each year of the biennium.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 006. ADMINISTRATION AND INFORMATION</b>				
<b>PROGRAM</b>				
Director's Office <sup>1</sup> .	2,486,526			2,486,526
Professional Licensing Boards			1,537,807 SR	1,537,807
Budget Division	2,094,650			2,094,650
General Services <sup>2</sup> .	33,697,763		15,969,698 IS 889,860 SR	50,557,321
Construction Management Division	25,620,897			25,620,897
Human Resources Division	6,650,667		465,437 IS	7,116,104
Employees Group Insurance			390,162,458 IS	
Information Technology	203,402		8,000,000 T7	398,162,458
Economic Analysis	1,279,007		56,845,377 IS	57,048,779
State Library	5,126,815	1,141,116	4,053,364 AG	10,321,295
CIO <sup>3</sup> .	<u>7,304,041</u>			<u>7,304,041</u>
<b>TOTALS</b>	<u>84,463,768</u>	<u>1,141,116</u>	<u>477,924,001</u>	<u>563,528,885</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	368			
Part Time	<u>3</u>			
<b>TOTAL</b>	<u>371</u>			

1. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended for purposes of defraying moving expenses for agency directors, division administrators and program managers who are required to move to Cheyenne. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining

APPROPRIATION FOR GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION  
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from this appropriation on June 30, 2012 shall revert to the budget reserve account. Not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) employee. Any funds expended for this purpose shall be reimbursed to the state by the employee if the employee is employed by the state for less than twelve (12) months. No funds shall be expended pursuant to this footnote unless approved by the governor.

2. The department shall undertake a study of the feasibility of converting state agency and school district motor vehicles to natural gas fueled vehicles. The department shall report study results to the governor and the joint appropriations interim committee by November 1, 2010. The study shall review:

- a. The options of retrofitting existing vehicles and of purchasing natural gas fueled vehicles as existing vehicles are replaced;
- b. The differential in initial purchase costs and ongoing maintenance and fuel costs;
- c. The feasibility of using natural gas vehicles at existing fuel sites and costs for modifications required to make such use feasible.

3. The chief information officer shall continue work toward completion and implementation of the Wyoming public finance website authorized under W.S. 9-2-1035 through 9-2-1037.

**Section 007. WYOMING MILITARY DEPARTMENT**

<b>PROGRAM</b>			
Military Dept. Operations	13,867,648		13,867,648
Air National Guard	1,087,600	9,321,035	10,408,635
Camp Guernsey		548,383 AG	548,383
Army National Guard		21,544,877	22,595,183
Veterans' Services	1,701,418	160,623	1,862,041
Oregon Trail Vets Cemetery	481,536	20,000 SR	501,536

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Military Support to Civilian Auth	178,500			178,500
Civil Air Patro	<u>213,459</u>			<u>213,459</u>
TOTALS	17,530,161	<u>31,026,535</u>	<u>1,618,689</u>	<u>50,175,385</u>
AUTHORIZED EMPLOYEES				
Full Time	217			
Part Time	<u>50</u>			
TOTAL	267			

**Section 008. OFFICE OF THE PUBLIC DEFENDER**

PROGRAM				
Public Defenders Statewide	17,009,919		3,079,201 SR	20,089,120
Guardian Ad Litem	<u>3,695,605</u>		<u>933,217 SR</u>	<u>4,628,822</u>
TOTALS	20,705,524	<u>0</u>	<u>4,012,418</u>	<u>24,717,942</u>

**AUTHORIZED EMPLOYEES**

Full Time	70
Part Time	<u>19</u>
TOTAL	89

**Section 010. DEPARTMENT OF AGRICULTURE**

PROGRAM				
Administration Division	3,152,338		5,000 SR	3,157,338
Ag Education and Information			20,000 IS	20,000

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Consumer Protection Division	11,983,399	1,048,36	351,396 AG 742,987 SR	14,126,151
Natural Resources Division 1.	5,016,960	76,250	675,000 S1	5,768,210
Pesticide Registration	1,187,500			1,187,500
State Fair	2,823,825			
Weed & Pest Control			182,075 AG	
Predator Management			503,086 SR	3,508,986
Wyoming Beef Council	5,122,730		700,000 SR	700,000
Wyo Wheat Mktg Comm			2,181,159 AG	5,122,730
Leaf Cutter Bee			7,000 SR	2,188,159
TOTALS	<u>29,286,752</u>	<u>1,124,619</u>	<u>12,904 SR</u> 5,501,107	<u>35,912,478</u>

AUTHORIZED EMPLOYEES

Full Time	86
Part Time	<u>9</u>
TOTAL	95

1. The division shall evaluate utilization of the funding designated for the emergency insect management program for grasshopper abatement efforts.

**Section 011. DEPARTMENT OF REVENUE**

PROGRAM	4,964,441
Administration	4,964,441



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Revenue Division	8,024,535		750,425 SR	8,774,960
Valuation Division	6,779,810			6,779,810
Liquor Division			6,666,022 EF	6,666,022
Liquor Sales & Purchases			175,000,000 EF	175,000,000
General Fund Transfers			<u>25,000,000 EF</u>	<u>25,000,000</u>
<b>TOTALS</b>	<u>19,768,786</u>	<u>0</u>	<u>207,416,447</u>	<u>227,185,233</u>

**AUTHORIZED EMPLOYEES**

Full Time	132
Part Time	<u>0</u>
<b>TOTAL</b>	<u>132</u>

**Section 014. MINERS' HOSPITAL BOARD**

PROGRAM	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Miners' Hospital Board			5,932,123 SR	5,932,123
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>5,932,123</u>	<u>5,932,123</u>

**AUTHORIZED EMPLOYEES**

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

**Section 015. ATTORNEY GENERAL**

APPROPRIATION FOR PROGRAM	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Law Office <sup>1</sup> .	19,421,370	869,514	2,245,490 S5 137,411 SR	23,892,868
Criminal Investigations <sup>2</sup> .	27,871,282	4,109,080	1,219,083 TT 763,605 SR	32,743,967
Big Horn Water Litigation			501,970 S1	501,970
Law Enforcement Academy		5,681,667	744,119 EF 39,130 SR	6,464,916
Peace Off Stds & Trng	428,634		38,400 SR	467,034
Medical Review Panel	1,077,444			1,077,444
Victim Services Division <sup>3</sup> .	9,066,397	6,380,315	3,780,000 SR	19,226,712
Planning Council on Dev Disabilities	653,088	1,046,687		1,699,775
<b>TOTALS</b>	<u>64,199,882</u>	<u>12,405,596</u>	<u>9,469,208</u>	<u>86,074,686</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	247			
Part Time	<u>6</u>			
<b>TOTAL</b>	<b>253</b>			

1. Of this other funds appropriation, eighty-nine thousand nine hundred seventy-one dollars (\$89,971.00) TT is effective immediately.

2. Of this other funds appropriation, one hundred fifty thousand dollars (\$150,000.00) SR is effective immediately.

3. As necessary to conform with federal requirements, victim assistance providers shall not be required to submit annual unduplicated counts of the number of victims served in order to qualify for funding under W.S. 1-40-118 for the 2011-2012

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
Administration	5,339,790			5,339,790
Air Quality	4,437,703	1,441,179	11,631,780 SR	17,510,662
Water Quality <sup>1</sup> .	13,412,670	9,666,610	1,100,000 SR	24,179,280
Land Quality	5,164,238	4,482,222		9,646,460
Industrial Siting	539,431			539,431
Solid Waste Management	<u>6,220,152</u>	<u>2,269,828</u>	<u>3,550,057 SR</u>	<u>12,040,037</u>
TOTALS	35,113,984	17,859,839	16,281,837	69,255,660

### Section 020. DEPT. OF ENVIRONMENTAL QUALITY

AUTHORIZED EMPLOYEES	
Full Time	267
Part Time	<u>0</u>
TOTAL	267

fiscal biennium. Providers receiving funding under W.S. 1-40-118 shall be required to report the number of victims served on an unduplicated program level. In providing the report of an annual unduplicated count of the number of victims served by community based services and providers for the 2011-2012 fiscal biennium as required by W.S. 9-1-638(a)(v), the division shall report unduplicated counts of victims or services as data may be made available in accordance with this footnote.

1. The department of environmental quality shall reallocate resources within the water quality division sufficient to begin promulgation of a pesticide general permit under its national pollutant discharge elimination system (NPDES) authority, to begin promulgation of a 'permit by rule' to accomplish the same ends or to create a means whereby pesticide applications may continue without a permit in Wyoming.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 021. DEPARTMENT OF AUDIT</b>				
<b>PROGRAM</b>				
Administration	1,485,392	502,478	238,350 AG	1,987,870
Banking			4,350,897 SR	4,589,247
Public Fund	5,880,343			5,880,343
Mineral	3,363,759	4,553,721	220,000 SR	8,137,480
Excise	4,065,932			4,065,932
<b>TOTALS</b>	<u>14,795,426</u>	<u>5,056,199</u>	<u>4,809,247</u>	<u>24,660,872</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	118
Part Time	<u>0</u>
<b>TOTAL</b>	<b>118</b>

**Section 023. PUBLIC SERVICE COMMISSION**

<b>PROGRAM</b>				
Administration		334,000	6,526,064 SR	6,860,064
Consumer Advocate Division			1,823,965 SR	1,823,965
Universal Service Fund			50,000 AG	
<b>TOTALS</b>		<u>334,000</u>	<u>7,019,814 SR</u>	<u>7,069,814</u>
			15,419,843	15,753,843

<b>AUTHORIZED EMPLOYEES</b>	
	<u>0</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Full Time	36			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>36</b>			
 <b>Section 024. STATE PARKS &amp; CULTURAL RESOURCES</b>				
<b>PROGRAM</b>				
Administration & Support	3,906,163			3,906,163
Cultural Resources <sup>1</sup> .	12,001,437	2,476,096	70,000 EF 2,386,386 IS	
			261,559 SR	17,195,478
St Parks & Hist. Sites	17,517,378	3,882,947	30,000 EF 6,075,355 SR	<u>27,505,680</u>
<b>TOTALS</b>	<u>33,424,978</u>	<u>6,359,043</u>	<u>8,823,300</u>	<u>48,607,321</u>
 <b>AUTHORIZED EMPLOYEES</b>				
Full Time	177			
Part Time	<u>91</u>			
<b>TOTAL</b>	<b>268</b>			

1. Of this general fund appropriation, one million nine hundred thousand dollars (\$1,900,000.00) shall be deposited into the Wyoming cultural trust fund created by W.S. 9-2-2304(a). This appropriation shall be considered one-time funding and shall not be included in the department's 2013-2014 standard budget request.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 025. DEPARTMENT OF EMPLOYMENT</b>				
<b>PROGRAM</b>				
Administration and Support	1,777,724			1,777,724
Division of Labor Standards	2,018,108	140,500		2,158,608
Workers' Safety & Compensation <sup>1</sup> .		2,909,542	49,906,117 EF	52,815,659
Unemp. Tax & Insurance & Statistics		17,486,819	1,227,442 EF	
Mining Exams			6,806,130 SR	25,520,391
State Inspector of Mines			50,000 SR	50,000
Unemp. Insurance Revenue			2,103,733 EF	2,103,733
			545,048 AG	
<b>TOTALS</b>	<u>3,795,832</u>	<u>20,536,861</u>	<u>60,750,470</u>	<u>657,048</u> 85,083,163
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	320			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>320</b>			

1. From this other fund appropriation, the department is authorized to conduct a trial, within the workers' compensation program, on alternate managerial approaches including administrative changes and provider incentives for treating back and spine injuries. The objectives of the trial shall be, in order of importance, to improve outcomes for injured workers and to reduce costs. The department shall determine the results of the trial based on those objectives and any other objectives deemed important by the department. The department shall obtain the services of one (1) or more organizations to conduct the alternate approaches in the trial through a competitive request for proposals. The department may, if appropriate, contract with one (1) or more academic or other independent organizations to assist in developing the request for proposals,

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
analyzing results and, if necessary, to collect data from the conventional management control group. Participation by injured workers in any portion of the trial shall be voluntary, but data on the treatment and outcomes of those workers declining to participate in the trial may be included in a conventional management control group. Prior to the 2012 legislative session, the department shall report to the joint labor, health and social services interim committee on the outcome to date of the trial and any recommendations for further legislative action.				
<b>Section 026. DEPARTMENT OF WORKFORCE SERVICES</b>				
<b>PROGRAM</b>				
Administration <sup>1</sup> .	17,309,939	22,030,706	2,299,479 AG 3,172,172 SR	44,812,296
Vocational Rehabilitation	4,748,723	27,084,199	135,391 AG 264,935 EF 1,523,095 SR	<u>33,756,343</u>
<b>TOTALS</b>	<u>22,058,662</u>	<u>49,114,905</u>	<u>7,395,072</u>	<u>78,568,639</u>

**AUTHORIZED EMPLOYEES**

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

1. Notwithstanding W.S. 9-1-223, the department of workforce services shall administer and carry out the duties of the Serve Wyoming program for the period beginning July 1, 2010 and ending June 30, 2012. Of this general fund appropriation, one hundred forty-two thousand five hundred dollars (\$142,500.00) shall only be used by the department to administer and carry out the duties of the Serve Wyoming program.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 027. SCHOOL FACILITIES COMMISSION</b>				
<b>PROGRAM</b>				
Operations			6,271,601	S6 6,271,601
Major Maintenance <sup>1</sup> .			<u>82,000,000</u>	<u>S6 82,000,000</u>
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>88,271,601</u>	<u>S6 88,271,601</u>

**AUTHORIZED EMPLOYEES**

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

1. (a) If 2010 Senate File 0046 is not enacted into law, the school facilities commission shall:

(i) From the school capital construction account appropriation, distribute up to one hundred seventy-three thousand nineteen dollars (\$173,019.00) each fiscal year of the 2011-2012 biennium to each school district with a charter school operating in the district which qualifies for lease payments under W.S. 21-3-110(a)(x)(A). Lease payments under this footnote shall include the total costs of the base rent, additional rent for tenant improvements and common area maintenance costs;

(ii) In addition to paragraph (i) of this footnote and notwithstanding W.S. 21-3-110(a)(x), the commission shall for each fiscal year of the 2011-2012 biennium, expend an amount necessary to include the total allowable square footage of each charter school qualifying under W.S. 21-3-110(a)(x)(A) in the computation of the major maintenance payment under W.S. 21-15-109, to each district in which a qualifying charter school is operating. The amounts expended under this paragraph shall be reduced to the extent the amounts are duplicative of common area maintenance costs included in the lease payments under paragraph (i) of this footnote;

(iii) For each school district with a charter school operating in the district which qualifies for lease payments under W.S. 21-3-110(a)(x)(A), and for which that lease is subject to renewal within the next five (5) years, assist that district as necessary to plan and provide the most cost effective method for meeting the facility needs of that charter school.



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

**Section 029. WYO WATER DEVELOPMENT OFFICE**

PROGRAM				
Administration			8,104,561	8,104,561
TOTALS	0	0	8,104,561	8,104,561

**AUTHORIZED EMPLOYEES**

Full Time	26
Part Time	<u>0</u>
TOTAL	26

**Section 037. STATE ENGINEER**

PROGRAM				
Administration	1,533,399			1,533,399
Ground Water Division	4,316,918			4,316,918
Surface Water & Engineering Div.	3,215,344			3,215,344
Board Of Control Division	13,128,271			13,128,271
Support Services Division	3,302,530			3,302,530
Board Of Registration			814,301	814,301
Interstate Streams Division	2,203,229		88,690	2,291,919
Special Projects			12,730	12,730
North Platte Settlement	1,410,088			1,410,088
Well Drillers' Certification Board			<u>126,676</u>	<u>126,676</u>
TOTALS	<u>29,109,779</u>	0	<u>1,042,397</u>	<u>30,152,176</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	135			
Part Time	<u>11</u>			
<b>TOTAL</b>	<b>146</b>			
 <b>Section 039. WILDLIFE/NATURAL RES TRUST</b>				
<b>PROGRAM</b>				
Administration	548,854			548,854
Wildlife/Natural Resource Trust Proj <sup>1</sup>	6,000,000		T0	11,152,500
Wildlife Trust Account <sup>2</sup>	<u>2,500,000</u>			<u>2,500,000</u>
<b>TOTALS</b>	<b>9,048,854</b>	<b>0</b>	<b>5,152,500</b>	<b>14,201,354</b>
 <b>AUTHORIZED EMPLOYEES</b>				
Full Time	1			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>1</b>			

1. The agency's 2013-2014 standard budget request shall contain no general funds.

2. This general fund appropriation shall be deposited into the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a).

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 040. GAME AND FISH COMMISSION</b>				
PROGRAM				
Vet Svcs Program (Brucellosis, CWD)	3,411,327			3,411,327
Sage Grouse Planning & Protection	1,807,646			1,807,646
Wolf Management	777,769			777,769
Comprehensive Wildlife Mgmt. Strategies	<u>1,323,251</u>			<u>1,323,251</u>
<b>TOTALS</b>	<u>7,319,993</u>	<u>0</u>	<u>0</u>	<u>7,319,993</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	23
Part Time	<u>0</u>
<b>TOTAL</b>	<u>23</u>

**Section 041. FIRE PREVENTION & ELECTRICAL SAFETY**

PROGRAM				
Administration	1,067,359			1,067,359
Fire Prevention Administration	1,794,051			1,794,051
Electrical Safety Administration	1,909,755		620,423 SR	2,530,178
Training	1,350,705			1,350,705
Fire Academy	<u>673,043</u>			<u>673,043</u>
<b>TOTALS</b>	<u>6,794,913</u>	<u>0</u>	<u>620,423</u>	<u>7,415,336</u>

<b>AUTHORIZED EMPLOYEES</b>	
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APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Full Time	36			
Part Time	<u>0</u>			
TOTAL	36			
<b>Section 042. GEOLOGICAL SURVEY</b>				
PROGRAM				
Geologic Program	5,167,380			5,167,380
TOTALS	<u>5,167,38</u>	0	0	<u>5,167,380</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	27			
Part Time	<u>0</u>			
TOTAL	27			
<b>Section 044. INSURANCE DEPARTMENT</b>				
PROGRAM				
Administration			5,502,852 SR	5,502,852
Agent Licensing Board			15,918 SR	15,918
Health Insurance Pool	6,000,000		367,541 AG	
			22,994,736 EF	29,362,277
WY Small Employer Health Reinsurance			427,837 AG	
TOTALS	<u>6,000,000</u>	0	<u>23,855,738 EF</u>	<u>24,283,575</u>
			53,164,622	59,164,622

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	27			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>27</b>			
 <b>Section 045. DEPARTMENT OF TRANSPORTATION <sup>2</sup></b>				
<b>PROGRAM</b>				
Administration <sup>3</sup>			3,806,193 S7	3,830,806
		168,150	24,613 SR	
Administrative Services			33,240,985 S7	
			1,836,000 SR	35,245,135
Law Enforcement		2,652,321	75,682,368 S7	
			60,000 SR	78,394,689
Wyolink	2,545,000		1,301,624 IS	3,846,624
Aeronautics Administration		310,300	3,907,617 S7	4,217,917
Operational Service			2,405,010 IS	2,405,010
Airport Improvements	13,503,711	37,402,188	8,720,860 S7	59,626,759
GF Appropriation to Commission <sup>1</sup>	<u>50,000,000</u>			<u>50,000,000</u>
<b>TOTALS</b>	<b>66,048,711</b>	<b>40,532,959</b>	<b>130,985,270</b>	<b>237,566,940</b>
 <b>AUTHORIZED EMPLOYEES</b>				
Full Time	567			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>567</b>			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall supplement and not supplant any other sources of funds utilized by the department for the living snow fence program.				
2. Of the full-time permanent positions within the transportation commission shown to be vacant for over twenty-four (24) months in the document dated January 20, 2010, entitled "Agency Vacancy Report" and compiled by the department of administration and information and on file with the legislative service office, twenty-two (22) of the positions, as determined by the commission, shall not be filled by the commission and are hereby eliminated. This footnote is effective immediately.				
3. On or before October 1, 2010 the department of transportation shall provide a report to the transportation, highways and military affairs interim committee describing in detail the department's 2011 fiscal year budgeted income and expenditures from the highway fund, as approved by the transportation commission under W.S. 24-1-119, and all other income and expenditures authorized pursuant to appropriations under this act.				
<b>Section 048. DEPARTMENT OF HEALTH</b>				
<b>PROGRAM</b>				
Director's Office	19,763,852	4,528,423	10,000 SR	24,292,275
Rural & Frontier Health <sup>1.</sup>	3,903,736	9,550,219	1,235,000 TT 5,513,664 A4	14,698,955
Community & Family Health <sup>14.</sup>	26,907,533	24,006,021	12,357,193 SR 27,500 TT	68,811,911
Health Care Financing <sup>2.,3.,4.,5.,13.</sup>	438,171,384	517,277,545	29,328,793 AR 10,370,991 SR	995,648,713
State Health Officer	1,599,113	13,925,805	500,000 TT 152,400 SR	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Preventive Health & Safety <sup>6</sup> .	6,508,334	10,977,622	250,000 TT 2,500 AG 2,216,029 SR 3,150,540 TT 2,800,832 SR 1,376,946 T3 24,691,092 TT	15,927,318
Mental Health/Substance Abuse <sup>7,8,9,12</sup> .	182,863,573	16,392,160	105,000 AG 4,477,517 SR 324,600 T3 938,000 T4 248,500 AG	22,855,025
Developmental Disabilities	122,850,281	5,324,672	6,974,955 SR	228,124,603
Division on Aging <sup>10,11</sup> .	33,574,352	13,344,716	107,052,052	134,020,070
<b>TOTALS</b>	<u>836,142,158</u>	<u>615,327,183</u>		<u>54,142,523</u> 1,558,521,393

**AUTHORIZED EMPLOYEES**

Full Time	1,443
Part Time	<u>77</u>
<b>TOTAL</b>	1,520

1. All contractual services agreements entered into by the division of rural and frontier health concerning the implementation of the telehealth program shall require prior approval by the governor.

2. Five hundred thousand dollars (\$500,000.00) of this general fund appropriation and the associated federal funds shall only be expended to reduce developmentally disabled children and developmentally disabled adult waiver waiting lists.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
3. Funds appropriated for health care financing administration of developmental disabilities, health care financing of developmental disabilities adult waiver services, health care financing of developmentally delayed children's waiver and health care financing of acquired brain injury waiver services shall not be transferred to any other agency, division or program.				
4. Of these funds, five million six hundred thousand dollars (\$5,600,000.00) in general funds and the associated federal funds shall only be expended in the 600 series to increase service rates of home and community based waiver providers administered by the development disabilities division.				
5. For reimbursement rates for nursing facility services, no cost of living adjustment nor other increase in rates not authorized by statute shall be provided in the 2011-2012 fiscal biennium without specific legislative action approving the increase.				
6. The public health laboratory is authorized to charge fees for testing services provided other state agencies, local law enforcement entities and other individuals or organizations. Notwithstanding W.S. 9-4-204(t)(i)(A) the department is authorized to deposit all fees received pursuant to this footnote into a special revenue account and shall not charge fees until the department has promulgated rules and regulations establishing a fee schedule. No monies deposited into this account shall be expended until appropriated by the legislature.				
7. Of this appropriation of tobacco trust funds, five hundred thousand dollars (\$500,000.00) shall only be expended on crisis stabilization and acute care services at the Cheyenne Regional Medical Center in the fiscal year commencing July 1, 2011, and only if reporting deficiencies at the facility are addressed in a manner satisfactory to the department of health.				
8. Of this general fund appropriation, eight hundred fifty thousand dollars (\$850,000.00) shall only be expended on crisis stabilization and acute care services for four (4) beds at the Washakie Medical Center in Worland.				
9. Notwithstanding W.S. 9-4-303(a), the department is authorized to deposit all monies and income received and collected by the Wyoming state hospital at Evanston, Wyoming into a special revenue account from July 1, 2010 through June 30, 2012.				



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

The department shall expend this revenue to correct life safety code problems and address other conditions as identified by the Partnership to Resolve Mental Health Issues in Wyoming. If any single project is anticipated to or does exceed two hundred thousand dollars (\$200,000.00), it shall be approved by the state building commission. The first five hundred thousand dollars (\$500,000.00) received each fiscal year by the department and any amount in excess of three million dollars (\$3,000,000.00) received over the period beginning July 1, 2010 and ending June 30, 2012 and deposited within the special revenue account pursuant to this footnote shall be paid to the omnibus permanent land fund until such time as the total amount appropriated for the new facility at the state hospital in 1999 Wyoming Session Laws, Chapter 169, Section 3, Section 048 is completely repaid. The department shall report to the joint appropriations interim committee not later than November 1 of each year detailing expenditures under this footnote.

10. Of this general fund appropriation, four hundred thousand dollars (\$400,000.00) shall only be distributed through the funding distribution model developed in the agency's 2009 supplemental budget to senior centers to provide compensation increases for direct care personnel. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert pursuant to law.

11. Notwithstanding W.S. 9-4-303(a), for the period beginning July 1, 2010 and ending June 30, 2012, the department is authorized to deposit all monies and income received or collected by the retirement center located in Basin, Wyoming for care of patients into the special revenue fund. The funds collected shall only be used to fund the operation of the retirement center.

12. Of this general fund appropriation, six hundred eighty-five thousand dollars (\$685,000.00) shall only be expended for a pilot project for the delivery of telehealth, using contract services. A preference shall be given for in-state providers of software and hardware and final approval of this pilot project shall be with the state chief information officer. This footnote is effective immediately.

13. Of this general fund appropriation, the governor may expend funds as necessary to reimburse services authorized under

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

the Medicaid program involving pediatric care and transport costs including, without limitation, emergency and critical care services not otherwise available from in-state providers. This footnote is effective immediately.

14. (a) Of this TT other funds appropriation, twenty-seven thousand five hundred dollars (\$27,500.00) shall only be used by the department to contract for or provide support network services for persons with epilepsy. The support network services for persons with epilepsy shall:

- (i) Provide professional education on epilepsy for nurses, physicians, public schools, public school nurses and the general public;
- (ii) Provide for support groups focused on epilepsy;
- (iii) Increase awareness of epilepsy in Wyoming;
- (iv) Provide educational programs for persons with epilepsy; and
- (v) Provide better access to care for persons with epilepsy within Wyoming.

**Section 049. DEPARTMENT OF FAMILY SERVICES**

PROGRAM				
Services <sup>2</sup> .	116,065,161	24,052,250	302,651 AG 697,362 AR	
			2,447,838 SR	
Assistance <sup>1,3</sup> .	50,475,119	76,065,808	5,668,252 TT 1,533,718 AR	149,233,514
TOTALS	<u>166,540,280</u>	<u>100,118,058</u>	<u>1,891,699 SR</u> 12,541,520	<u>129,966,344</u> 279,199,858

AUTHORIZED EMPLOYEES  
 Full Time 776

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

Part Time	32			
TOTAL	808			

1. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment for the period beginning July 1, 2010 and ending June 30, 2012 shall be as follows:
  - (i) \$25.00 for an individual living in own household;
  - (ii) \$27.80 for each member of a couple living in their own household;
  - (iii) \$28.72 for an individual living in the household of another;
  - (iv) \$30.57 for each member of a couple living in the household of another.
  
2. (a) Through June 30, 2012, the department shall limit the number of residential treatment facilities certified as child caring facilities under W.S. 14-4-101 and the overall capacity of those residential treatment facilities to the level of such facilities and beds that were certified as of January 1, 2010.
  - (b) The department shall conduct a study of child caring facilities, as defined by W.S. 14-4-101(a)(vi) and the department's administrative rules for substitute care facilities, in partnership with the department of health, the department of education and youth care providers. The resulting report shall be submitted to the joint judiciary interim committee and the joint appropriations committee by July 1, 2011. The study shall include:
    - (i) The historical utilization rates, regional trends and existing capacity for children served in all types of residential facilities including, but not limited to, crisis beds, group homes and residential treatment facilities;
    - (ii) An analysis of the historical usage and costs of utilizing out-of-state providers for the provision of residential services;
    - (iii) Documented reasons for using out-of-state providers as opposed to in-state providers and the decision-making process and factors leading to a determination of where a child is placed, including a sampling of the reasons listed in judicial reports provided the information does not reveal any confidential information;
    - (iv) Recommendations, if any, of statutory or procedural changes that would encourage more Wyoming children to remain in the state to receive the services and interventions they need;

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
(v) The levels of care necessary to serve children, the projected need for the services and the availability of the level of care; and				
(vi) Community based alternatives to residential care such as prevention, early intervention and independent living as alternatives or supports to residential care.				
(c) This footnote is effective immediately.				
3. Of this federal fund appropriation, two hundred seventy-four thousand dollars (\$274,000.00) shall only be expended for the father factor program during the fiscal period beginning July 1, 2010 and ending June 30, 2012.				
<b>Section 051. LIVESTOCK BOARD</b>				
<b>PROGRAM</b>				
Administration	1,816,693	16,449		1,833,142
Animal Health	1,902,225			1,902,225
Brucellosis <sup>1</sup> .	1,271,01	7,200		1,278,213
Estrays <sup>2</sup> .	50,000			50,000
Brand Inspection	2,870,824		69,178 AG	
Predator Control Fees			5,683,428 SR	8,623,430
<b>TOTALS</b>	<u>7,910,755</u>	<u>23,649</u>	<u>1,900,000 SR</u>	<u>15,587,010</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time				20
Part Time				<u>0</u>
<b>TOTAL</b>				20

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

1. For the period beginning July 1, 2010 and ending June 30, 2012, the department is authorized to provide reimbursements for brucellosis testing in an amount not less than three dollars and fifty cents (\$3.50) per head and not to exceed eight dollars (\$8.00) per head as determined by the livestock board.

2. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall be used to pay for the increased costs associated with the management of stray and abandoned animals and animals impounded by the board pursuant to W.S. 11-29-114. Prior approval of the livestock board shall be required before expenditure of funding for the purposes specified in this footnote. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert pursuant to law.

**Section 055. OIL AND GAS COMMISSION**

PROGRAM				
Administration		390,680	8,297,629 AG	
			20,000 SR	8,708,309
Orphan Wells			1,000,000 AG	1,000,000
TOTALS	0	390,680	9,317,629	9,708,309
AUTHORIZED EMPLOYEES				
Full Time	41			
Part Time	0			
TOTAL	41			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 057. COMMUNITY COLLEGE COMMISSION</b>				
<b>PROGRAM</b>				
Administration	6,312,081	758,141		7,070,222
State Aid	213,516,854			213,516,854
Contingency Reserve			3,200,000 SR	3,200,000
Leveraging Ed Assist Partnerships	225,000	112,500		337,500
Incentive Fund	46,000			46,000
Adult Basic Education	2,715,810	1,856,349		4,572,159
WYIN Loan & Grant Program <sup>1</sup> .	5,275,640			5,275,640
Veterans Tuition Waiver Program	1,000,000			1,000,000
WY Teacher Shortage Loan Program <sup>2</sup> .			600,000 S5	600,000
Public Television	<u>3,567,987</u>			<u>3,567,987</u>
<b>TOTALS</b>	<u>232,659,372</u>	<u>2,726,990</u>	<u>3,800,000</u>	<u>239,186,362</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	16			
Part Time	<u>0</u>			
<b>TOTAL</b>	16			

1. This general fund appropriation shall be reduced by two million six hundred thirty-seven thousand eight hundred twenty dollars (\$2,637,820.00) if the Wyoming investment in nursing program is not continued beyond June 30, 2011. In addition, to the extent any other legislation providing funding for this program for the 2011-2012 fiscal biennium is enacted into law in the 2010 budget session, this general fund appropriation shall be reduced dollar for dollar by amounts contained in such legislation.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<p>2. This other funds appropriation shall be reduced by three hundred thousand dollars (\$300,000.00) if the Wyoming teacher shortage loan repayment program is not continued beyond June 30, 2011. In addition, to the extent any other legislation providing funding for this program for the 2011-2012 fiscal biennium is enacted into law in the 2010 budget session, this other fund appropriation shall be reduced dollar for dollar by amounts contained in such legislation.</p>				
<b>Section 060. STATE LANDS AND INVESTMENTS</b>				
<b>PROGRAM</b>				
Operations <sup>1</sup> .	17,269,515	47,672,580	1,640,000 S1 1,172,229 S5 2,550,811 SR 2,226,000 SR 350,000 AG 2,230,000 SR	70,305,135 11,334,119
Forestry	8,251,196	856,923		2,580,000
County Emergency Suppression			4,176,380	8,209,529
Fire	4,033,149			33,400,000
Mineral Royalty Grants			33,400,000 S4	6,150,000
Federal Forestry Grants		6,150,000		2,000,000
Transportation Enterprise Fund			2,000,000 AG	133,978,783
<b>TOTALS</b>	<u>29,553,860</u>	<u>58,855,883</u>	<u>45,569,040</u>	

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	108
Part Time	<u>4</u>
<b>TOTAL</b>	<b>112</b>

1. Any unexpended, unobligated funds remaining in the state lands trust preservation account at the end of the 2009-2010

APPROPRIATION FOR GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION

\$ \$ \$ \$

biennium shall not revert and are hereby reappropriated and shall be expended for the purpose of funding projects that will preserve the value or revenue generating capacity of state trust lands or mineral assets approved by the board of land commissioners pursuant to its rules. This footnote is effective immediately.

**Section 063. GOVERNOR'S RESIDENCE**

PROGRAM				
Residence Operation	768,875			768,875
Governor's Residence	5,000			5,000
TOTALS	<u>773,875</u>	<u>0</u>	<u>0</u>	<u>773,875</u>

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	<u>2</u>
TOTAL	<u>5</u>

**Section 066. WYOMING TOURISM BOARD**

PROGRAM				
Wyoming Tourism Board	24,893,642		3,600 SR	<u>24,897,242</u>
TOTALS	<u>24,893,642</u>	<u>0</u>	<u>3,600</u>	<u>24,897,242</u>

**AUTHORIZED EMPLOYEES**

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



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 067. UNIVERSITY OF WYOMING</b>				
<b>PROGRAM</b>				
State Aid <sup>1</sup> .	354,416,350			354,416,350
NCAR MOU <sup>2</sup> .	<u>1,000,000</u>			<u>1,000,000</u>
<b>TOTALS</b>	<u>355,416,350</u>	<u>0</u>	<u>0</u>	<u>355,416,350</u>

**AUTHORIZED EMPLOYEES**

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

1. The university, through the college of health sciences, shall determine the feasibility and associated costs of establishing an accredited physician's assistant education program, and shall report the findings of the study to the joint appropriations interim committee and joint labor, health and social services interim committee by November 1, 2010.
2. If National Science Foundation (NSF) approval for the NCAR-Wyoming Supercomputer Center (NWSC) is not received by June 30, 2010, the unexpended, unobligated portion of the appropriation made by 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 067 for the NCAR MOU shall not revert until June 30, 2012, and this appropriation shall be used to fund construction of the fiber optic connection located in Albany County, Wyoming for the NWSC optical fiber loop. If NSF approval for the NWSC is received by June 30, 2010, the university shall expend not to exceed one million dollars (\$1,000,000.00) from its appropriation for state aid for such construction and shall include in its supplemental budget request for the 2011 general session the amount expended on construction for that fiber optic connection. Prior to the expenditure of any funds under this footnote, the university shall first engage in a competitive bid process for comparable, dedicated, fiber optic lines leased from the private sector, including a full evaluation of the costs over the life of the project. Only if construction of a connection to the

APPROPRIATION FOR GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION

\$ \$ \$ \$

state's dark fiber is less costly than all responsible bids received shall the university expend any funds in constructing such a connection. Otherwise, the university shall secure an agreement with the winning responsible bidder through the competitive bid process under this footnote.

**Section 069. WICHE**

PROGRAM				
Administration & Grants	5,180,730			5,180,730
TOTALS	5,180,730	0	0	5,180,730

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

**Section 070. ENHANCED OIL RECOVERY COMM**

PROGRAM				
Commission & Support	449,540			449,540
Technical Outreach & Research	5,405,283			5,405,283
TOTALS <sup>1</sup> .	5,854,823	0	0	5,854,823

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

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

1. (a) The Wyoming enhanced and improved oil recovery commission shall oversee and direct development of the programs developed pursuant to this appropriation including:

- (i) Review and approval of all research assignments;
- (ii) Review and approval of all program related contracts and agreements to assure that contracts and agreements are performance based with measurable outcomes and performance timelines;
- (iii) Review and approval of all enhanced oil recovery institute expenditures.

(b) No funds appropriated under this section shall be expended without the prior approval of the Wyoming enhanced and improved oil recovery commission.

**Section 072. RETIREMENT SYSTEM**

PROGRAM				
Administration <sup>1,2</sup>			16,379,176 PF	16,379,176
Highway Patrol			100,000 SR	100,000
Game & Fish-Wardens			160,562 SR	160,562
Volunteer EMT Pension Plan <sup>3</sup>	44,955		925,242 AG	44,955
Deferred Compensation			<u>697,087 SR</u>	<u>1,622,329</u>
<b>TOTALS</b>	<u>44,955</u>	<u>0</u>	<u>18,262,067</u>	<u>18,307,022</u>

**AUTHORIZED EMPLOYEES**

Full Time	38
Part Time	<u>0</u>
<b>TOTAL</b>	38

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
1. Of this other funds appropriation, three hundred fifty thousand dollars (\$350,000.00) is effective immediately.				
2. For the period commencing with the effective date of this footnote through June 30, 2012, no retirement benefit, survivor benefit or disability benefit adjustment shall be provided pursuant to W.S. 9-3-419(b). The joint appropriations interim committee shall review the issue of cost-of-living increases provided by the Wyoming retirement system created by Title 9, Chapter 3, Article 4 of the Wyoming Statutes and shall sponsor legislation for introduction in the 2011 general and budget session as it determines necessary to appropriately address the issue of cost-of-living adjustments under that system. This footnote is effective immediately.				
3. Unexpended, unobligated funds appropriated in 2008 Wyoming Session Laws, Chapter 122, Section 3 (a) shall not revert, and are hereby reappropriated for the purposes of continuing the volunteer emergency medical technician pension plan established in that legislation. This footnote is effective immediately.				
<b>Section 080. DEPARTMENT OF CORRECTIONS</b>				
<b>PROGRAM</b>				
Corrections Operations <sup>1.,2.,3.</sup>	23,720,119	216,307	3,715,517 SR 135,300 T0 206,189 TT	27,993,432 39,664,100
Field Services	35,914,467		3,749,633 TT	
Honor Conservation Camp	23,123,627		573,439 SR 72,178 T0 164,251 TT	23,933,495
Women's Center	21,518,172	100,000	561,151 SR 210,134 T0 2,535,657 TT	24,925,114

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Honor Farm	18,982,661		796,780 IS 410,952 SR 95,469 T0 153,300 TT	20,439,162
State Penitentiary	84,395,220		5,212 AG 1,536,560 SR 198,000 T0	
WY Medium Correctional Institution	66,807,424		635,105 TT 1,414,000 SR	86,770,097
TOTALS	<u>274,461,690</u>	<u>316,307</u>	<u>3,941,331 TT</u> 21,335,158	<u>72,387,755</u> 296,113,155
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	1,291			
Part Time	<u>3</u>			
TOTAL	1,294			

1. The department shall cooperatively work with the community college commission to assess the feasibility and costs of providing coursework at all state correctional facilities. The department of corrections and the community college commission shall jointly report to the joint appropriations interim committee and joint education interim committee the findings of this assessment not later than December 1, 2010.

2. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended by the department to assess medical care costs at correctional institutions, and to determine if more cost effective alternatives are available. The department shall report to the joint appropriations interim committee the findings of this assessment not later than December 1, 2010.

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

3. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended during fiscal year 2011 to reestablish the sex offender treatment program. The department of corrections shall report to the joint judiciary interim committee and the joint appropriations interim committee on the reestablishment of the sex offender treatment program and the department's plan for the continuation of the program not later than December 1, 2010. Any request for an appropriation for this program shall be included in the department's exception budget request for fiscal year 2012.

**Section 081. BOARD OF PAROLE**

PROGRAM				
Administration	1,718,022	0	0	1,718,022
TOTALS	1,718,022	0	0	1,718,022

**AUTHORIZED EMPLOYEES**

Full Time	7			
Part Time	0			
TOTAL	7			

**Section 085. WYOMING BUSINESS COUNCIL**

PROGRAM				
Wyoming Business Council	17,669,078	7,844,413	1,503,019 SR	27,016,510
Main Street	1,501,706		75,000 SR	1,576,706
Investment Ready Communities	58,500,000			58,500,000
TOTALS	77,670,784	7,844,41	1,578,019	87,093,216

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>0</b>			
<b>Section 101. SUPREME COURT</b>				
<b>PROGRAM</b>				
Administration	7,821,728	286,602	150,000 SR	8,258,330
Judicial Nominating Committee	15,001			15,001
Law Library	1,498,091			1,498,091
Circuit Courts	26,103,984			26,103,984
Court Automation	2,835,991		7,916,337 SR	10,752,328
Judicial Retirement	1,526,185			1,526,185
Board of Judicial Policy & Admin <sup>1</sup> .	<u>561,817</u>			<u>561,817</u>
<b>TOTALS</b>	<b>40,362,797</b>	<b>286,602</b>	<b>8,066,337</b>	<b>48,715,736</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	199			
Part Time	<u>26</u>			
<b>TOTAL</b>	<b>225</b>			

1. Of this general fund appropriation, one hundred fifty thousand dollars (\$150,000.00) shall only be expended to pay for unused sick and annual leave of employees who retire or otherwise separate service during the period July 1, 2010 through June 30, 2012. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert pursuant to law.

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

**Section 102. BOARD OF LAW EXAMINERS**

PROGRAM				
Administration			155,000 SR	155,000
TOTALS	0	0	155,000	155,000

**AUTHORIZED EMPLOYEES**

Full Time				
Part Time				
TOTAL	0	0	0	0

**Section 103. COMM. ON JUD. CONDUCT & ETHICS**

PROGRAM				
Administration			324,776	324,776
TOTALS	324,776	0	0	324,776

**AUTHORIZED EMPLOYEES**

Full Time				
Part Time				
TOTAL	1	0	1	1

**Section 120. JUDICIAL DISTRICT 1A**

PROGRAM



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Administration	<u>863,869</u>	<u>0</u>	<u>0</u>	<u>863,869</u>
<b>TOTALS</b>	<b>863,869</b>	<b>0</b>	<b>0</b>	<b>863,869</b>

**AUTHORIZED EMPLOYEES**

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

**Section 121. JUDICIAL DISTRICT 1B**

<b>PROGRAM</b>				
Administration	<u>853,875</u>	<u>0</u>	<u>0</u>	<u>853,875</u>
<b>TOTALS</b>	<b>853,875</b>	<b>0</b>	<b>0</b>	<b>853,875</b>

**AUTHORIZED EMPLOYEES**

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

**Section 122. JUDICIAL DISTRICT 2A**

<b>PROGRAM</b>				
Administration	<u>912,605</u>	<u>0</u>	<u>0</u>	<u>912,605</u>
<b>TOTALS</b>	<b>912,605</b>	<b>0</b>	<b>0</b>	<b>912,605</b>

**AUTHORIZED EMPLOYEES**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
<b>Section 123. JUDICIAL DISTRICT 2B</b>				
PROGRAM				
Administration	<u>975,834</u>	<u>0</u>	<u>0</u>	<u>975,834</u>
TOTALS	975,834	0	0	975,834
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			
<b>Section 124. JUDICIAL DISTRICT 3B</b>				
PROGRAM				
Administration	<u>874,867</u>	<u>0</u>	<u>0</u>	<u>874,867</u>
TOTALS	874,867	0	0	874,867
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 125. JUDICIAL DISTRICT 3A</b>				
PROGRAM				
Administration	934,822			934,822
TOTALS	<u>934,822</u>	<u>0</u>	<u>0</u>	<u>934,822</u>

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

**Section 126. JUDICIAL DISTRICT 4**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 126. JUDICIAL DISTRICT 4</b>				
PROGRAM				
Administration	950,552			950,552
TOTALS	<u>950,552</u>	<u>0</u>	<u>0</u>	<u>950,552</u>

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 127. JUDICIAL DISTRICT 5A</b>				
PROGRAM				
Administration	956,298			956,298
Water Litigation	<u>437,246</u>			<u>437,246</u>
TOTALS	<u>1,393,544</u>	<u>0</u>	<u>0</u>	<u>1,393,544</u>

AUTHORIZED EMPLOYEES	
Full Time	6
Part Time	<u>0</u>
TOTAL	<u>6</u>

**Section 128. JUDICIAL DISTRICT 5B**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
PROGRAM				
Administration	914,064			914,064
TOTALS	<u>914,064</u>	<u>0</u>	<u>0</u>	<u>914,064</u>

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

**Section 129. JUDICIAL DISTRICT 6A**

PROGRAM

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Administration	<u>952,985</u>	<u>0</u>	<u>0</u>	<u>952,985</u>
<b>TOTALS</b>	<b>952,985</b>	<b>0</b>	<b>0</b>	<b>952,985</b>

**AUTHORIZED EMPLOYEES**

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

**Section 130. JUDICIAL DISTRICT 7A**

<b>PROGRAM</b>	<u>980,090</u>	<u>0</u>	<u>0</u>	<u>980,090</u>
Administration	<u>980,090</u>	<u>0</u>	<u>0</u>	<u>980,090</u>
<b>TOTALS</b>	<b>980,090</b>	<b>0</b>	<b>0</b>	<b>980,090</b>

**AUTHORIZED EMPLOYEES**

Full Time	4
Part Time	<u>1</u>
<b>TOTAL</b>	<b>5</b>

**Section 131. JUDICIAL DISTRICT 7B**

<b>PROGRAM</b>	<u>902,588</u>	<u>0</u>	<u>0</u>	<u>902,588</u>
Administration	<u>902,588</u>	<u>0</u>	<u>0</u>	<u>902,588</u>
<b>TOTALS</b>	<b>902,588</b>	<b>0</b>	<b>0</b>	<b>902,588</b>

**AUTHORIZED EMPLOYEES**

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Full Time	4			
Part Time	<u>1</u>			
TOTAL	5			

**Section 132. JUDICIAL DISTRICT 9A**

PROGRAM				
Administration	<u>1,005,998</u>			<u>1,005,998</u>
TOTALS	1,005,998	<u>0</u>	<u>0</u>	<u>1,005,998</u>

**AUTHORIZED EMPLOYEES**

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

**Section 133. JUDICIAL DISTRICT 8A**

PROGRAM				
Administration	<u>914,270</u>			<u>914,270</u>
TOTALS	914,270	<u>0</u>	<u>0</u>	<u>914,270</u>

**AUTHORIZED EMPLOYEES**

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 134. JUDICIAL DISTRICT 9B</b>				
PROGRAM				
Administration	1,103,817			1,103,817
TOTALS	<u>1,103,817</u>	<u>0</u>	<u>0</u>	<u>1,103,817</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	4
Part Time	<u>0</u>
TOTAL	<u>4</u>

**Section 135. JUDICIAL DISTRICT 6B**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 135. JUDICIAL DISTRICT 6B</b>				
PROGRAM				
Administration	998,588			998,588
TOTALS	<u>998,588</u>	<u>0</u>	<u>0</u>	<u>998,588</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	4
Part Time	<u>0</u>
TOTAL	<u>4</u>

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

**Section 136. JUDICIAL DISTRICT 8B**

PROGRAM				
Administration	792,000			792,000
TOTALS	<u>792,000</u>	<u>0</u>	<u>0</u>	<u>792,000</u>

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	<u>0</u>
TOTAL	<u>3</u>

**Section 137. LARAMIE CO. DISTRICT 1C**

PROGRAM				
Administration	995,304			995,304
TOTALS	<u>995,304</u>	<u>0</u>	<u>0</u>	<u>995,304</u>

**AUTHORIZED EMPLOYEES**

Full Time	5
Part Time	<u>0</u>
TOTAL	<u>5</u>

**Section 138. SWEETWATER CO. DISTRICT 3C**



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>PROGRAM</b>				
Administration	<u>941,392</u>	0	0	<u>941,392</u>
<b>TOTALS</b>	<u>941,392</u>	0	0	<u>941,392</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	4
Part Time	<u>0</u>
<b>TOTAL</b>	4

**Section 139. NATRONA CO. DISTRICT 7C**

<b>PROGRAM</b>				
Administration	<u>908,086</u>	0	0	<u>908,086</u>
<b>TOTALS</b>	<u>908,086</u>	0	0	<u>908,086</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	4
Part Time	<u>0</u>
<b>TOTAL</b>	4

**Section 140. JUDICIAL DISTRICT 6C**

<b>PROGRAM</b>				
Administration	<u>909,571</u>	0	0	<u>909,571</u>
<b>TOTALS</b>	<u>909,571</u>	0	0	<u>909,571</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>4</b>			
<b>Section 141. JUDICIAL DISTRICT 9C</b>				
<b>PROGRAM</b>				
Administration	916,522			<u>916,522</u>
<b>TOTALS</b>	<b>916,522</b>	<b>0</b>	<b>0</b>	<b>916,522</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>4</b>			
<b>Section 151. DISTRICT ATTORNEY/JUD. DIST. #1</b>				
<b>PROGRAM</b>				
Administration	3,965,428			<u>3,965,428</u>
<b>TOTALS</b>	<b>3,965,428</b>	<b>0</b>	<b>0</b>	<b>3,965,428</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	18			
Part Time	<u>1</u>			
<b>TOTAL</b>	<b>19</b>			

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

**Section 157. DISTRICT ATTORNEY/JUD. DIST. #7**

PROGRAM				
Administration	3,823,256			3,823,256
TOTALS	3,823,256	0	0	3,823,256

**AUTHORIZED EMPLOYEES**

Full Time	20
Part Time	0
TOTAL	20

**Section 160. COUNTY & PROSECUTING ATTORNEYS**

PROGRAM				
Administration	5,521,500			5,521,500
TOTALS	5,521,500	0	0	5,521,500

**AUTHORIZED EMPLOYEES**

Full Time	0
Part Time	0
TOTAL	0

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 167. UW - MEDICAL EDUCATION</b>				
<b>PROGRAM</b>				
Family Practice Residency Centers	18,664,537			23,969,977
WWAMI Medical Education <sup>1</sup> .	8,797,405		5,305,440 SR	8,797,405
Advanced Practice - RN Psychiatry	507,500			507,500
Dental Contracts	4,648,097			4,648,097
Nursing Program	<u>225,000</u>			<u>225,000</u>
<b>TOTALS</b>	<u>32,842,539</u>	<u>0</u>	<u>5,305,440</u>	<u>38,147,979</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	108
Part Time	<u>23</u>
<b>TOTAL</b>	<b>131</b>

1. The University of Wyoming shall, in consultation with the Wyoming Medical Society, enter into negotiations with the University of Washington School of Medicine to increase the number of available student seats annually from the fiscal year 2010 level of sixteen (16) to eighteen (18) and ultimately twenty (20) students for each class year of medical students under W.S. 21-17-109. By July 1, 2010, the university shall provide a progress report to the joint labor, health and social services interim committee and the joint appropriations interim committee regarding this footnote and, if agreed to by the University of Washington School of Medicine, shall include, in its 2011-2012 supplemental budget request sufficient funding to sustain the size of each class at not less than eighteen (18) students.

<b>Section 205. EDUCATION-SCHOOL FINANCE</b>	
<b>PROGRAM</b>	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
School Foundation Pgm <sup>1,3.</sup>			1,477,291,893	1,477,291,893
Court Ordered Placements <sup>2.</sup>			22,387,806	22,387,806
Mill Levy Debt Pledge			3,750,000	3,750,000
Foundation-Specials			34,688,000	34,688,000
Education Reform			31,705,007	31,705,007
Student Performance Data Systems			<u>2,137,135</u>	<u>2,137,135</u>
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>1,571,959,841</u>	<u>1,571,959,841</u>

**AUTHORIZED EMPLOYEES**

Full Time	5
Part Time	<u>0</u>
<b>TOTAL</b>	<u>5</u>

1. (a) The department shall review the national certification incentive program under W.S. 21-7-501. The review shall include by district:

- (i) The number of teachers who have qualified for reimbursement under the program;
- (ii) The total amounts reimbursed to teachers for certification under W.S. 21-7-501(b);
- (iii) The total amounts of lump sum payments made pursuant to W.S. 21-7-501(f)(i);
- (iv) The number of teachers providing mentoring services and the number of teachers receiving mentoring pursuant to W.S. 21-7-501(d);
- (v) The total amount reimbursed to each district by the state under W.S. 21-7-501 since inception of the program;
- (vi) The projected amounts to be reimbursed to each district by the state in each of the next four (4) fiscal years under W.S. 21-7-501, based upon the number of teachers who have received national certification and who are currently seeking national certification;
- (vii) The anticipated average length of remaining employment by teachers qualifying for the lump sum payment pursuant to W.S. 21-7-501(f)(i), based upon retirement under W.S. 9-3-415(a)(ii).

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

(b) The department shall evaluate the effectiveness of the program in terms of teacher recruitment and quality. The department shall also review evaluations of national certification programs generally, including appropriate length of time for additional payments for teachers receiving national certification. The department shall report its findings and recommendations for any modifications to the program to the joint appropriations and joint education interim committees by October 1, 2010.

2. Of this other funds appropriation, up to one million one hundred thousand dollars (\$1,100,000.00) may be utilized by the department of education to pay for the educational costs of children placed into day treatment programs under W.S. 21-13-315 for the 2011-2012 fiscal biennium.

3. Of this other funds appropriation, the department shall distribute equally to qualifying school districts a total of not more than fifteen thousand dollars (\$15,000.00) as financial assistance for educational programs offered during summer months between school years for school age children who are blind. To receive financial assistance under this footnote, a school district shall apply to the department in a manner and form prescribed by the department.

**Section 211. BOARD OF EQUALIZATION**

PROGRAM	1,759,335	0	0	1,759,335
Equalization & Tax Appeals	<u>1,759,335</u>			<u>1,759,335</u>
TOTALS	1,759,335	0	0	1,759,335

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

**Section 220. ENVIRONMENTAL QUALITY COUNCIL**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>PROGRAM</b>				
Administration	<u>868,793</u>	<u>0</u>	<u>0</u>	<u>868,793</u>
<b>TOTALS</b>	<u>868,793</u>			<u>868,793</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	<u>3</u>			
Part Time	<u>0</u>			
<b>TOTAL</b>	<u>3</u>			

**Section 270. OFFICE OF ADMINISTRATIVE HEARINGS**

<b>PROGRAM</b>				
Administration	<u>0</u>	<u>0</u>	<u>3,462,196 SR</u>	<u>3,462,196</u>
<b>TOTALS</b>			<u>3,462,196</u>	<u>3,462,196</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time				
Part Time				
<b>TOTAL</b>				

**Section 012. BOARD OF ARCHITECTS/LANDSCAPER**

<b>PROGRAM</b>				
Administration	<u>0</u>	<u>0</u>	<u>195,926 SR</u>	<u>195,926</u>
<b>TOTALS</b>			<u>195,926</u>	<u>195,926</u>

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

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
<b>TOTAL</b>	<b>0</b>			

**Section 013. WY EUTHANASIA CERTIFICATION BOARD**

<b>PROGRAM</b>				
Administration			37,812 SR	37,812
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>37,812</b>	<b>37,812</b>

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
<b>TOTAL</b>	<b>0</b>			

**Section 016. BOARD OF BARBER EXAMINERS**

<b>PROGRAM</b>				
Administration			43,139 SR	43,139
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>43,139</b>	<b>43,139</b>

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
<b>TOTAL</b>	<b>0</b>			

**Section 017. BOARD OF RADIOLOGIC TECH.**



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>PROGRAM</b>				
Administration	0	0	105,142 SR	105,142
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>105,142 SR</u>	<u>105,142</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	<u>0</u>			

**Section 018. REAL ESTATE COMMISSION**

<b>PROGRAM</b>				
Administration			67,500 AG	987,010
Real Estate Recovery			919,510 SR	
Real Estate Education			4,000 AG	10,000
Real Estate Appraiser			6,000 SR	63,400
Appraiser Education			6,000 AG	
<b>TOTALS</b>			<u>57,400 SR</u>	<u>142,423</u>
			<u>7,000 AG</u>	<u>29,000</u>
			<u>135,423 SR</u>	<u>1,231,833</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			

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

Part Time	0			
TOTAL	4			

**Section 019. PROF TEACHING STDS BOARD**

PROGRAM				
Prof Teaching Stds Board	0	0	1,349,644 SR	1,349,644
TOTALS			1,349,644	1,349,644

**AUTHORIZED EMPLOYEES**

Full Time	6			
Part Time	0			
TOTAL	6			

**Section 022. RESPIRATORY CARE PRACTITIONERS BOARD**

PROGRAM				
Administration	0	0	77,508 SR	77,508
TOTALS			77,508	77,508

**AUTHORIZED EMPLOYEES**

Full Time	0			
Part Time	0			
TOTAL	0			

**Section 028. BOARD OF REGISTRATION IN PODIATRY**

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>PROGRAM</b>				
Administration	0	0	<u>25,866</u> SR	<u>25,866</u>
<b>TOTALS</b>	0	0	<u>25,866</u>	<u>25,866</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	0			

**Section 030. BOARD OF CHIROPRACTIC EXAMINERS**

<b>PROGRAM</b>				
Administration	0	0	<u>66,945</u> SR	<u>66,945</u>
<b>TOTALS</b>	0	0	<u>66,945</u>	<u>66,945</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	0			

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

**Section 031. COLLECTION AGENCY BOARD**

PROGRAM				
Administration			1,148 AG	
			<u>90,584 SR</u>	<u>91,732</u>
TOTALS	0	0	<u>91,732</u>	<u>91,732</u>

**AUTHORIZED EMPLOYEES**

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

**Section 033. BOARD OF COSMETOLOGY**

PROGRAM				
Administration			729,770 SR	
TOTALS	0	0	<u>729,770</u>	<u>729,770</u>

**AUTHORIZED EMPLOYEES**

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

**Section 034. BOARD OF DENTAL EXAMINERS**

PROGRAM

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Administration	0	0	276,523 SR	276,523
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>276,523 SR</b>	<b>276,523</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
<b>TOTAL</b>	<b>0</b>			

**Section 035. BOARD OF EMBALMERS**

<b>PROGRAM</b>				
Administration	0	0	47,971 SR	47,971
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>47,971 SR</b>	<b>47,971</b>

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	0			
<b>TOTAL</b>	<b>0</b>			

**Section 038. PARI-MUTUEL COMMISSION**

<b>PROGRAM</b>				
Administration	0	0	740,611 SR	740,611
Wyoming Breeders Award Fund	0	0	170,000 SR	170,000
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>910,611 SR</b>	<b>910,611</b>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	1			
Part Time	<u>2</u>			
<b>TOTAL</b>	<b>3</b>			
<b>Section 052. MEDICAL LICENSING BOARD</b>				
<b>PROGRAM</b>				
Administration		0	<u>1,584,883</u> SR	<u>1,584,883</u>
<b>TOTALS</b>		<b>0</b>	<b>1,584,883</b>	<b>1,584,883</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	3			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>3</b>			
<b>Section 054. BOARD OF NURSING</b>				
<b>PROGRAM</b>				
Administration & School Accred		0	<u>2,579,859</u> SR	<u>2,579,859</u>
<b>TOTALS</b>		<b>0</b>	<b>2,579,859</b>	<b>2,579,859</b>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	8			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>8</b>			

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

**Section 056. BOARD OF OPTOMETRY**

PROGRAM				
Administration	0	0	86,311 SR	86,311
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>86,311</b>	<b>86,311</b>

**AUTHORIZED EMPLOYEES**

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

**Section 058. BOARD OF SPEECH PATHOLOGISTS/AUDIOLOGISTS**

PROGRAM				
Administration	0	0	44,851 SR	44,851
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>44,851</b>	<b>44,851</b>

**AUTHORIZED EMPLOYEES**

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

**Section 059. BOARD OF PHARMACY**

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>PROGRAM</b>				
Licensing Board	0		1,285,294 SR	1,285,294
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>1,285,294</u>	<u>1,285,294</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time				
Part Time	0			
<b>TOTAL</b>	<u>0</u>			
<b>Section 061. WYOMING BOARD OF CPAS</b>				
<b>PROGRAM</b>				
Administration	0		673,979 SR	673,979
<b>TOTALS</b>	<u>0</u>	<u>0</u>	<u>673,979</u>	<u>673,979</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time				
Part Time	0			
<b>TOTAL</b>	<u>0</u>			
<b>Section 062. BOARD OF PHYSICAL THERAPY</b>				
<b>PROGRAM</b>				
Administration			123,192 SR	123,192



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
TOTALS	0	0	123,192	123,192

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

**Section 064. BOARD OF HEARING AID SPECIALISTS**

PROGRAM				
Administration			<u>30,899</u> SR	<u>30,899</u>
TOTALS	<u>0</u>	<u>0</u>	<u>30,899</u>	<u>30,899</u>

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

**Section 065. BOARD OF ATHLETIC TRAINERS**

PROGRAM				
Administration			<u>35,231</u> SR	<u>35,231</u>
TOTALS	<u>0</u>	<u>0</u>	<u>35,231</u>	<u>35,231</u>

AUTHORIZED EMPLOYEES				
Full Time	0			

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

Part Time	0				
TOTAL	0				

**Section 068. BOARD OF PSYCHOLOGIST EXAMINERS**

PROGRAM					
Administration				127,854 SR	127,854
TOTALS	0		0	127,854	127,854

**AUTHORIZED EMPLOYEES**

Full Time	0				
Part Time	0				
TOTAL	0				

**Section 075. BOARD OF OUTFITTERS**

PROGRAM					
Administration				874,215 SR	874,215
TOTALS	0		0	874,215	874,215

**AUTHORIZED EMPLOYEES**

Full Time	4				
Part Time	0				
TOTAL	4				

**Section 078. MENTAL HEALTH PROFESSIONS LICENSING BOARD**

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>PROGRAM</b>				
Administration	0	0	<u>251,760</u> SR	<u>251,760</u>
<b>TOTALS</b>			<u>251,760</u>	<u>251,760</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	<u>0</u>			
<b>Section 079. BOARD OF NURSING HOME ADMIN</b>				
<b>PROGRAM</b>				
Administration	0	0	<u>44,464</u> SR	<u>44,464</u>
<b>TOTALS</b>			<u>44,464</u>	<u>44,464</u>
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>1</u>			
<b>TOTAL</b>	<u>1</u>			
<b>Section 083. BOARD OF OCCUPATIONAL THERAPY</b>				
<b>PROGRAM</b>				
Administration	0	0	<u>93,554</u> SR	<u>93,554</u>
<b>TOTALS</b>			<u>93,554</u>	<u>93,554</u>

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

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>1</u>			
<b>TOTAL</b>	<b>1</b>			

**Section 084. BOARD OF PROFESSIONAL GEOLOGISTS**

PROGRAM				
Administration	<u>0</u>	<u>0</u>	<u>416,564 SR</u>	<u>416,564</u>
<b>TOTALS</b>			<b>416,564</b>	<b>416,564</b>

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	1			
Part Time	<u>1</u>			
<b>TOTAL</b>	<b>2</b>			

**Section 251. BOARD OF VETERINARY MEDICINE**

PROGRAM				
Administration	<u>0</u>	<u>0</u>	<u>122,950 SR</u>	<u>122,950</u>
<b>TOTALS</b>			<b>122,950</b>	<b>122,950</b>

<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
<b>TOTAL</b>	<b>0</b>			

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
[CAPITAL CONSTRUCTION]				
<b>Section 3.</b> 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 guarantee amount.				
<b>Section 006. ADMINISTRATION AND INFORMATION</b> <sup>1</sup> .				
<b>PROGRAM</b>				
A&I State Bldg. Comm. Contingency	3,097,266			3,097,266
A&I Flex Contingency	3,193,707			3,193,707
Military Dept. Breaching Facility		677,000		677,000
Military Dept. Urban Assault Course		3,000,000		3,000,000
Military Dept. Shoot House Range		3,000,000		3,000,000
Military Dept. Land Acquisition <sup>2</sup> .	8,200,000			8,200,000
Military Dept. Facility Upgrades	500,000			500,000
Military Dept. Laramie Maint. Facility	400,000			400,000
Military Dept. Cheyenne NG Air Ramp	1,560,000			1,560,000
Military Dept. Medical Readiness Center	210,000			210,000
Dept. of Revenue Liquor Warehouse			12,928,348	12,928,348
State Parks - Health & Safety			4,000,000	4,000,000
State Parks - Water Related Facilities			1,850,000	1,850,000
State Parks - Territorial Prison			210,000	210,000

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
G&F ADA Compliant Outhouses	350,000			350,000
G&F Cody Regional Office	200,000			200,000
G&F Lander Regional Office	250,000			250,000
G&F Dry Storage Units	90,000			90,000
Dept. of Family Services – WBS Classroom Bldg			55,000 T1	55,000
WY Tourism Board Welcome Center <sup>3</sup> .	<u>14,598,000</u>			<u>14,598,000</u>
TOTALS	32,648,973	<u>22,307,000</u>	<u>19,043,348</u>	<u>73,999,321</u>

1. Any unexpended, unobligated funds remaining in a capitol construction project budget upon completion of the project shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j), and shall not be transferred or expended for any other purpose.
2. The construction management division of the department of administration and information shall negotiate the purchase of lands for the expansion of Camp Guernsey. The military department is authorized to purchase such lands at the negotiated price which shall be not more than fair market value and not in excess of the total amount of this appropriation.
3. In replacing the tourism center located at I-25 and College Drive in Cheyenne, the tourism board shall work cooperatively with the Wyoming department of transportation to achieve release of encumbrances on the tourism center in place as a result of use of federal funding, and to the extent necessary may transfer those encumbrances to the new facility to achieve that goal.

**Section 027. SCHOOL FACILITIES COMMISSION**

PROGRAM Ancillary Buildings <sup>1</sup> .	480,000 S6	480,000
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APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Athletic Track Facilities <sup>2</sup> .	0	0	500,000 S6	500,000
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>980,000</b>	<b>980,000</b>

1. Of this other fund appropriation, up to four hundred eighty thousand dollars (\$480,000.00) shall be distributed by the school facilities commission for leasing and planning administration facilities at Teton county school district no. 1, Big Horn county school district no. 3 and Uinta county school district no. 6. Distributions under this footnote shall be for the 2011-2012 fiscal biennium.

2. Of this other fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended by the school facilities commission during the 2011-2012 fiscal biennium for construction of track facilities in Big Horn county school district no. 1 and in Lincoln county school district no. 2.

**Section 057. COMMUNITY COLLEGE COMMISSION <sup>1,2,3</sup>.**

**PROGRAM**

CC Student Union/UWCC Building	32,000,000 PR	32,000,000
CC Music Building	16,000,000 PR	16,000,000
EWC Workforce Dev./Manuf. Center	6,000,000 PR	6,000,000
EWC Center for Education Excellence	8,200,000 PR	8,200,000
LCCC/UW Joint Facility	26,071,600 PR	26,071,600
NWCCD Big West Academic Center	15,167,487 PR	15,167,487
NWCCD Sheridan Armory Acquisition	8,642,337 PR	8,642,337
WWCC Wingate Hotel	5,900,000 PR	5,900,000
<b>TOTALS</b>	<b>117,981,424</b>	<b>117,981,424</b>

1. Authorization for individual capital construction projects contained in this section shall expire on June 30, 2012 if the

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

construction process has not begun prior to that date.

2. No funds appropriated for major maintenance for community colleges and distributed to the colleges by the commission through the state aid block grant shall be expended for major maintenance on the projects authorized in this section.
3. The community college commission shall annually prioritize all community college projects with costs in excess of one million dollars (\$1,000,000.00), regardless of the source of funds utilized for the construction.

**Section 067. UNIVERSITY OF WYOMING**

**PROGRAM**

UW Fine and Performing Arts	33,000,000	RB	33,000,000
UW Downey Hall	6,000,000	RB	<u>6,000,000</u>
<b>TOTALS</b> <sup>1</sup> .	<u>0</u>	<u>39,000,000</u>	<u>39,000,000</u>

1. This section is effective immediately.

[BUDGET BALANCERS - TRANSFERS]

**Section 300.**

(a) There is appropriated an amount not to exceed one billion sixteen million six hundred thirteen thousand four hundred forty-one dollars (\$1,016,613,441.00) from the budget reserve account to the general fund. The state auditor shall transfer funds under this subsection as necessary to maintain a positive unappropriated general fund balance.

(b) Any amount of unappropriated funds remaining in the budget reserve account on June 30, 2012 in excess of ninety-three



million twenty-five thousand dollars (\$93,025,000.00) shall be transferred to the legislative stabilization reserve account.

[SPENDING POLICY RESERVE ACCOUNTS]

**Section 301.**

- (a) Notwithstanding W.S. 9-4-719(b) no funds within the permanent Wyoming mineral trust fund reserve account shall be credited to the permanent mineral trust fund until June 30, 2012.
- (b) Notwithstanding W.S. 9-4-719(f) no funds within the common school permanent fund reserve account shall be credited to the common school account within the permanent land fund until June 30, 2012.
- (c) Notwithstanding W.S. 9-4-719(k) no funds within the higher education endowment reserve account shall be credited to the excellence in higher education endowment fund created by W.S. 9-4-204(u)(vi) until June 30, 2012.
- (d) Notwithstanding W.S. 21-16-1302(b) no funds within the Hathaway student scholarship reserve account shall be credited to the Hathaway student scholarship endowment fund created by W.S. 9-4-204(u)(vii) until June 30, 2012.
- (e) This section is effective immediately.

[BORROWING AUTHORITY - CASH FLOW]

**Section 302.**

- (a) The state auditor is authorized to borrow from pooled fund investments in the treasurer's office amounts necessary to assist the state's general fund cash flow. The amounts borrowed shall be repaid when sufficient general fund revenue is available. The auditor shall borrow funds under this section only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this section when total appropriations together with outstanding encumbrances and

obligations for the biennium exceed projected revenues, including transfers from the budget reserve account as authorized by the legislature, for the biennium.

(b) The state auditor is authorized to borrow from pooled fund investments in the treasurer's office an amount not to exceed one hundred million dollars (\$100,000,000.00), if necessary, for the purpose of assisting the department of transportation's cash flow. The amounts borrowed shall be repaid when sufficient revenue is available. Interest on the unpaid balance shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[HATHAWAY SCHOLARSHIP - BORROWING AUTHORITY]

**Section 303.**

The state treasurer is authorized to borrow from pooled fund investments an amount necessary to meet cash flow requirements of the Hathaway scholarship program. The treasurer shall borrow funds under this section only to assist the month-to-month cash flow of the program and shall not borrow funds under this section when total expenditures together with outstanding encumbrances and obligations for a fiscal year exceed projected revenues and fund balances available for that fiscal year for the program. The amounts borrowed shall be repaid when sufficient revenue is available in the Hathaway reserve account or the Hathaway expenditure account. Interest paid on the amounts borrowed shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[CARRYOVER APPROPRIATIONS]

**Section 304.**

[DISASTER CONTINGENCY]

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) of any unexpended, unobligated monies appropriated from the general fund to the office of the governor in 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 001 as amended

by 2009 Wyoming Session Laws, Chapter 159, Section 2, Section 001 for the disaster contingency program seven hundred fifty thousand dollars (\$750,000.00) shall not revert on June 30, 2010, and are hereby reappropriated to the office of the governor for the disaster contingency program for the period beginning July 1, 2010 and ending June 30, 2012.

[CARRYOVER OF NATURAL RESOURCE POLICY ACCOUNT]

(b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) of any unexpended, unobligated monies appropriated from the general fund to the office of the governor by 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 001, as amended by 2009 Wyoming Session Laws, Chapter 159, Section 2, Section 001 for the natural resource policy account program, one million dollars (\$1,000,000.00) shall not revert on June 30, 2010, and are hereby appropriated and shall be expended for the purpose of funding the natural resource policy account program under Section 2, Section 001 of this act for the period beginning July 1, 2010 and ending June 30, 2012.

(c) This section is effective immediately.

[FUND BALANCE - DEFINITION]

**Section 305.**

(a) For the period beginning July 1, 2010 and ending June 30, 2012 and for purposes of this act and any other provision of Wyoming law referencing a "fund balance" and notwithstanding cash or fund balances reflected in the state of Wyoming's Comprehensive Annual Financial Report (CAFR), "unappropriated fund balance" or "unobligated, unencumbered fund balance" means:

- (i) The fund cash and petty cash balance from the comparative balance sheet by fund report which is run within five (5) business days following the thirteenth month close;
- (ii) Less the fund balance reserved encumbrances from the comparative balance sheet by fund report which is run within five (5) days following the thirteenth month close;

- (iii) Less the remaining unspent appropriations from that fund for previous biennia, including those unspent appropriations from the most recent legislative session that were effective immediately, as computed by the state auditor's office;
- (iv) Less fund reversions as computed by the state auditor's office;
- (v) Plus the net accounts receivable due from the federal government or other entities as of June 30 from the most recently completed fiscal year, as computed by the state auditor's office;
- (vi) Plus mineral severance taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;
- (vii) Plus sales and use taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;
- (viii) Plus federal mineral royalties, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the state treasurer's office.

[MEDICAID CONTINGENCY APPROPRIATIONS]

**Section 306.**

There is appropriated from the general fund to the state auditor twenty-five million dollars (\$25,000,000.00) for the purpose of providing a reserve for the state's share of all Medicaid programs. Of this appropriation, sixteen million dollars (\$16,000,000.00) shall only be expended after further action reappropriating these funds by the legislature, and only if the governor determines no other sources of funds are available. The remaining nine million dollars (\$9,000,000.00) of this appropriation shall only be expended as necessary for an increase in caseload beyond the current projections for the 2011-2012 fiscal biennium and only if the governor determines no other sources of funds are available. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012 shall revert

according to law.

[EMPLOYEE BENEFITS]

**Section 307.**

- (a) The state's contribution to the state health, dental and life insurance plans under W.S. 9-3-210 for each qualifying executive, judicial and legislative branch employee including employees of the University of Wyoming and the community colleges shall be paid from amounts appropriated in agency budgets in the following amounts for the specified time periods:
- (i) For the period beginning December 1, 2010 and ending November 30, 2011 an amount to be determined by the employees' group insurance section of the department of administration and information but not to exceed:
    - (A) Six hundred sixty-seven dollars and ninety-one cents (\$667.91) per month for an employee electing single coverage;
    - (B) One thousand fifteen dollars and seventy-eight cents (\$1,015.78) per month for an employee electing employee plus dependent children coverage;
    - (C) One thousand three hundred twenty-seven dollars and seventy-two cents (\$1,327.72) per month for an employee electing employee plus dependent spouse coverage;
    - (D) One thousand five hundred seventeen dollars and eighty-two cents (\$1,517.82) per month for an employee electing family coverage; and
    - (E) Seven hundred fifty-eight dollars and ninety-one cents (\$758.91) per month for employees who elect family coverage when both husband and wife are employees of covered entities creating a split family coverage.
  - (ii) For the period beginning December 1, 2011 and ending November 30, 2012 an amount to be determined by the

employees' group health insurance section of the department of administration and information but not to exceed:

- (A) Seven hundred thirty-five dollars and eleven cents (\$735.11) per month for an employee electing single coverage;
  - (B) One thousand one hundred eighteen dollars and seventy-eight cents (\$1,118.78) per month for an employee electing employee plus dependent children coverage;
  - (C) One thousand four hundred sixty-three dollars and twenty-nine cents (\$1,463.29) per month for an employee electing employee plus dependent spouse coverage;
  - (D) One thousand six hundred seventy-three dollars and twenty-four cents (\$1,673.24) per month for an employee electing family coverage; and
  - (E) Eight hundred thirty-six dollars and sixty-two cents (\$836.62) per month for employees who elect family coverage when both husband and wife are employees of covered entities creating a split family coverage.
- (b) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a) unexpended, unobligated monies appropriated from the general fund to the state auditor in 2007 Wyoming Session Laws, Chapter 136, Section 303, and reappropriated in 2008 Wyoming Session Laws, Chapter 48, Section 303, for purposes of employee salaries and benefits, shall not revert on June 30, 2010 and are hereby appropriated for the period beginning July 1, 2010 and ending June 30, 2012 to the state auditor to be distributed to executive branch agencies, excluding the University of Wyoming and the community colleges, for salary adjustments for market inequities as determined by the human resources division of the department of administration and information. This subsection is effective immediately.

(c) There is appropriated six million five hundred thousand dollars (\$6,500,000.00) from the general fund to the state auditor for the period beginning July 1, 2010 and ending June 30, 2012 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.

(d) All state agencies, including the University of Wyoming, the community colleges and the legislative and judicial branches shall pay into the health insurance benefits account created by 2008 Wyoming Session Laws, Chapter 48, Section 303 each pay period an amount up to one percent (1.0%), as established by the department of administration and information, of each benefit eligible employee's salary. Funds in the retiree health insurance benefits account shall be used for the purposes of funding the benefits in the same manner and amounts as provided in subsection (c) 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.

(e) No general fund appropriation in this section shall be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from any such appropriation on June 30, 2012 shall revert pursuant to law.

(f) Provided adequate funds are available, employees whose benefits are paid from nongeneral fund sources shall receive the same benefits as provided in this section and the necessary amounts are hereby appropriated from those accounts and funds.

#### [FIRE PREVENTION - COLLECTION OF FEES]

#### **Section 308.**

Notwithstanding W.S. 35-9-108(e), for the period beginning July 1, 2010 and ending June 30, 2012, the state department of fire prevention and electrical safety is hereby authorized to charge fees not in excess of fees authorized under W.S. 35-9-108(d) to any entity for which it performs any plan inspection or review.

[FLEX - EXECUTIVE]

**Section 309.**

- (a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer:
- (i) Between programs within any executive branch agency, excluding the University of Wyoming, ten percent (10%) of the total appropriation for the agency;
  - (ii) Between executive branch agencies, excluding the University of Wyoming, five percent (5%) of the total appropriation for the agency from which the funds are transferred.
- (b) All transfers authorized under this section shall be approved by the governor and reported to the joint appropriations interim committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii).
- (c) The authority granted under this section is effective for the period beginning July 1, 2010 and ending June 30, 2012.
- (d) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[FLEX - JUDICIARY]

**Section 310.**

- (a) Except as otherwise provided in this section, the supreme court may transfer up to five percent (5%) of the total general fund appropriation between programs within the supreme court. With the approval of the district court budget committee up to five percent (5%) of the general fund appropriation to each district court may be transferred to one (1) or more other district courts. Authority pursuant to this section shall be effective for the period commencing July 1, 2010 and ending June 30, 2012. Any transfers pursuant to this section shall be reported annually to the joint appropriations interim committee. The



report shall specify the appropriations and authorized positions transferred including transfers between expenditure series, programs and courts.

(b) Any provision of this act or any other legislation enacted which specifies that an appropriation shall not be transferred or expended for any other purpose, or containing language of like effect, shall prevail over this section and no such funds so appropriated shall be subject to subsection (a) of this section.

[PERSONAL SERVICES TRANSFERS]

**Section 311.**

(a) Notwithstanding any other provision of this act, nonfederal fund appropriations for 100 series personal services contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. The department of health is exempted from this section for the following purposes only:

- (i) For high cost emergency detentions at the state hospital, funding transfers from the 100 series personal services within the state hospital budget are hereby authorized and shall be limited to a maximum of six million dollars (\$6,000,000.00) in the period from July 1, 2010 through June 30, 2012;
- (ii) For increased costs in the 200 series supportive services at the retirement center located at Basin, Wyoming, funding transfers from the 100 series personal services within the retirement center budget are hereby authorized and shall be limited to a maximum of six hundred thousand dollars (\$600,000.00) in the period from July 1, 2010 through June 30, 2012;
- (iii) For the purposes of implementing and operating the department's information technology program within the director's office, funding transfers from the 100 series personal services within the department's information technology budget are hereby authorized and shall be limited to a maximum of nine hundred thousand dollars (\$900,000.00) in the period from July 1, 2010 through June 30, 2012.

## [POSITION FREEZE]

**Section 312.**

No legislative appropriation of general fund monies shall be used to hire new employees from July 1, 2010, through June 30, 2012, except to fill a vacancy within the authorized number of positions as indicated by the agency's appropriation act or otherwise specified by legislation enacted in the 2010 budget session or the 2011 general session. The governor may authorize additional positions in any agency, even if in excess of the positions authorized by the legislature, provided that at least an identical number of vacant positions existing in other agencies are terminated. The additional positions shall be funded using money authorized for the vacant positions.

## [AT-WILL CONTRACT EMPLOYEE POSITION FREEZE]

**Section 313.**

Effective July 1, 2010 through June 30, 2012, no at-will contract employee position shall be renewed or created unless specifically authorized by legislation enacted during or after the 2010 budget session or approved by the governor. Any such position so authorized by the legislature or approved by the governor shall be reported to the joint appropriations interim committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii). As used in this section "at-will contract employee position" means any position existing pursuant to the provisions of W.S. 9-2-1022(a)(xi)(F).

## [VACANT POSITIONS]

**Section 314.**

Of the two hundred fifty-one (251) full and part-time permanent positions shown to be vacant and currently not-recruiting in the document dated February 15, 2010, entitled "vacant position report" and compiled by the department of administration and information and on file in the legislative service office, not more than twenty-five (25) of those positions shall be filled from

the effective date of this section through June 30, 2012. This section is effective immediately.

[BUDGET REDUCTION AUTHORITY - REVENUE SHORTFALL]

**Section 315.**

The governor shall review all agency budgets and expenditures every six (6) months. If the governor determines during the review that the probable receipts for the next six (6) month period from taxes or other sources of revenue for any fund or account will be less than were anticipated, and if the governor determines that these receipts plus existing revenues in the fund or account, which are available for the next six (6) month period will be less than the amount appropriated, the governor, within sixty (60) days after reviewing the budget, shall give notice to the state agencies concerned and reduce the amount appropriated to prevent a deficit. This section shall apply to all appropriations in this act regardless of whether the appropriation is for a specified project or purpose, including but not limited to capital construction projects. This section shall apply whether the appropriation is to be expended directly by an agency or is made to an agency for distribution to another entity. As used in this section "agency" includes an authority, board, commission, council, department, institution, instrumentality, office and other separate operating agency or unit of the executive and judicial department of state government and includes the University of Wyoming and each community college. Any reductions made pursuant to this section shall be reported through the B-11 process as authorized by W.S. 9-2-1005(b)(ii).

[SUPREME COURT/DISTRICT COURT BUDGETS]

**Section 316.**

The supreme court and all district courts shall submit 2011-2012 supplemental budget requests to the legislature no later than November 1, 2010, and 2013-2014 biennial budget requests to the legislature no later than November 1, 2011. The supreme court and district courts shall prepare all 100 series personal services budget requests using the same methods and practices as the executive branch.

## [INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS - REVIEW BY CIO]

**Section 317.**

- (a) No appropriation contained in this act for information technology or telecommunications personnel, hardware or software or contractual services for information technology, shall be expended until the chief information officer has approved the expenditure. Upon request for expenditure, the chief information officer shall review the request and determine if a less expensive alternative to effectively accomplish the need is available and, if so, shall only approve the request for the lesser amount. Of the difference in general funds in the amount requested and amount approved, one-half (1/2) shall be deposited to an information technology account, from which the chief information officer may expend funds as approved by the governor for information technology and telecommunications initiatives. The remaining one-half (1/2) of general funds saved shall immediately revert to the budget reserve account. All unexpended, unobligated funds within the information technology account shall revert to the budget reserve account on June 30, 2012. All transfers pursuant to this section shall be reported to the joint appropriations interim committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii). The University of Wyoming, community colleges and the judicial and legislative branches shall not be subject to this section.
- (b) The governor shall convene a committee to initiate planning for the transformation and consolidation of state information technology programs. The committee shall include representatives from state agency information technology staff, and shall examine consolidation measures which may improve services, eliminate redundant activities, and leverage state resources in the delivery of improved technology solutions for state operations. The committee shall be directed by the office of the governor and staffed by the chief information officer and others, as appointed by the governor. The committee shall offer initial recommendations to the governor prior to July 1, 2010, and shall submit final recommendations to the governor and the joint appropriations interim committee no later than October 1, 2010. The report shall include recommendations to provide more effective and efficient information technology services including, but not limited to, use of shared services, facilities and personnel, and recommendations to provide better accountability and management. Agencies shall participate in the consolidation program and provide assistance and support to the committee as required by the committee. This subsection is effective immediately.

## [COMPUTER LEASING - REVIEW BY CIO]

**Section 318.**

No appropriation for computer hardware or software leasing contained in this act shall be expended for leases beginning on or after July 1, 2010 until the chief information officer has completed an analysis of the benefits/costs of leasing versus purchase and made a recommendation to the governor and the joint appropriations interim committee. No appropriations for computer leases contained in this act shall be contained in any agency's 2013-2014 standard budget request.

## [MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES, UNIVERSITY AND COMMUNITY COLLEGES]

**Section 319.**

(a) For the biennium beginning July 1, 2010, and ending June 30, 2012, there is appropriated from the general fund for major building and facility repair and replacement, and to address compliance projects required by the Americans with Disabilities Act, to the entities and in the amounts specified as provided in this subsection. The formula amount is based on a formula similar to that used for determining major maintenance payments to the public schools, but in amounts to maintain the facilities in a fair condition:

- (i) Formula amount Funding level Appropriation \$26,422,932.00 times 100% = \$26,422,932.00;
- (ii) The appropriation in paragraph (i) of this subsection shall be distributed as follows:
  - (A) 100% - To the department of administration and information for state facilities managed by the state building commission, state institutions and to fund projects contained within the five (5) year plan submitted by the department of state parks and cultural resources as approved by the state building commission.
  - (b) Funding received through the American Reinvestment and Recovery Act in the following amounts shall be expended as

follows, shall be expended or obligated by September 30, 2011 and shall be effective immediately:

- (i) Twenty-seven million eight thousand four hundred five dollars (\$27,008,405.00) - To the University of Wyoming for modernization, renovation or repair of higher education facilities that are primarily used for instruction or research. Expenditures for student housing are specifically excluded;
- (ii) Seventeen million fifty-nine thousand six hundred sixty-six dollars (\$17,059,666.00) - To the community colleges for modernization, renovation or repair of community college facilities that are primarily used for instruction or research. Expenditures for student housing are specifically excluded. Any funds received for maintaining, operating or equipping any capital construction project from the American Recovery and Reinvestment Act of 2009 shall not be subject to the provisions of W.S. 21-18-205(g).
- (c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), appropriations made under subsections (a) and (b) of this section shall be separately accounted for by the recipient and shall not revert. Appropriations under subsection (b) of this section shall be expended or obligated by September 30, 2011. Expenditures from these appropriations shall be restricted to expenses incurred for major building and facility repair and replacement as defined in paragraph (e)(i) of this section and as prescribed by rule and regulation of the state building commission.
- (d) Not later than October 31, 2011, the general services division of the department of administration and information, the University of Wyoming and the community college commission shall report to the state building commission and the joint appropriations interim committee on the expenditures and commitments made from the appropriations under subsections (a) and (b) of this section.
- (e) As used in this section:
  - (i) "Major building and facility repair and replacement" means the repair or replacement of complete or major portions of building and facility systems at irregular intervals which is required to continue the use of the building or facility at its original capacity for its original intended use, including for compliance with the Americans with Disabilities Act, and including

installing fire suppression systems in residential facilities and is typically accomplished by contractors due to the personnel demand to accomplish the work in a timely manner, the level of sophistication of the work or the need for warranted work;

(ii) "Routine maintenance and repair" means activities necessary to keep a building or facility in safe and good working order so that it may be used at its original or designed capacity for its originally intended purposes, including janitorial, groundskeeping and maintenance tasks done on a routine basis and typically accomplished by state, university or community college personnel with exceptions for any routine tasks accomplished by contractors such as elevator or other specialized equipment or building system maintenance.

(f) Not later than September 1, 2011, the general services division of the department of administration and information shall submit to the state building commission a recommendation for funding for the biennium beginning July 1, 2012, for major building and facility repair and replacement for state institutions, for University of Wyoming facilities and for community college facilities. This recommendation shall be based on a formula adopted by the state building commission, which shall be based on the following:

- (i) The gross square footage of buildings and facilities for each category of buildings for state facilities, university facilities and community college facilities, not to exceed seven (7) building categories for each entity, excluding student housing, the student union and auxiliary services areas funded exclusively through university or community college generated revenues;
- (ii) A multiplier to maintain facilities in fair condition based on criteria from organizations with expertise in this area, such as the National Association of College and University Business Officials;
- (iii) The gross square footage of buildings and the other components of the formula shall otherwise be computed in the same manner as for major maintenance for school facilities under W.S. 21-15-109, including using the most current edition of the R.S. Means construction cost index, as modified to reflect current Wyoming construction costs determined by the department of administration and information, division of economic analysis to calculate replacement cost.

[AML FUNDING]

**Section 320.**

- (a) No application to the federal office of surface mining for grants from the state of Wyoming's share of abandoned mine land funds from the Surface Mining Control and Reclamation Act Amendments of 2006, Section 411(h)(i), pursuant to 2007 H.R. 6111, shall be made except as expressly authorized by the legislature. Notwithstanding W.S. 35-11-1210, grant funds received for the projects authorized in this section may, but are not required to be, deposited into the state abandoned mine land funds reserve account pursuant to W.S. 35-11-1210. All funds received from the authorized grants are appropriated to the department of environmental quality in the amounts specified in this section to be expended for the purposes set forth in this section.
- (b) The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of funds specified in subsection (a) of this section for the period ending June 30, 2011 for the following projects:
- (i) Thirty-three million four hundred thousand dollars (\$33,400,000.00) for the abandoned mine reclamation program and operation of the mine subsidence insurance program;
  - (ii) Two million two hundred one thousand one hundred seventeen dollars (\$2,201,117.00) for the solid waste orphaned site program;
  - (iii) Three hundred ninety-eight thousand eight hundred eighty-three dollars (\$398,883.00) to the department of environmental quality air quality division for addressing statewide energy impacts;
  - (iv) One million four hundred thousand dollars (\$1,400,000.00) to the department of environmental quality air quality division for expenditure on operations and maintenance of ambient air monitors;
  - (v) Six hundred thirty-eight thousand one hundred one dollars (\$638,101.00) to the Wyoming state geological survey for



identification of potential CO2 storage sites and EPA sequestration regulations.

(c) The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of funds specified in subsection (a) of this section to the University of Wyoming for the period ending June 30, 2012 for the following projects:

- (i) Seventeen million four hundred thousand dollars (\$17,400,000.00) for operation of the school of energy resources;
- (ii) Forty-five million dollars (\$45,000,000.00) to the school of energy resources for development of a subcommercial scale CO2 sequestration research and demonstration project. This appropriation is subject to the following:

(A) The university's school of energy resources may expend funds under this appropriation so that the stratigraphic test well project funded in part by the 2009 appropriation for carbon storage is suitable for injection of carbon dioxide;

(B) No other funds under this appropriation may be expended until the school of energy resources, with the approval of the energy resources council, provides the following to the joint minerals, business and economic development interim committee, the joint agricultural, state and public lands and water resources interim committee and the joint appropriations interim committee and provides them thirty (30) days for review and comment:

- (I) An evaluation of the feasibility of proceeding with the project based upon the data derived from the test well;
- (II) A draft plan for the development and operation of the project. The draft plan shall include an explanation of how carbon dioxide for the project will be secured and of how liability issues with regard to injection and storage will be addressed and a plan for the beneficial use and treatment of produced water;
- (III) A draft budget for the development and operation of the project over a period of time that is reasonable for the demonstration of monitoring, verification and accountability (MVA), including the extent to which commitments for nonstate resources to support development of the project have been secured. No appropriations subject to this subparagraph (B) of this

paragraph shall be expended for the next phase of the project unless commitments of nonstate resources in an amount equal to the state resources to support each of the next phases of the project have been secured;

(IV) A draft schedule for development.

(C) By November 1, 2011, the school of energy resources shall provide the information required under subparagraph (B) of this paragraph to the joint appropriations interim committee and joint minerals, business and economic development interim committee. By November 1, 2010, the school of energy resources shall submit a progress report regarding the project to the joint appropriations interim committee and joint minerals, business and economic development interim committee;

(D) Any proceeds from the disposal of any state-owned project assets shall be separately accounted for and credited to the state general fund upon receipt.

(iii) Six hundred sixty-six thousand dollars (\$666,000.00) to the college of agriculture for the Wyoming reclamation and restoration center;

(iv) Nine hundred eighty-five thousand dollars (\$985,000.00) for a nuclear magnetic resonance (NMR) spectrometer;

(v) Fourteen million dollars (\$14,000,000.00) to the school of energy resources for clean coal technology research as recommended by the clean coal research task force pursuant to W.S. 21-17-121.

(d) The department of environmental quality, in consultation with the University of Wyoming and with the approval of the governor, may substitute other University of Wyoming purposes in its grant applications under subsection (c) of this section but only as necessary to replace university block grant funds expended as necessary to satisfy requirements prohibiting the use of abandoned mine land funds to match federal funds or where the use of federal abandoned mine land funds would be impractical for projects pursuant to paragraphs (c)(i), (ii), (iii) and (v) of this section.

(e) Except for funds subject to subsection (c) or (f) of this section, funds appropriated under this section shall be for the period

beginning with the effective date of this section and ending June 30, 2012. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

- (i) Paragraph (c)(ii) of this section for CO<sub>2</sub> sequestration research and demonstration shall not revert until June 30, 2014;
- (ii) Paragraph (c)(v) of this section for clean coal technology research shall not revert until June 30, 2014.
- (f) One hundred twenty thousand dollars (\$120,000.00) is appropriated from AML funds available to the department of environmental quality to be used by the department to contract for a qualified engineer to assess damages to houses or other residential structures located in Sweetwater County alleged to be caused by dynamic compaction. These assessments shall be completed within sixty (60) days after the effective date of this subsection, or within such time as the engineer may reasonably require. In making any settlement offer for damages assessed under this subsection the attorney general shall consider the opinions of the qualified engineer as to whether the damages were caused by dynamic compaction, and the amount of damages so caused if the engineer assesses the amount of damages, and shall make all settlement offers within one hundred twenty (120) days of completion of the assessment. All settlements subject to this subsection may be funded from AML funds available to the department. This subsection is effective immediately.

[AML FUNDING 2009-2010 FISCAL BIENNIUM REVERSION DATE CHANGES-1]

**Section 321.** 2008 Wyoming Session Laws, Chapter 48, as amended by 2009 Wyoming Session Laws, Chapter 159, creating a new Section 339(c)(vi), (d), (e)(i) and (iv) is amended to read:

**Section 339.**

- (c) The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of funds specified in subsection (a) of this section to the University of Wyoming for the period ending June 30,

2010 for the following projects:

(vi) One million five hundred thousand dollars (\$1,500,000.00) to the college of agriculture to provide initial funding for a proposed twenty million dollar (\$20,000,000.00) endowment to fund the reclamation ecology project. These funds shall be deposited into a separate endowment account from which only the income from account funds shall be expended. However, the university may use these funds to match substantial endowment gifts for an endowment for the reclamation ecology project which gifts and matching funds shall be administered in accordance with W.S. 21-16-901 through 21-16-904.

(d) The department of environmental quality, in consultation with the University of Wyoming and with the approval of the governor, may substitute other University of Wyoming purposes in its grant applications under subsection (c) of this section but only as necessary to replace university block grant funds expended as necessary to satisfy requirements prohibiting the use of abandoned mine land funds to match federal funds or where the use of federal abandoned mine land funds would be impractical for projects pursuant to paragraphs (c)(i), (ii), (iii), (iv), (v) and (vi) of this section.

(e) Except for funds subject to subsection (c) of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2010. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

(i) Paragraph (c)(i) for the clean coal partnership project shall not revert until June 30, ~~2012-2014~~;

(iv) Paragraph (c)(iv) for CO2 sequestration research and demonstration shall not revert until June 30, ~~2012-2014~~;

[AML FUNDING 2009-2010 FISCAL BIENNIUM REVERSION DATE CHANGES-2]

**Section 322.** This section is effective immediately. 2008 Wyoming Session Laws, Chapter 48, Section 320(e)(i) and (ii), as amended by 2009 Wyoming Session Laws, Chapter 159, Section 346 is amended to read:

**Section 320.**

(e) Except for funds subject to paragraphs (a)(v), (vi) and (vii) and subsection (c) of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2009. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended unobligated funds subject to:

- (i) Paragraph (a)(v) for the school of energy resources shall not revert until June 30, ~~2010~~ 2012;
- (ii) Paragraph (a)(vi) for the high plains gasification facility and technology center shall not revert until June 30, ~~2012~~ 2013;

[CLEAN COAL PARTNERSHIP PROJECT]

**Section 323.**

As a condition of the authorization to expend funds appropriated for the joint UW/GE clean coal partnership project, the university shall, as soon as practicable, report to the governor, attorney general and joint appropriations interim committee any claim against the university or any of its employees or students for wrongful acts with regard to intellectual property of another, which claim is covered under insurance secured by the university regarding the clean coal partnership project.

## [NCAR SUPERCOMPUTER - II]

**Section 324.** This section is effective immediately. 2007 Wyoming Session Laws, Chapter 136, Section 336(c)(intro), (i), (ii) and (e) as amended by 2009 Wyoming Session Laws, Chapter 159, Section 343 is amended to read:

**Section 336.**

(c) Subject to subsection (d) of this section, there is appropriated to the Wyoming business council to implement this section the amounts specified in this subsection beginning with the effective date of this act and ending June 30, 2008. Notwithstanding W.S. 9-2-407(a), any funds from this appropriation that are unobligated and unencumbered on June 30, 2008, shall not lapse and shall remain available until June 30, ~~2010~~ 2013. The following amounts are appropriated:

(i) Twenty million dollars (\$20,000,000.00) from the general fund. Of this appropriation, not to exceed ~~three million five hundred thousand dollars (\$3,500,000.00)~~ four million two hundred fifty thousand dollars (\$4,250,000.00) is appropriated to the University of Wyoming but only to the extent that the university expends funds under its existing contract with NCAR for architectural and engineering services for the construction of the supercomputer center. Subsection (d) of this section does not apply to this appropriation.

(ii) One million dollars (\$1,000,000.00) from the general fund to fund the memorandum of understanding ~~through~~ in fiscal year ~~2008-2011~~. The university shall include a request for one million dollars (\$1,000,000.00) annually in its 2009-2010 biennial budget request to continue to fund the memorandum of understanding, which appropriation shall be separate from the university's block grant.

(e) Notwithstanding W.S. 9-4-207(a), 9-2-1008 and 9-2-1012(e), any funds from the

appropriations under this section, including any transferred funds, that are unobligated and unencumbered on June 30, 2008, shall not lapse and shall remain available until June 30, ~~2010-2013~~.

[UNIVERSITY OF WYOMING - CAPITAL CONSTRUCTION AMENDMENTS REVISIONS TO PRIOR SESSION LAWS]

**Section 325.** 2006 Wyoming Session Laws, Chapter 35, Section 3, Section 067, as amended by 2007 Wyoming Session Laws, Chapter 136, Section 3, Section 067, footnote 3(a) and (b), as amended by 2008 Wyoming Session Laws, Chapter 48, Section 319, and footnote 2 to footnote 3(a), as amended by 2009 Wyoming Session Laws, Chapter 159, Section 344, is amended to read:

**Section 319.**

3. (a) This general fund appropriation shall only be expended to provide the state match for the following projects in an amount not to exceed the amounts listed for each project:

- Kendall House – IENR ~~\$1,100,000~~ 859,070
- Engineering Labs \$2,000,000
- Law School Moot Court ~~\$2,250,000~~ 2,247,380
- School of Energy Resources Facility<sup>1</sup> ~~\$20,000,000~~ 18,468,550
- International Center ~~\$1,750,000~~ 1,500,000
- Other Lab and Facilities<sup>2</sup> ~~\$6,250,000~~ 3,275,000
- Natural History Center \$10,000,000

2. Of this appropriation, not to exceed one million four hundred thousand dollars (\$1,400,000.00) may be expended by the university to purchase the south parking lot identified in the university's parking and transportation plan. Expenditures to purchase the south lot property pursuant to this footnote shall not exceed the appraised

value of the property. This footnote should not be construed to restrict the university from utilizing other available funds to augment amounts expended pursuant to this footnote. The university may expend funds available under this footnote to raze existing structures on the property and to render the resulting space suitable for parking.

(b) The university shall create a sinking fund for the purposes of operation and maintenance of facilities resulting from new construction built as a result of this appropriation. Funding for this sinking fund shall be from university sources and shall be in an amount equal to fifteen percent (15%) of the cost of new construction resulting from this appropriation identify from university sources revenues sufficient to fund operations and maintenance of the School of Energy Resources facility and the Robert and Carol Berry Biodiversity Center, construction funding for both of which has been provided through private donations and state academic facilities matching funds. The university shall separately account for these revenues and expenditures and shall include in each biennial or supplemental budget request a report indicating the sources and amounts of revenues used and the expenditures for operations and maintenance for both these facilities during the preceding fiscal year.

[ATHLETICS BRIDGE LOAN]

**Section 326.** 2008 Wyoming Session Laws, Chapter 48, Section 324(a) is amended to read:

**Section 324.**

(a) The purpose of this section is to authorize the university to receive a bridge loan from the corpus of the University of Wyoming permanent land fund account for the purpose of proceeding with construction of the remainder of the previous legislatively approved athletics facilities plan. The state treasurer shall invest funds in the University of Wyoming permanent land fund account in a bridge loan to the University of Wyoming which shall not exceed a



total of four million three hundred thousand dollars (\$4,300,000.00) or the amount of binding commitments from donors which have been secured but not yet paid, whichever is less. The loan made under this section shall be repaid not later than December 31, 2011, and the unpaid balance of the loan shall bear interest at ~~five and thirty-five hundredths percent (5.35%)~~ four and five-tenths percent (4.5%) annually.

[DISTANCE EDUCATION]

**Section 327.**

- (a) There is created a center for distance learning and technology. The center shall use technology and other instructional strategies to enhance the effectiveness of existing distance learning programs offered by Wyoming institutions of higher education and the public schools and develop new techniques to support a modern, nonduplicative statewide system of effective distance education to serve Wyoming's citizens. This system shall be designed to accommodate distance education needs in Wyoming for training and professional education that is delivered by Wyoming school districts, Wyoming community colleges, the University of Wyoming and other entities. No funds appropriated under this section shall be expended for telecommunications equipment or telecommunications services without a competitive sealed bidding process.
- (b) A distance learning council consisting of thirteen (13) members, experienced in the use, applications or administration of distance learning, shall provide advice to the governor's task force on distance education, video teleconferencing and IP based communications, established in November 2008, on the programs provided through the center. Members of the council shall be appointed by the governor as follows:
- (i) Three (3) members representing K-12 education in Wyoming;
  - (ii) Three (3) members representing Wyoming community colleges;
  - (iii) Three (3) members representing the University of Wyoming;

- (iv) Three (3) members representing other users of distance education, including but not limited to businesses, professional organizations and telehealth;
- (v) One (1) member from another state agency.
- (c) The governor shall designate a chair and vice-chair of the council from among the appointees. Appointments shall be for terms which expire on June 30, 2012. Members shall not receive a salary. Members who are not employees of state government or another entity of Wyoming government shall receive reimbursement for mileage and travel expenses incurred in attending meetings of the council in the same manner and amount as employees of the university.
- (d) The task force shall hire a director with the approval of the governor and other staff for the center and shall approve the budget to operate the center and its programs. Informed by its 2009 report on distance education and video conferencing, the task force shall establish, implement, and modify, as necessary, plans for operation of the center.
- (e) Not later than November 1, 2010, and November 1, 2011, the task force shall report to the governor and the joint appropriations interim committee regarding progress of the center and expenditures of appropriations authorized under this section. The November 1, 2011, report shall include a budget recommendation for the 2013-2014 fiscal biennium.
- (f) The University of Wyoming shall provide administrative support to the council, including fiscal administration of the appropriation. The University of Wyoming shall provide physical space for the center.
- (g) There is appropriated to the University of Wyoming from the general fund two million five hundred thousand dollars (\$2,500,000.00) subject to the following:
  - (i) This appropriation shall not be included in the university's block grant;
  - (ii) The university shall separately account for this appropriation and shall expend it only subject to the direction of the

task force;

- (iii) Of this amount, not more than one million dollars (\$1,000,000.00) shall be expended or obligated prior to June 30, 2010;
- (iv) Of this appropriation, one million five hundred thousand dollars (\$1,500,000.00) shall only be available for expenditure upon approval of the governor for purposes specified in this section.
- (h) One million dollars (\$1,000,000.00) of the appropriations in this section is effective immediately as provided in paragraph (g)(iii). The remaining appropriations under this section shall be effective July 1, 2010. The balance of this section is effective immediately.

[STATEWIDE VIDEO CONFERENCING]

**Section 328.**

- (a) During the period commencing March 15, 2010, through June 30, 2012, the state video task force appointed by the governor shall establish an effective state video conference capability that is technologically robust, expands video conferencing service capabilities and minimizes duplication among state agencies and government entities. The task force shall provide a progress report, to the governor and joint appropriations interim committee prior to the 2011 legislative session, and a subsequent report to the governor and the legislature not later than September 1, 2011.
- (b) If the governor finds that satisfactory progress is being made toward implementation of an effective state video conference capability, the governor may approve expenditures from the appropriation under paragraph (c)(i) of this section to complete implementation of and provide for the operation of the system under the direction of the task force during the fiscal year commencing July 1, 2011. Prior to the expenditure of funds in paragraph (c)(i), the task force shall provide a report to the governor and joint appropriations interim committee not later than January 1, 2011 specifying:

- (i) The progress toward full implementation of a state video conference capability that is technologically robust, expands video conferencing service capabilities and minimizes duplication among state agencies and government entities; and
  - (ii) A proposed budget for operating the state video conference capability for the period commencing July 1, 2011 and ending June 30, 2012 as well as the biennial budget period commencing July 1, 2012.
- (c) There is appropriated from the general fund to the University of Wyoming one million seven hundred forty-seven thousand dollars (\$1,747,000.00) to be expended only as follows:
- (i) One million dollars (\$1,000,000.00) upon approval of the governor for the purposes specified in subsection (b) of this section. No funds under this paragraph for the purchase or lease of telecommunications equipment or telecommunications services shall be expended without a competitive sealed bidding process;
  - (ii) Four hundred eighty-five thousand dollars (\$485,000.00) shall be available for expenditure of which one hundred fifty thousand dollars (\$150,000.00) shall be effective immediately to provide funding for a statewide video conferencing coordinator and video support. The remaining three hundred thirty-five thousand dollars (\$335,000.00) shall be available for a video conferencing coordinator and video conferencing support for the period July 1, 2010 to June 30, 2012;
  - (iii) Two hundred sixty-two thousand dollars (\$262,000.00) shall be expended to sustain the operations of the Wyoming video conferencing system, under the direction of the department of administration and information during the period July 1, 2010 and June 30, 2011;
  - (iv) These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2012, shall revert according to law; and
  - (v) These funds are subject to the following:
    - (A) This appropriation shall not be included in the university's block grant;

- (B) The university shall separately account for this appropriation and shall expend it only subject to review and direction of the task force.
- (d) One hundred fifty thousand dollars (\$150,000.00) of the appropriations in this section is effective immediately as provided in paragraph (c)(ii). The remaining appropriations under this section shall be effective July 1, 2010. The balance of this section is effective immediately.

[AMERICAN RECOVERY AND REINVESTMENT ACT]

**Section 329.**

- (a) Funds provided to the state pursuant to the American Recovery and Reinvestment Act of 2009, and any subsequent related economic stimulus federal legislation, shall be subject to the following:
- (i) Funds provided directly or indirectly to a state agency shall only be expended in accordance with the requirements of the B-11 process as authorized by W.S. 9-2-1005(b)(ii). These funds shall not be included in any agency's 2013-2014 standard biennial budget request;
  - (ii) All other funds provided to the state, or to be provided to political subdivisions or other entities through the state or a state agency, may be distributed for expenditure as provided in the legislation only upon approval of the governor;
  - (iii) All funds received by the state from the federal government under the legislation which are not expended pursuant to paragraph (a)(i) or (ii) and which may be retained by the state shall be deposited into a legislative economic stimulus account.
- (b) The governor shall promptly report to the joint appropriations interim committee and the management council all funds made available to the state under the act, specifying:

- (i) All funds subject to expenditure or distribution pursuant to paragraph (a)(i) of this section;
- (ii) All funds subject to expenditure or distribution pursuant to paragraph (a)(ii) of this section;
- (iii) For any funds not subject to expenditure or distribution under paragraph (a)(i) or (ii) of this section, the purposes for which funds are made available, requirements for expenditure, the date by which the funds must be expended and any condition the governor recommends be imposed upon any expenditure.
- (c) Each city, town or county in this state receiving funds under the act directly from the federal government shall report on or before December 1, 2010 to the governor and the joint appropriations interim committee all funds received under the act which were not reported pursuant to subsection (b) of this section.
- (d) As used in this section:
  - (i) “Act” means the federal American Recovery and Reinvestment Act of 2009, or any subsequent related economic stimulus federal legislation which allocates additional federal stimulus funding to state or local governments;
  - (ii) “State agency” means the state of Wyoming or any of its branches, agencies, authorities, departments, boards, commissions, councils, instrumentalities, office, separate operating agencies or units, or institutions, including the university and community colleges.

[PUBLIC LIBRARY ENDOWMENT CHALLENGE FUND]

**Section 330.**

There is appropriated from the general fund to the public library endowment challenge fund created under W.S. 18-7-201 et seq., three million dollars (\$3,000,000.00) to be deposited, invested, distributed and expended in accordance with W.S.

18-7-201 through 18-7-205. Any unexpended, unobligated funds from the amounts appropriated under this section existing in the challenge fund on June 30, 2015 shall revert according to law.

[WYOMING PIPELINE AUTHORITY - BUDGET AUTHORIZATION]

**Section 331.**

- (a) There is appropriated from the general fund to the Wyoming pipeline authority, one million two hundred six thousand nine hundred twenty-eight dollars (\$1,206,928.00) for operating expenses of the authority, including expenses for staff hired by the authority.
- (b) The legislature hereby declares existing loan balances from loans made to the Wyoming pipeline authority pursuant to 2003 Wyoming Session Laws, Chapter 171, Section 4; 2004 Wyoming Session Laws, Chapter 83, Section 3; 2004 Wyoming Session Laws, Chapter 95, Section 321; 2006 Wyoming Session Laws, Chapter 35, Section 304; 2008 Wyoming Session Laws, Chapter 48, Section 304, to be uncollectible and such loans shall be discharged and extinguished as an asset or account receivable of the state.
- (c) Notwithstanding any provision of W.S. 37-5-101 through 37-5-208, commencing July 1, 2010, the authority shall not:
  - (i) Undertake any activity which would be engaging in a work of internal improvement under Wyoming Constitution Article 16, Section 6;
  - (ii) Encumber, obligate or expend any funds remaining from monies loaned to the authority under the provisions of any of the session laws specified in subsection (b) of this section.
  - (d) The joint minerals, business and economic development committee shall review the Wyoming pipeline authority created by W.S. 37-5-101(a) and determine the appropriate means to transition the authority from a body corporate operating as a state instrumentality to a state agency. The committee shall develop legislation for introduction in the 2011 general and budget session as necessary to do so.

## [WYOMING INFRASTRUCTURE AUTHORITY - BUDGET AUTHORIZATION]

**Section 332.**

- (a) There is appropriated from the general fund to the Wyoming infrastructure authority, one million six hundred ninety-five thousand five hundred sixty-five dollars (\$1,695,565.00) for operating expenses of the authority, including expenses for staff hired by the authority.
- (b) The legislature hereby declares existing loan balances from loans made to the Wyoming infrastructure authority pursuant to 2004 Wyoming Session Laws, Chapter 84, Section 4; 2005 Wyoming Session Laws, Chapter 191, Section 329; 2006 Wyoming Session Laws, Chapter 35, Section 305; 2008 Wyoming Session Laws, Chapter 48, Section 305, to be uncollectible and such loans shall be discharged and extinguished as an asset or account receivable of the state.
- (c) Notwithstanding any provision of W.S. 37-5-301 through 37-5-408, commencing July 1, 2010, the authority shall not:
- (i) Undertake any activity which would be engaging in a work of internal improvement under Wyoming Constitution Article 16, Section 6;
  - (ii) Encumber, obligate or expend any funds remaining from monies loaned to the authority under the provisions of any of the session laws specified in subsection (b) of this section.
  - (d) The joint minerals, business and economic development committee shall review the Wyoming infrastructure authority created by W.S. 37-5-301(a) and determine the appropriate means to transition the authority from a body corporate operating as a state instrumentality to a state agency. The committee shall develop legislation for introduction in the 2011 general and budget session as necessary to do so.

[SCHOOL CAPITAL CONSTRUCTION]



**Section 333.**

(a) From amounts previously appropriated from the school capital construction account before the effective date of this section, the school facilities commission shall prior to July 1, 2010, expend or encumber up to eleven million seven hundred fifteen thousand nine hundred twelve dollars (\$11,715,912.00) for the following projects at the prescribed maximum amounts:

**Planning Projects for the 2009-10 Biennium**

<b>Needs Index Priority</b>	<b>School District</b>	<b>Project</b>	<b>Maximum Amount</b>
14	Laramie #1	Elementary School	\$ 50,000
19	Laramie #1	Elementary School	\$ 50,000
22	Fremont #1	Elementary School	\$ 50,000
24	Crook #1	Elementary School	\$ 50,000
37	Uinta #1	Middle School	\$ 50,000
160	Carbon #2	Elementary School	\$ 50,000
<b>Total</b>			<b>\$300,000</b>

**Design Projects for the 2009-10 Biennium**

<b>Needs Index Priority</b>	<b>School District</b>	<b>Project</b>	<b>Maximum Amount</b>
1	Uinta #4	Middle School	\$ 750,551
8	Campbell #1	Alternative High School	\$ 410,000
14	Laramie #1	Elementary School	\$1,019,146

19	Laramie #1	Elementary School	\$ 680,799
22	Fremont #1	Elementary School	\$ 153,009
24	Crook #1	Elementary School	\$1,000,000
27	Sheridan #2	Elementary School	\$ 773,183
<b>Total</b>			<b>\$4,786,688</b>

**Component Level Projects for the 2009-10 Biennium**

Needs Index Priority	School District	Project	Description	Maximum Amount
43	Sweetwater #2	Elementary School	Demolition	\$ 180,000
72	Big Horn #2	High School	Paving	\$ 350,000
72	Big Horn #2	High School	Mechanical work	\$1,500,000
92	Lincoln #2	Middle School	Bus drop off	\$ 120,000
102	Goshen #1	High School	Fire Marshall issues	\$3,300,000
113	Fremont #25	Administration Building	Partial demolition	\$ 121,224
113	Fremont #25	Administration Building	Site work	\$ 150,000
134	Fremont #25	Elementary School	Bus drop off	\$ 150,000
<b>Total</b>				<b>\$5,871,224</b>

**Land Acquisitions for the 2009-10 Biennium**

Needs Index Priority	School District	Project	Maximum Amount
324	Johnson #1	Future Elementary School	\$ 428,000
N/A	Campbell #1	Future Elementary School	\$ 330,000

**Total** **\$ 758,000**

(b) The following amounts are appropriated from the school capital construction account to the school facilities commission for the 2011-2012 fiscal biennium and for the purposes specified:

(i) Up to one hundred thirty-three million one hundred eighty-one thousand seven hundred seven dollars (\$133,181,707.00) for the following school capital construction projects, subject to the prescribed maximum amounts:

<b>Needs Index Priority</b>	<b>School District</b>	<b>Project</b>	<b>Maximum Amount</b>
1	Uinta #4	Middle School	\$ 24,597,284
3	Uinta #1	Alternative High School	\$ 4,758,000
9	Sublette #9	Elementary School	\$ 10,431,000
12	Natrona #1	Elementary School	\$ 9,857,444
14	Laramie #1	Elementary School	\$ 15,028,875
19	Laramie #1	Elementary School	\$ 10,568,250
21	Lincoln #1	Phase 1 of 3 phases for a High School	\$ 5,490,000
22	Fremont #1	Elementary School	\$ 15,910,854
25	Natrona #1	Phase 1 of 3 phases for a High School	\$ 7,320,000
25	Natrona #1	Phase 1 of 3 phases for a High School	\$ 7,320,000
27	Sheridan #2	Elementary School	\$ 11,490,790
30	Park #1	Westside Elementary School	\$ 11,411,355
<b>Total</b>			<b>\$134,183,852</b>

(ii) Up to eighteen million dollars (\$18,000,000.00) for school component level projects, to include the following projects subject to the prescribed maximum amounts:

<b>Needs Index Priority</b>	<b>School District</b>	<b>Project</b>	<b>Description</b>	<b>Maximum Amount</b>
8	Campbell #1	Alternative High School	Building improvements	\$ 8,197
45	Park #16	K-12 School	Renovation	\$ 5,300,000
47	Campbell #1	Elementary School	Media center, KG classroom, & HVAC upgrade	\$ 1,643,000
50	Fremont #2	High School	HS gym wall repair	\$ 200,000
121	Park #1	Middle School	Kitchen & MS Cafeteria Addition	\$ 3,848,281
138	Campbell #1	Elementary School	KG classroom & HVAC upgrade	\$ 810,000
151	Campbell #1	Elementary School	KG classroom & HVAC upgrade	\$ 1,350,000
171	Uinta #1	High School	Roof replacement	\$ 1,800,000
211	Albany #1	Elementary School	Classroom addition	\$ 644,531
224	Fremont #2	Elementary/Middle School	Roof and HVAC	\$ 1,310,000
<b>Total</b>				<b>\$16,914,009</b>

(c) If the maximum amounts appropriated under subsection (b) of this section are not sufficient to complete a specified project:

- (i) Any appropriation for a lower priority project under paragraph (b)(i) of this section and any excess amount for a completed higher priority project under that paragraph may be expended by the school facilities commission as necessary to complete the underfunded project, and likewise for projects authorized under paragraph (b)(ii) of this section within amounts appropriated under that paragraph;
- (ii) Any funds appropriated under paragraph (b)(i) of this section may be used to complete any project under that paragraph as long as no higher priority project has been identified, based upon estimates, as being underfunded, and likewise for projects authorized under paragraph (b)(ii) of this section for amounts appropriated under that paragraph;

- (iii) The school facilities commission may expend amounts reappropriated to the capital construction account under paragraph (g)(ii) of this section to the extent necessary to fund those projects authorized under subsection (b) of this section;
- (iv) Except as otherwise specified in this section, expenditures under this section shall be in the order of priority as specified in the July 2009 facility needs assessment conducted by the commission under W.S. 21-15-115(b).
- (d) The school facilities commission may obligate and encumber amounts reappropriated under paragraph (g)(ii) of this section to fund capital construction projects which are in addition to and for which funds are not appropriated under subsection (b) of this section. Expenditures under this subsection shall be for the 2011-2012 fiscal biennium and are subject to the following:
  - (i) An expenditure shall not be made under this subsection if any capital construction or component level project authorized under subsection (b) of this section has been identified, based upon estimates, as underfunded;
  - (ii) The total amount expended under this subsection and paragraph (c)(iii) of this section, including amounts appropriated under subsection (b) of this section, shall not exceed one hundred eighty-one million four hundred thirty-eight thousand ninety-three dollars (\$181,438,093.00), as computed by applying an eight and five-tenths percent (8.5%) reduction to the total cost estimated by the commission for each project included in its 2009 annual report to the governor and select school facilities committee submitted pursuant to W.S. 21-15-121 on September 1, 2009;
  - (iii) Expenditures shall be prioritized in accordance with paragraph (c)(iv) of this section and include the following capital construction projects in addition to those projects authorized under paragraph (b)(i) of this section:

### **Needs**

<b>Index</b>	<b>School</b>	<b>Project</b>	<b>Maximum</b>
<b>Priority</b>	<b>District</b>		<b>Amount</b>
35	Sweetwater #1	New 5-6 Elementary School	\$ 14,311,039
40	Campbell #1	Lakeview Elementary School	\$ 14,943,202
<b>Total</b>			<b>\$ 29,254,241</b>

(iv) If, after conditions specified under paragraph (i) of this subsection have been met, the amount reappropriated under paragraph (g)(ii) of this section is not sufficient to complete a project as estimated subsequent to encumbrances for that project under this subsection, the authority to reallocate funds under paragraphs (c)(i) and (ii) shall apply subject to the expenditure threshold prescribed under paragraph (ii) of this subsection.

(e) Subject to paragraph (d)(ii) of this section, expenditures may fund any unanticipated and emergency need of any district building, as determined by the commission and for which district major maintenance funds are insufficient. Expenditures under this subsection shall be reported by the commission to the select school facilities committee within the monthly report required under subsection (h) of this section.

(f) This section shall not prohibit the commission from obligating and otherwise encumbering funds for any project authorized under subsection (b) of this section prior to obligating and encumbering funds for a higher priority project if funds are capable of being obligated to that lower priority project in advance of commitment of funds to the higher priority project, provided the obligation of funds does not reduce or otherwise expend any amounts appropriated to the higher priority project except as provided under subsection (c) of this section. This subsection also applies to the extent funds are obligated and otherwise encumbered for any project under subsection (d) of this section.

(g) Notwithstanding W.S. 21-15-122(a), amounts that were to be deposited into the common school permanent land fund on June 30, 2010 pursuant to that subsection, shall not be deposited in accordance with W.S. 21-15-122(a). Those funds and other funds within the school capital construction account shall be subject to the following from the effective date of this section through June 30, 2012:

- (i) An amount necessary to restore the balance within the school foundation program account to an amount equal to forty million dollars (\$40,000,000.00) on June 30, 2012, shall be deposited into the school foundation program account;
- (ii) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated previously appropriated funds remaining within the school capital construction account as of June 30, 2010, shall not revert on June 30, 2010, and any other amounts which would revert to the school capital construction account pursuant to law during the 2011-2012 fiscal biennium, are hereby reappropriated for purposes of subsections (b) through (d) of this section for the period commencing July 1, 2010, and ending June 30, 2012;
- (iii) Any unappropriated, unexpended, unobligated funds within the school capital construction account, following reduction for the amounts appropriated from the account pursuant to this section and amounts deposited into the school foundation program account under paragraph (i) of this subsection, shall be continuously deposited into a common school permanent land fund holding account from the effective date of this section through the period ending June 30, 2012. Amounts within the holding account shall on June 30, 2012, be transferred to the common school permanent land fund as provided for ~~funds~~ within the school capital construction account under W.S. 21-15-122(a)(ii). **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2010.]**
- (h) The school facilities commission shall report monthly to the select school facilities committee in a matrix format depicting all capital construction projects and component level projects ~~which have encumbered funds pursuant to this section~~. For each project, the monthly matrix report shall provide the total amount encumbered, the total amount expended, the total amount unexpended and the total unexpended amount for that project which are expended for other projects. **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2010.]**
- (j) In addition to subsection (h) of this section and on or before May 1, 2010, the school facilities commission shall hold a public hearing in Big Horn, Wyoming, for purposes of addressing maintenance and construction options for the Sheridan county school district no. 1 elementary school facility at Big Horn, Wyoming. The commission shall report to the select school facilities committee and the joint appropriations committee on recommendations for remedial action necessary to address the adequacy needs of this facility.

(k) In addition to amounts appropriated under subsection (a) of this section, three million six hundred eleven thousand seven hundred fifty-five dollars (\$3,611,755.00) is appropriated to the school facilities commission from amounts previously appropriated to the commission from the school capital construction account before the effective date of this section. Following completion of the public hearing and reporting to the select school facilities committee and the joint appropriations committee as required under subsection (j) of this section, and upon approval by the governor, the appropriation under this subsection shall be expended by the commission to correct the state's incomplete remediation of the Big Horn middle and high school facilities in Sheridan county school district no. 1, in order to avoid jeopardizing the occupancy of the newly constructed portion of this facility. This appropriation shall be combined with five million one hundred twenty-eight thousand nine hundred thirty-two dollars (\$5,128,932.00), as estimated by the commission on February 22, 2010, to be unexpended and unencumbered from allocated amounts for this remedy following completion of prior phases of this project, to fund completion of the facility remedy correction as directed by this subsection.

(m) This section is effective immediately.

[SCHOOL FINANCE RECALIBRATION]

**Section 334.**

- (a) The select committee on school finance recalibration is created consisting of the following members:
- (i) Not more than six (6) members of the Wyoming senate appointed by the president of the senate, one (1) of whom shall be the chairman of the senate education committee, one (1) shall be the chairman or vice-chairman of the select committee on school facilities and one (1) shall be the chairman of the senate appropriations committee;
  - (ii) A number of members of the Wyoming house of representatives equal to the number of Wyoming senators appointed under paragraph (i) of this subsection not to exceed a total of six (6) house members, appointed by the speaker of the house of representatives with one (1) member to be the chairman of the house education committee, one (1) to be the chairman or vice-



chairman of the select committee on school facilities and one (1) to be the chairman of the house appropriations committee;

- (iii) At least two (2) members from each house shall be from the minority party;
- (iv) Except for the chairman of the house and senate education committees, the president of the senate and the speaker of the house may upon request, appoint a designee of any committee chairman or vice-chairman comprising the select committee appointments under this subsection.
- (b) The chairman of the senate education committee and the chairman of the house education committee shall serve as the cochairmen of the select committee. The select committee shall undertake a study to recalibrate the education resource block grant model as required under W.S. 21-13-309(t) to determine if modifications are necessary to ensure the model remains effective and cost-based in light of changing conditions and modifications to law. Recalibration shall be based upon maintaining a block grant model that meets the diverse needs and potentials of students and sustains and promotes excellence in educational achievement, facilitating access to higher education or furthering the development of career-technical skills. In conducting its work, the select committee shall encourage the active participation of parents, educators, district school board members, businesses, taxpayers and foundations, members of the state board of education and state agency personnel. The department of education, school districts and the school data advisory committee established under W.S. 21-2-203 shall collect and provide the information requested by the committee. The recalibration study shall include, but is not limited to, the following activities:
  - (i) Review the components of the educational model, using demonstrated results or research-based studies, to assess the effectiveness of the components in supporting quality education and determine if any component should be eliminated, added, modified or maintained;
  - (ii) Evaluate school districts' divergence from the educational model and assess the effects of the divergence on a cost-based quality education;
  - (iii) Review recommendations from teachers and administrators regarding effective instruction and the ability of teachers to convey effective instruction given their clerical, testing and administrative duties;

- (iv) Determine:
  - (A) The costs of model components;
  - (B) Whether the present level of funding is adequate and appropriate in meeting intended goals; and
  - (C) The best means of providing funds to school districts to provide quality education.
- (v) Consider the extent that federal funds may be applied towards the state's funding obligations;
- (vi) Review methods of assessment of student achievement under the current model and recommend student assessment policies and procedures in the recalibrated system of education.
- (c) The select committee shall report its recommendations and any associated legislation to the legislature in time for consideration during the 2011 general session. The select committee may introduce legislation as other committees of the legislature.
- (d) Appointments shall be made under this section not later than March 15, 2010. Members shall serve on the select committee through the 2011 general session. Any vacancy occurring on the select committee shall be filled by the president or speaker, as appropriate, prior to the commencement of the 2011 general session.
- (e) For the period beginning on the effective date of this section and ending June 30, 2011, there is appropriated from the school foundation program account to the legislative service office fifty thousand dollars (\$50,000.00) to fund necessary expenses of the select committee as necessary to carry out this section.
- (f) 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 2008 Wyoming Session Laws, Chapter 48, Section 2, Section

015, for purposes of the school finance litigation law office, shall to the extent necessary to fund the amounts reappropriated under this subsection, not revert on June 30, 2010. The following amounts are hereby reappropriated from these funds as follows:

- (i) To the department of education, up to three hundred fifty thousand dollars (\$350,000.00) is appropriated for, and the department is authorized, two (2) at-will positions in accordance with W.S. 9-2-1022(a)(xi)(F), for the period commencing on the effective date of this section and ending June 30, 2011. These positions shall support school finance data collection and analysis in the recalibration of the block grant funding model, as necessary to support the school finance recalibration committee established under subsection (a) of this section. In expending this appropriation, the department shall fill both at-will positions by no later than May 15, 2010; and
- (ii) To the legislative service office, an amount up to one million five hundred thousand dollars (\$1,500,000.00) is appropriated for the period beginning on the effective date of this section and ending June 30, 2012, for professional consulting expertise and other support necessary to support the work of the select school finance recalibration committee established under subsection (a) of this section. Funds appropriated under this paragraph shall be expended in accordance with contractual agreement entered into between the management council and professional consultants.
- (g) This section is effective immediately.

[LOCAL GOVERNMENT DISTRIBUTIONS]

**Section 335.**

- (a) From funds within the permanent Wyoming mineral trust fund reserve account which, except for section 301 of this act, would be deposited to the permanent Wyoming mineral trust fund pursuant to W.S. 9-4-719(b) on June 30, 2010, there is appropriated twenty million dollars (\$20,000,000.00) and from the general fund there is appropriated sixty-seven million four hundred fifty-six thousand five hundred sixty dollars (\$67,456,560.00) to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

- (i) Two-thirds (2/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to cities and towns;
- (ii) One-third (1/3) of eighty-nine percent (89%) of the total amount appropriated, for direct distribution to counties;
- (iii) Five and one-half percent (5.5%) of the total amount appropriated, for distribution to revenue challenged cities and towns;
- (iv) Five and one-half percent (5.5%) of the total amount appropriated, for distribution to revenue challenged counties.

[CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

- (b) Funds appropriated in paragraph (a)(i) of this section are to be distributed to cities and towns in two (2) equal distributions on August 15, 2010 and on August 15, 2011, subject to the following:
  - (i) From these distributions each city or town with a population of thirty-five (35) or less shall first receive five thousand dollars (\$5,000.00) and each city or town with a population over thirty-five (35) shall first receive ten thousand dollars (\$10,000.00). From the remainder each city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph with each city or town receiving amounts in the proportion which the adjusted population of the city or town bears to the adjusted population of all cities and towns in Wyoming. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:
    - (A) Calculate the per capita distribution of sales and use tax revenues for the fiscal year beginning July 1, 2008 and ending June 30, 2009 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and 39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

- (B) Arrange the counties in ascending order by the per capita distribution calculated;
- (C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;
- (D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:
  - (I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);
  - (II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:
    - (1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;
    - (2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;
    - (3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;

- (4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.
- (III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);
- (IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:
- (1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;
  - (2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;
  - (3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.
- (V) An adjustment factor of one (1) shall be applied to the remaining counties.
- (E) Distribute the remainder of the revenues under this paragraph on a per capita basis using the total adjusted population for all cities and towns and the adjusted population for each city or town as calculated under subparagraph (D) of this paragraph;

(F) As used in this paragraph:

- (I) A county's "incorporated population" means the population of all cities and towns within the county;
- (II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

- (c) Funds appropriated in paragraph (a)(ii) of this section are to be distributed to counties in two (2) equal distributions on August 15, 2010 and on August 15, 2011. From these distributions each county shall receive the following:
  - (i) An equal share of fifteen percent (15%) of the total amount to be distributed; and
  - (ii) Of the remaining eighty-five percent (85%), an amount to be distributed to each county in the proportion each county's population bears to the total population of the state.

[CITY AND TOWN REVENUE CHALLENGED ALLOCATIONS]

- (d) Funds appropriated in paragraph (a)(iii) of this section are to be distributed to eligible cities and towns in two (2) equal distributions on August 15, 2010 and on August 15, 2011, subject to the following:
  - (i) Each eligible city and town shall receive amounts in accordance with a municipal supplemental funding formula as provided in this paragraph. The municipal supplemental funding formula shall be calculated by the office of state lands and investments as follows:
    - (A) Calculate the per capita distribution of sales and use tax revenues for the period beginning July 1, 2008 and ending June 30, 2009 to each county, including distributions to each city and town within that county, under W.S. 39-15-111 and

39-16-111, but excluding the distribution exclusively to counties under W.S. 39-15-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104, and excluding the distribution exclusively to counties under W.S. 39-16-111(b)(iii) made from an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104;

- (B) Arrange the counties in ascending order by the per capita distribution calculated;
- (C) Following the arrangement of counties in subparagraph (B) of this paragraph, list the population of each city and town within the county;
- (D) Apply the appropriate adjustment factor determined in subdivisions (I) through (V) of this subparagraph for a county to each city and town within that county:
  - (I) Beginning with the county with the lowest per capita distribution, an adjustment factor of one and one-half (1.5) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution is within the lowest tenth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred fifty percent (150%);
  - (II) An adjustment factor determined under this subdivision shall be applied to the county with the next higher per capita distribution not qualifying for the adjustment factor under subdivision (I) of this subparagraph. The adjustment factor for this county shall be determined by:
    - (1) Multiplying by one hundred fifty percent (150%) that portion of the incorporated population of that county which is within the lowest tenth percentile;
    - (2) Multiplying by one hundred twenty-five percent (125%) the incorporated population of that county which is within the lowest twentieth percentile and at or above the tenth percentile;



- (3) If applicable, multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the twentieth percentile;
- (4) Dividing the sum of the products of subdivisions (II)(1) through (3) of this subparagraph by the incorporated population of that county.
- (III) If an adjustment factor has not been applied under subdivision (I) or (II) of this subparagraph, an adjustment factor of one and one-quarter (1.25) shall be applied to each county listed under subparagraph (B) of this paragraph, so long as its incorporated population plus the incorporated population of each county with a lower per capita distribution does not exceed the twentieth percentile. The adjustment factor shall be applied for each of these counties by multiplying the incorporated population of the county by one hundred twenty-five percent (125%);
- (IV) An adjustment factor determined under this subdivision shall be applied to the next higher listed county not qualifying for the adjustment factor under subdivision (III) of this subparagraph. The adjustment factor for this county shall be determined by:
- (1) Multiplying by one hundred twenty-five percent (125%) that portion of the incorporated population of that county which is within the lowest twentieth percentile;
  - (2) Multiplying by one hundred percent (100%) the incorporated population of that county which is at or above the lowest twentieth percentile;
  - (3) Dividing the sum of the products of subdivisions (IV)(1) and (2) of this subparagraph by the incorporated population of that county.
- (V) An adjustment factor of one (1) shall be applied to the remaining counties.
- (E) From the adjusted population of a city or town as calculated in subparagraphs (A) through (D) of this paragraph,

subtract the actual population of the city or town to determine the resulting population adjustment. Distribute the funding under this paragraph in the proportion which the population adjustment of the city or town bears to the population adjustments of all cities and towns in Wyoming as calculated under subparagraph (D) of this paragraph;

- (F) As used in this paragraph:
- (I) A county's "incorporated population" means the population of all cities and towns within the county;
- (II) "Percentile" means that portion of the incorporated population as listed in the arrangement of cities and towns under subparagraphs (B) and (C) of this paragraph.

[COUNTY REVENUE CHALLENGED ALLOCATIONS]

- (e) Funds appropriated in paragraph (a)(iv) of this section are to be distributed to eligible counties in two (2) equal distributions on August 15, 2010 and on August 15, 2011. The office of state lands and investments shall calculate the amounts to be distributed to eligible counties as determined by this subsection as follows:
  - (i) Multiply each county's total assessed valuation for tax year 2009 by twelve mills (.012). This amount shall represent the county property tax available;
  - (ii) Calculate the sum of the following to determine the county funding need:
    - (A) One million two hundred thousand dollars (\$1,200,000.00); plus
    - (B) The product of the county population from zero (0) to five thousand (5,000) multiplied by one hundred sixty dollars (\$160.00); plus
    - (C) The product of the county population from five thousand one (5,001) to twenty-five thousand (25,000) multiplied by

one hundred thirty dollars (\$130.00); plus

- (D) The product of the county population above twenty-five thousand (25,000) multiplied by one hundred dollars (\$100.00).
- (iii) Calculate the property tax shortfall for each county by subtracting the property tax available as determined by paragraph (i) of this subsection from the county funding need as determined by paragraph (ii) of this subsection. If the amount is greater than zero (0), the county shall be eligible for distribution of money under this subsection;
- (iv) The amount distributed under this subsection to each eligible county shall be in the proportion that the county's property tax shortfall bears to the total property tax shortfall of all counties eligible to receive a distribution under this subsection.
- (f) For purposes of this section, population is to be determined by resort to the latest decennial federal census as updated by the bureau of census.

[SELECT COMMITTEE ON DEVELOPMENTAL PROGRAMS]

**Section 336.**

- (a) There is created the select committee on developmental/intellectual programs consisting of the following members:
  - (i) Three (3) members of the Wyoming senate appointed by the president of the senate, at least one (1) of whom shall be a member of the senate labor, health and social services committee and not more than two (2) of whom shall be from the same political party;
  - (ii) Four (4) members of the Wyoming house of representatives appointed by the speaker of the house of representatives, at least two (2) of whom shall be members of the house labor, health and social services committee, one (1) of whom shall be a

- member of the house appropriations committee, and not more than three (3) of whom shall be from the same political party.
- (b) The president of the senate and the speaker of the house of representatives shall each appoint a cochairman of the select committee.
  - (c) The committee shall analyze data provided by service providers for persons with developmental disabilities and service provider organizations to determine the fiscal viability of providers following the 2009 implementation of cost-based reimbursement payments.
  - (d) The committee shall determine:
    - (i) Whether providers have reduced staffing levels and whether the providers' staffing levels are adequate to meet the requirements of plans of care;
    - (ii) Whether the providers have fiscal reserves;
    - (iii) The ratio of providers' management and administrative employees to direct patient care employees;
    - (iv) Other factors affecting the providers' fiscal viability.
  - (e) The committee shall report on new methods of providing services to persons with developmental disabilities, including alternative methods tested in Wyoming or in other states within the last three (3) years.
  - (f) The committee shall report on the legality and practicality of parents creating limited liability companies or other business entities to design services for their children with disabilities, including a review of other states' models for parents providing for the extraordinary needs of their children with developmental disabilities.
  - (g) The committee shall study the effects of dual diagnosis on service provision and budgets. The study shall consider:

- (i) An assessment tool to quantify the additional needs of persons with mental illness and developmental disabilities;
- (ii) Best practices for plans of care;
- (iii) Cooperation with the center for medicare and medicaid services of the United States department of health and human services to incorporate services into waivers if appropriate.
- (h) The committee shall identify system changes for improvement in the delivery of services to persons with developmental disabilities and sponsor necessary legislation implementing committee recommendations.
- (j) The committee shall request and examine the budgets, balance statements and financial statements for residential treatment providers receiving funding from the state of Wyoming to verify staffing levels, staff salaries, overhead and profits.
- (k) The committee shall report to the legislature and the governor not later than October 1, 2010 on conclusions and recommendations developed under subsections (c) through (h) of this section.
- (m) The committee shall exist until December 31, 2010.
- (n) Twenty-nine thousand dollars (\$29,000.00) is appropriated from the general fund to the legislative service office to fund activities of the select committee.
- (o) This section is effective immediately.

[WILDLIFE TRUST CHALLENGE ACCOUNT]

**Section 337.** 2008 Wyoming Session Laws, Chapter 48, Section 326(a) and (b) is amended to read:

**Section 326.**

- (a) The Wyoming wildlife trust challenge account created by 2006 Wyoming Session Laws, Chapter 35, Section 320 is continued. Any unexpended, unobligated monies appropriated from the general fund to the account by 2006 Wyoming Session Laws, Chapter 35, Section 320 shall not revert on June 30, ~~2008-2010~~ and shall remain in the account for the purpose of providing a state match pursuant to subsections (c) through (e) of this section. Unexpended, unobligated monies in the account on June 30, ~~2010-2012~~ shall revert as provided by law. The state treasurer shall invest monies within the account and shall deposit the earnings from investments to the general fund.
- (b) To the extent funds are available in the wildlife trust challenge account, the state treasurer shall match gifts actually received during the donation period provided in this subsection by the Wyoming wildlife and natural resource trust account board. A match shall be paid under this section by the state treasurer following any accumulated gift amounts actually received by the Wyoming wildlife and natural resource trust account board in a total of five thousand dollars (\$5,000.00) or more. The match shall be made by transferring from the wildlife trust challenge account to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) an amount equal to the accumulated amount of the gift. The match applies to gifts received during the donation period commencing July 1, 2006 and ending June 30, ~~2010~~ 2012.

**[OUT-OF-STATE TRAVEL AND PUBLICATIONS RESTRICTIONS]****Section 338:**

- (a) For the period beginning July 1, 2010 and ending March 31, 2011, no expenditure of funds in excess of the amounts

provided in this section, appropriated under this act, shall be made for out-of-state travel, publications or advertising without the approval of the director of the agency making the expenditure, in accordance with requirements set forth in an executive order to be issued by the governor no later than July 1, 2010. Each month this limitation is in place, each director shall furnish to the budget division of the department of administration and information, the amount of each expenditure for out-of-state travel, publications and for advertising, along with a statement of the director's reasons for approving each expenditure. The budget division shall compile all agency expenditure reports monthly and submit the compilation to the legislative service office for distribution to the joint appropriations interim committee.

(b) All agencies shall submit a report to the department of administration and information by December 1, 2010, setting out all anticipated publications, advertising and out-of-state travel expenditures for the period beginning April 1, 2011 and ending June 30, 2012. Except as approved in the 2011 supplemental budget bill, no expenditures of funds in excess of the amounts provided in this section, appropriated under this act, shall be made by any agency for publications, advertising or out-of-state travel after April 1, 2011. Transfers of funding through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) for these purposes are not subject to this section.

(c) As used in this section:

- (i) "Agency" means the state of Wyoming or any of its executive branch agencies, authorities, departments, boards, commissions, councils, instrumentalities, offices, separate operating agencies or units, or institutions, including the university and community colleges;
- (ii) "Director" means the director of the agency or the administrative head of the agency for those agencies with no director;
- (iii) Expenditure of funds subject to this section shall include only:

(A) For out-of-state travel, those expenditures in excess of one thousand dollars (\$1,000.00) as payment or reimbursement for any one (1) individual employee for any single out-of-state trip;

- (B) ~~For publications, those expenditures in excess of five thousand dollars (\$5,000.00) for any single issue of a publication;~~
- (C) ~~For advertising, those expenditures in excess of five thousand dollars (\$5,000.00) paid to any single vendor for advertising services;~~
- (d) ~~The governor may by executive order exempt any agency from the requirements of this section, increase or decrease the amounts specified in paragraph (c)(iii) of this section or modify any of the reporting requirements of this section if he finds the data which would be provided would not be meaningful or the requirement is unduly burdensome. If the governor exempts an agency or modifies any amount or reporting requirement he shall report to the joint appropriations interim committee the exemption or modification and an explanation for the exemption or modification. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2010.]~~

[STATE AGENCY CONTRACTUAL SERVICES]

**Section 339.**

- (a) ~~For the period beginning July 1, 2010 and ending March 31, 2011, no contract for services shall be entered into without the approval of the director of the agency making the expenditure, in accordance with requirements set forth in an executive order to be issued by the governor no later than July 1, 2010. Each month this limitation is in place, each director shall furnish to the budget division of the department of administration and information, the amount of each contract for services, along with a statement of the director's reasons for approving each expenditure. The budget division shall compile all agency reports on contracts under this section monthly and submit the compilation to the legislative service office for distribution to the joint appropriations interim committee.~~
- (b) ~~All agencies shall submit a report to the department of administration and information by December 31, 2010, setting out all anticipated contractual services expenditures for the period beginning April 1, 2011 and ending June 30, 2012. Except~~



as approved in the 2011 supplemental budget bill, no expenditures of general funds appropriated under this act shall be made by any agency for contractual services after April 1, 2011. Transfers of funding through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) for these purposes are not subject to this section.

(c) As used in this section:

- (i) "Agency" means the state of Wyoming or any of its executive branch agencies, authorities, departments, boards, commissions, councils, instrumentalities, offices, separate operating agencies or units, or institutions, including the university and community colleges;
- (ii) "Contract for services" means those contracts for services funded from 900-series appropriations;
- (iii) "Director" means the director of the agency or the administrative head of the agency for those agencies with no director.

(d) The governor may by executive order exempt any agency from the requirements of this section or otherwise modify any of the reporting requirements of this section if he finds the data which would be provided would not be meaningful or the requirement is unduly burdensome. If the governor exempts an agency or modifies any reporting requirement he shall report to the joint appropriations interim committee the exemption or modification and an explanation for the exemption or modification. **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 5, 2010.]**

[SCHOOL FACILITIES COMMISSION-POST-AUDIT ACCOUNTING]

#### **Section 340.**

- (a) Based upon findings and recommendations contained in the independent audit of the school facilities commission undertaken pursuant to 2009 Wyoming Session Laws, Chapter 207, Section 2, the department of audit shall conduct an accurate accounting of total costs of all projects receiving funds from the school capital construction account for the preceding

four (4) fiscal biennial periods ending with the 2009-2010 biennium, including transfers of funds between projects during those periods. The accounting shall include independent consultations with commission field representatives responsible for total project costs and with the governor's legislative liaison for school facilities. The accounting shall be undertaken in sufficient time to report findings to the select committee on school facilities by September 1, 2010.

(b) For the period beginning on the effective date of this section and ending December 31, 2010, and for purposes of conducting the accounting required under this section, the department of audit is authorized an additional two (2) part-time, time limited positions. Seventy thousand dollars (\$70,000.00) is appropriated to the department of audit from the school capital construction account for purposes of this section.

(c) This section is effective immediately.

[SCHOOL FACILITIES COMMISSION REORGANIZATION STUDY]

**Section 341.**

(a) In accordance with W.S. 9-2-1701 through 9-2-1707, the select school facilities committee shall study and prepare a plan for the reorganization of the school facilities commission established under W.S. 21-15-113, including the commission director and commission staff authorized under W.S. 21-15-114(c). On or before September 1, 2010, the plan shall be submitted to the joint appropriations committee and made available to the public. The joint appropriations committee shall hold at least one (1) public hearing on the proposed plan and shall submit final recommendations to the legislature in sufficient time for consideration in the 2011 general session. The plan, as approved by the legislature, shall be implemented not later than July 1, 2011. The reorganization plan required under this section shall include the following components of the statewide school capital construction system:

- (i) The major building and facility repair and replacement program established under W.S. 21-15-109;
- (ii) The statewide standards for school building and facility adequacy and the assessment of the inventory of school

- buildings and facilities under the adequacy standards as provided under W.S. 21-15-115;
- (iii) The school district facility planning process created under W.S. 21-15-116;
  - (iv) The annual evaluation and prioritization of school building and facility needs and the scheduling of building and facility remediation as established under W.S. 21-15-117;
  - (v) The budget process for funding school building and facility remediation recommendations prescribed under W.S. 21-15-119.
- (b) Effective immediately and until July 1, 2011, the existing school facilities commission and its staff shall be subject to the following:
- (i) Notwithstanding W.S. 21-15-113, the commission shall serve in an advisory capacity to the governor to provide recommendations and policy alternatives to the governor and the system of school capital construction in the manner prescribed under W.S. 9-2-1707(a)(iii)(F);
  - (ii) Notwithstanding W.S. 9-1-202 and 21-15-114(c):
    - (A) The commission director shall serve at the pleasure of the governor; and
    - (B) The commission and staff shall function as a department operating unit of state government as defined under W.S. 9-2-1703(a)(iii) and be subject to the direction of the governor.
  - (iii) During the transition period between the effective date of this section and the date of implementation of the legislatively approved plan under subsection (a) of this section, the positions, personnel, property and appropriated funds of the commission shall be used for purposes specified by existing law. In addition, all policies, rules and regulations of the commission shall be effective during the transition period unless otherwise specified by the governor.

(c) 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, 2012, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 40

### ARMED FORCES LICENSE PLATE FEES AND DISTRIBUTION

Original House Bill No. 27

AN ACT relating to special license plates; modifying fees for eligibility statements for armed forces special license plates; modifying the distribution of fees; specifying fees; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 31-2-217(j) and by creating a new subsection (k) is amended to read:

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

(j) Each applicant for an armed forces special license plate shall submit ~~a~~ an application fee of ~~fifty dollars (\$50.00)~~ twenty dollars (\$20.00) upon which the Wyoming veteran's commission shall issue a written statement establishing the applicant's eligibility to receive an armed forces license plate from the county treasurer. ~~The fee~~ Fees collected under this subsection shall be deposited into the highway veterans' commission expendable trust fund. Application for and any renewal of an armed forces special license plate shall be subject to the requirements of this article and the payment of the fee required by W.S. 31-3-102(a)(viii).

(k) The department of transportation shall submit an annual report to the joint appropriations and joint transportation, highways and military affairs interim committees by October 1 of each year. The report shall identify the actions taken and monies expended pursuant to this section.

**Section 2.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 41

### GOLD STAR LICENSE PLATES

Original House Bill No. 84

AN ACT relating to motor vehicles; authorizing a special license plate for specified relatives of soldiers who die during military service; specifying fees; specifying qualifications to receive the special license plate; granting authority to promulgate rules; specifying requirements for the design of the special license plate; requiring a report; providing an appropriation; and providing for an effective date.

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

**Section 1.** W. S. 31-2-229 is created to read:

**31-2-229. Special plates; gold star.**

(a) Any person required to register a vehicle in Wyoming pursuant to this article may apply to the Wyoming veteran's commission for a statement of eligibility for distinctive gold star license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by that person upon registration of the vehicle. Upon payment of the fee required in W.S. 31-3-102(a)(viii) by the department, the Wyoming veteran's commission shall issue a written statement of eligibility for the gold star plate. Only parents, grandparents or spouses of a member of the United States armed forces who died while in service or who died as a result of the service shall be eligible to receive the gold star plates. Application shall be made at least thirty (30) days before registration of the vehicle expires.

(b) License plates issued under this section shall be displayed only on the vehicle for which they are issued.

(c) Except as provided in this section, application for, issuance and renewal of gold star license plates shall be subject to the same requirements and fees as provided in this article.

(d) The department shall prescribe the design of the gold star license plate authorized by this section in consultation with the Wyoming veteran's commission and shall arrange for production of the license plates. Following initial approval, the gold star license plates shall be subject to redesign on the same schedule as all license plates beginning with the year 2017 reissuance. The license plates shall be issued by the county treasurer of each county.

(e) The department may prepare any special forms and issue rules and regulations necessary to carry out this section.

(f) The department of transportation shall submit an annual report to the joint appropriations and joint transportation, highways and military affairs interim committees by October 1 of each year. The report shall identify the actions taken and monies expended pursuant to this section.

**Section 2.** In the event 2010 House Bill 0027 passes, three thousand dollars (\$3,000.00) of the veterans' commission expendable trust fund shall be expended to cover the costs of the gold star license plates authorized under this act for the period beginning with the effective date of this act and ending June 30, 2012.

**Section 3.** This act is effective January 1, 2011.

Approved March 5, 2010.

## Chapter 42

### CRIMINAL STREET GANGS

Original House Bill No. 20

AN ACT relating to crimes and offenses; creating the crime of intimidation in furtherance of the interests of a criminal street gang; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 6-2-403 is created to read:

**6-2-403. Intimidation in furtherance of the interests of a criminal street gang.**

(a) A person is guilty of intimidation in furtherance of the interests of a criminal street gang if he threatens or intimidates by word or conduct to cause physical injury to another person or damage to the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang.

(b) Intimidation in furtherance of the interests of a criminal street gang is a high misdemeanor punishable by imprisonment of up to one (1) year, a fine of up to one thousand dollars (\$1,000.00), or both.

**Section 2.** W.S. 6-1-104(a) by creating new paragraphs (xiv) and (xv) is amended to read:

**6-1-104. Definitions.**

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

(xiv) "Criminal street gang" means an ongoing formal or informal organization, association or group of five (5) or more persons having as one (1) of its primary activities the commission of one (1) or more of the criminal acts enumerated in paragraph (xv) of this subsection, having a common name or identifying sign or symbol and whose members or associates individually or collectively engage in or have been engaged in a pattern of criminal street gang activity;

(xv) "Pattern of criminal street gang activity" means the commission of, conviction or adjudication for or solicitation, conspiracy or attempt to

commit two (2) or more of the offenses listed in this paragraph on separate occasions within a three (3) year period. Offenses that form a pattern of criminal street gang activity include:

(A) A violent felony as defined in paragraph (xii) of this subsection;

(B) Promoting prostitution in violation of W.S. 6-4-103;

(C) Felony property destruction and defacement in violation of W.S. 6-3-201 and punishable under W.S. 6-3-201(b)(iii);

(D) Larceny in violation of W.S. 6-3-402;

(E) Wrongful taking or disposing of property in violation of W.S. 6-3-403;

(F) Forgery in violation of W.S. 6-3-602;

(G) Influencing, intimidating or impeding jurors, witnesses and officers, or obstructing or impeding justice in violation of W.S. 6-5-305;

(H) Possession of a firearm by a person convicted of certain felony offenses in violation of W.S. 6-8-102;

(J) Wearing or carrying concealed weapons in violation of W.S. 6-8-104;

(K) Possession, manufacture or disposition of a deadly weapon with unlawful intent in violation of W.S. 6-8-103;

(M) Blackmail in violation of W.S. 6-2-402;

(N) Possession, manufacture, transportation and sale of any explosive, improvised explosive device or incendiary apparatus with unlawful intent in violation of W.S. 6-3-111;

(O) Sports bribery in violation of W.S. 6-3-609;

(P) Aggravated cruelty to animals in violation of W.S. 6-3-203(c);

(Q) The unlawful sale or possession with intent to manufacture, distribute or dispense a controlled substance in violation of W.S. 35-7-1031;

(R) Simple assault in violation of W.S. 6-2-501(a);

(S) Battery in violation of W.S. 6-2-501(b).



**Section 3.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 43

### MANDATORY SAVINGS ACCOUNTS FOR INMATES

Original House Bill No. 19

AN ACT relating to department of corrections inmates; requiring savings accounts for inmates in the custody of the department of corrections as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-16-205(a) by creating a new paragraph (i) and by renumbering (i) as (iii) and (iii) as (v) and (v) as (vi) is amended to read:

#### **7-16-205. Disposition of earnings; confidentiality of amount.**

(a) Payment for services performed by any prisoner under W.S. 7-16-202 shall be deposited in the trust and agency account at the institution and shall be disbursed for the purposes provided in this subsection and in the order specified:

(i) Unless the prisoner is serving a sentence of death or life without the possibility of parole or is subject to mandatory savings under W.S. 25-13-107(b)(i), ten percent (10%) shall be credited to the prisoner's personal savings account within the correctional facility's trust and agency account, until the prisoner's account has a balance of one thousand dollars (\$1,000.00). Once the prisoner's personal savings account balance reaches one thousand dollars (\$1,000.00), the income otherwise distributed to the prisoner's savings account under this paragraph shall be distributed to the prisoner as provided by paragraphs (ii) through (vi) of this subsection. Funds in the prisoner's personal savings account shall be paid to the prisoner upon parole or final discharge;

~~(i)~~(iii) Personal necessities and assessments of fees for programs, services and assistance pursuant to subsection (e) of this section;

~~(iii)~~(v) Court ordered restitution, fines, sanctions and reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. 1-40-119 and victims compensation obligations under W.S. 1-40-112(g);

~~(v)~~(vi) Remaining funds shall be paid the prisoner upon parole or final discharge.

**Section 2.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 44

### REFERENDUM ON ADOPTED ORDINANCE-PETITIONS

Original House Bill No. 34

AN ACT relating to municipal elections; extending deadline for collection of signatures to require a referendum vote on municipal ordinances; and providing for an effective date.

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

**Section 1.** W.S. 22-23-1005 is amended to read:

**22-23-1005. Ordinance adopted by governing body subject to referendum vote.**

An ordinance adopted by a municipal governing body shall be subject to a referendum vote if a petition signed by ten percent (10%) of the qualified electors registered in the city or town is filed with the municipal clerk not later than ~~ten (10)~~ twenty (20) days after the ordinance is first published after adoption as provided by law. The referendum petition shall set forth the ordinance in full and shall contain the signatures and residence addresses of persons signing the petition.

**Section 2.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 45

### YOUTH ARCHERY LICENSES

Original House Bill No. 77

AN ACT relating to game and fish; providing for youth archery licenses; setting fees for the licenses; exempting the licenses from the selling agent fee; including the new licenses in the license revenue recoupment program; and providing for an effective date.

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

**Section 1.** W.S. 23-1-504(a)(ii), 23-1-701(b)(i) and 23-2-101(j) by creating new paragraphs (xliv) and (xlv) are amended to read:

**23-1-504. Free and reduced price license revenue recoupment**

**program.**

(a) Not later than July 31, 2007, and not later than July 31 of each subsequent year thereafter, the chief fiscal officer of the game and fish department shall prepare and certify a report of licenses sold or issued in the previous calendar year under the following statutes:

(ii) W.S. 23-2-101(j)(xi), (xvi), (xvii), (xx), (xxi), (xxxii), ~~and (xxxiii), (xliv) and (xlv);~~

**23-1-701. Selling agents; administration of oaths; licenses, permits and game tags.**

(b) Each license selling agent shall charge a fee as provided in this subsection for each license, permit or stamp he sells or distributes pursuant to this act. The fee shall not be charged if this act specifies that the issuance shall be without fee or fails to establish a fee for the issuance of the license, permit or stamp. Each license, permit or stamp sold or distributed under this act shall display the total amount only of all fees and other charges required under this act or otherwise provided by law. Each selling agent shall retain two dollars (\$2.00) for each license and fifty cents (\$.50) for each stamp or permit he sells. For failure to comply with this section, selling agents shall not be entitled to retain the amounts specified in this subsection and shall be liable on their bond. No employee of the commission shall receive any commission on licenses, stamps or permits sold, but the department shall charge the additional fee specified in this subsection, or otherwise provided by law, for each license, stamp or permit sold by commission employees. The fee charged under this subsection shall be in addition to the amount otherwise established by this act for the license, permit or stamp and shall be as follows:

(i) Two dollars (\$2.00) for each license, except that this additional fee shall not be charged for licenses under W.S. 23-1-705(e), 23-2-101(j)(xi), (xvi), (xvii), (xx), (xxi), (xxxii), ~~or (xxxiii), (xliv) or (xlv),~~ 23-2-201(d)(iii) or (iv) or (f) or 23-2-301(c)(xiii);

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

(j) Subject to W.S. 23-2-101(f), 23-1-705(e) and the applicable fee under W.S. 23-1-701, the following hunting licenses and tags may be purchased for the fee indicated and subject to the limitations provided:

<u>(xiv) Resident youth archery license .....</u>	<u>6.00</u>
<u>(xlv) Nonresident youth archery license .....</u>	<u>12.00</u>

**Section 2.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 46

### LICENSURE OF MIDWIVES

Original Senate File No. 48

AN ACT relating to professions and occupations; creating a board of midwifery; specifying membership; specifying duties and powers; providing for licensure of midwives; specifying requirements for licensure; providing exceptions; granting rulemaking authority; providing definitions; specifying grounds for denial, suspension or revocation of license; providing for appeals; providing penalties; providing for criminal background checks of applicants for licensure; authorizing limited administration of prescription drugs by midwives; providing an appropriation; specifying immunity of others for actions of a midwife; requiring reports from midwives; requiring periodic program assessment; and providing for effective dates.

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

**Section 1.** W.S. 33-46-101 through 33-46-108 are created to read:

#### CHAPTER 46 MIDWIVES LICENSURE ACT

**33-46-101. Short title.**

This act shall be known and may be cited as the “Midwives Licensure Act”.

**33-46-102. Definitions.**

(a) As used in this act:

(i) “Board” means the board of midwifery;

(ii) “Midwife” means any person who provides primary prenatal, intrapartum and postpartum care by affirmative act or conduct to women and newborns during the childbearing cycle;

(iii) “Midwifery” or “practice of midwifery” means providing primary maternity care that is consistent with a midwife’s training, education and experience to women and their newborn children throughout the childbearing cycle, and includes identifying and referring women or their newborn children who require medical care to an appropriate health professional;

(iv) “This act” means W.S. 33-46-101 through 33-46-108.

**33-46-103. Board of midwifery.**

(a) The board of midwifery is established. The board shall regulate the practice of midwifery in the state to ensure the safety of women and newborn children receiving care from midwives.

(b) The board shall license as a midwife any person who applies in the manner prescribed by the board in rules and regulations and who:

(i) Pays the fees established by the board pursuant to this act;

(ii) Has graduated from a midwifery education program accredited by the midwifery education accreditation council, or a similar successor organization, or has five (5) years experience practicing as a licensed or certified midwife in another state;

(iii) Provides proof of current certification as a certified professional midwife by the North American registry of midwives or its successor organization;

(iv) Has completed a practicum or course of practical experience meeting the requirements established by rule and regulation of the board;

(v) Has provided the board with evidence of successful completion of board approved courses in the treatment of respiratory distress in newborns, pharmacology, the treatment of shock, intravenous therapy and suturing specific to midwives. The board may accept graduation from an accredited program as provided by paragraph (ii) of this subsection as satisfying this requirement if those programs adequately cover these subjects;

(vi) Has provided the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201;

(vii) Has successfully completed a personal interview with the board, if the board deems an interview appropriate in general or in a specific case;

(viii) Has not provided materially false or misleading information to the board;

(ix) Has not been convicted of a crime which in the judgment of the board renders the person unfit to practice midwifery.

(c) The board may by endorsement license any person as a midwife who applies in the manner prescribed by the board and who:

(i) Pays the fees established by the board pursuant to this act;

(ii) Is currently licensed or certified by any state with requirements at

least as stringent as this state and is in good standing in that state;

(iii) Has successfully completed a personal interview with the board if the board deems an interview appropriate in general or in a specific case;

(iv) Has provided the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201;

(v) Has not provided materially false or misleading information to the board;

(vi) Has not been convicted of a crime which in the judgment of the board renders the person unfit to practice midwifery;

(vii) Has not been sanctioned in another state without resolution satisfactory to the board.

(d) The period of licensure shall be two (2) years and the board shall renew the license upon application, payment of fees and completion of any required continuing education, absent cause to take action pursuant to subsection (e) of this section.

(e) The board may revoke, suspend or condition the license of a midwife or require the midwife to practice for a time under the supervision of a person licensed under the Medical Practice Act, a certified nurse midwife or another midwife as appropriate if the board finds the midwife has committed any one (1) or more of the following:

(i) Been convicted of a crime which renders the person unfit to practice midwifery;

(ii) Violated this act;

(iii) Abused or neglected women or newborns under the midwife's care;

(iv) Failed to refer women or newborn children in need of care or at risk of needing care beyond the abilities of the midwife to an appropriate health care professional in accord with standards of the national association of certified professional midwives or other national midwife certifying agency established for such purpose which has been reviewed and approved by the board;

(v) Provided a level or degree of care indicating a need for additional training of the midwife or additional professional supervision of the midwife.

(f) The board may authorize its chairman or executive secretary, if any, to issue a provisional license allowing any of the following:

(i) Any person eligible for licensure to practice under the supervision

of another midwife, a person licensed under the Medical Practice Act or a certified nurse midwife until the board has the opportunity to act on the person's application for licensure, however this paragraph shall not apply to any person whose license or certificate is under revocation, suspension or disciplinary restriction in another state;

(ii) Any person undertaking the practicum required under this act to practice under the supervision of another midwife, a certified nurse midwife or a person licensed under the Medical Practice Act;

(iii) Any person licensed or certified in another state with requirements at least as stringent as this state to practice for not more than thirty (30) days to provide education and instruction in midwifery or to act as a locum tenens for a midwife licensed under this act. The board may define by rule and regulation the number of times during a year a provisional license pursuant to this paragraph may be issued.

(g) Unless otherwise provided in this act, hearing procedures shall be promulgated in accordance with, and a person aggrieved by a decision of the board may take an appeal pursuant to, the Wyoming Administrative Procedure Act.

(h) The practice of midwifery in Wyoming prior to the effective date of this act shall not constitute grounds for the board to deny licensure to or to discipline any person who otherwise qualifies for licensure under this act.

(j) The board shall make, adopt, amend, repeal and enforce reasonable rules and regulations necessary for the proper administration and enforcement of this act. The rules adopted by the board shall:

(i) Develop uniform and reasonable scope of practice standards for midwifery consistent with W.S. 33-46-102(a)(ii) and (iii), which shall, at a minimum:

(A) Prohibit a licensed midwife from providing care for a client with any one (1) or more of the following pregnancy disorders, diagnoses, conditions or symptoms:

(I) Placental abnormality;

(II) Multiple gestation;

(III) Noncephalic presentation at the onset of labor or rupture of membranes, whichever occurs first;

(IV) Birth under thirty-seven (37) weeks or after forty-two (42) weeks gestational age;

(V) A history of more than one (1) prior cesarean section with no prior vaginal delivery, a cesarean section within eighteen (18) months of

the current delivery or any cesarean section that was surgically closed with a classical or vertical incision;

(VI) Rhesus factor or other blood group or platelet sensitization, hematological disorders or coagulation disorders;

(VII) Preeclampsia;

(VIII) Cervical insufficiency or a history of cervical insufficiency.

(B) Prohibit a licensed midwife from providing care for a client with a history of any one (1) or more of the following disorders, diagnoses, conditions or symptoms unless the disorder, diagnosis, condition or symptom is being treated, monitored and managed during the current pregnancy by a physician licensed under the Medical Practice Act:

(I) Diabetes;

(II) Thyroid disease;

(III) Epilepsy;

(IV) Hypertension;

(V) Cardiac disease;

(VI) Pulmonary disease;

(VII) Renal disease;

(VIII) Previous major surgery of the pulmonary system, cardiovascular system, urinary tract or gastrointestinal tract;

(IX) Hepatitis.

(C) Require a licensed midwife to recommend that a client see a physician licensed under the Medical Practice Act and to document and maintain a record if the client has a history of any one (1) or more of the following disorders, diagnoses, conditions or symptoms:

(I) Previous complicated pregnancy;

(II) Previous cesarean section;

(III) Previous pregnancy loss in second or third trimester;

(IV) Previous spontaneous premature labor;



- (V) Previous preterm rupture of membranes;
  - (VI) Previous preeclampsia;
  - (VII) Previous hypertensive disease of pregnancy;
  - (VIII) Prior infection with parvo virus, toxoplasmosis, cytomegalovirus or herpes simplex virus;
  - (IX) Previous newborn group B streptococcus infection;
  - (X) A body mass index of thirty-five (35) or higher at the time of conception;
  - (XI) Underlying family genetic disorders with potential for transmission;
  - (XII) Psychiatric illness.
- (D) Require a licensed midwife to facilitate the immediate transfer to a hospital for emergency care, a client with any one (1) or more of the following disorders, diagnoses, conditions or symptoms:
- (I) Maternal fever in labor;
  - (II) Suggestion of fetal jeopardy such as significant bleeding, thick meconium or abnormal fetal heart tones without delivery imminent;
  - (III) Noncephalic presentation at the onset of labor or rupture of membranes, whichever occurs first;
  - (IV) Second stage of labor longer than two (2) hours without adequate progress;
  - (V) Current spontaneous premature labor;
  - (VI) Current preterm premature rupture of membranes;
  - (VII) Current preeclampsia;
  - (VIII) Current hypertensive disease of pregnancy;
  - (IX) Continuous uncontrolled bleeding;
  - (X) Bleeding which necessitates the administration of more than two (2) doses of oxytocin or other antihemorrhagic agent;
  - (XI) Delivery injuries to the bladder or bowel;

(XII) Seizures;

(XIII) Uncontrolled vomiting;

(XIV) Coughing or vomiting of blood;

(XV) Severe chest pain;

(XVI) Sudden onset of shortness of breath and associate labored breathing.

(E) Require that a licensed midwife recommend to the client that two (2) providers trained in neonatal resuscitation program be present at delivery;

(F) Require a licensed midwife to maintain records of all care provided to clients.

(ii) Develop a protocol for written informed consent to treatment, which shall include all of the following:

(A) The licensed midwife's experience and training;

(B) Instructions for obtaining a copy of rules adopted by the board pursuant to this act;

(C) Instructions for obtaining a copy of documents adopted by the national association of certified professional midwives that identify the nature of and standards of practice for responsible midwifery practice;

(D) Instructions for filing complaints with the board;

(E) Notice of the type and liability limits of professional or personal liability insurance maintained by the midwife or notice that the midwife does not carry liability insurance;

(F) A written protocol for emergencies that is specific for each individual client, including the following provisions:

(I) Transport to a hospital in an emergency;

(II) Notification of the hospital to which a client will be transferred upon initiation of the transfer;

(III) Accompaniment of the client to the hospital by the midwife, if feasible, or telephone notice to the hospital if the midwife is unable to be present personally;

(IV) Transmission of the client's record to the hospital, including the client's name, address, list of known medical conditions, list of prescription or over the counter medications regularly taken, history of previous allergic reactions to medications, the client's current medical condition and description of the care provided by the midwife;

(V) Next of kin contact information.

(G) A description of the procedures, benefits and risks of home birth, primarily those conditions that may arise during delivery;

(H) Any other information required by board rule.

(iii) Define a protocol for the use of those drugs approved by the board for administration to mothers and babies. The protocol shall include amounts and methods of obtaining, storing and disposing of approved drugs, indications and contraindications for usage, dosage, route of administration and duration of treatment;

(iv) Define a protocol for management of newborns which shall at a minimum include immediate management of respiratory distress or other serious or potentially serious illness in the newborn, ensuring compliance with the newborn screening requirements of W.S. 35-4-801 and ensuring compliance with the relevant portions of vital records reporting pursuant to W.S. 35-1-401 through 35-1-431;

(v) Define a protocol for medical waste disposal;

(vi) Require midwives to report outcomes of all clients for which the midwife provided services at any point during labor or delivery to the board after each birth.

(k) Rules adopted by the board shall not:

(i) Require a licensed midwife to have a nursing degree or diploma;

(ii) Except as authorized by subsection (f) of this section or as a condition imposed as a disciplinary measure pursuant to W.S. 33-46-103(e), require a licensed midwife to practice midwifery under the supervision of another health care provider;

(iii) Except as a condition imposed as a disciplinary measure pursuant to W.S. 33-46-103(e), require a licensed midwife to enter into an agreement, written or otherwise, with another health care provider;

(iv) Limit the location where a licensed midwife may practice midwifery;

(v) Allow a licensed midwife to use vacuum extraction or forceps as an aid in the delivery of a newborn;

(vi) Grant a licensed midwife prescriptive privilege, except as provided in the protocol established pursuant to W.S. 33-46-103(j)(iii);

(vii) Allow a licensed midwife to perform abortions.

(m) At no less than five (5) year intervals, the board shall examine the reports provided under paragraph (j)(vi) of this section to assess the efficacy of the program.

#### **33-46-104. Board membership and organization.**

(a) The board shall consist of seven (7) members appointed by the governor including four (4) certified professional midwives, one (1) certified nurse midwife, one (1) physician licensed under the Medical Practice Act who is board certified in either obstetrics and gynecology or family medicine and who has experience in primary maternity care and one (1) consumer of midwifery care. The governor shall have the authority to appoint to the board qualified midwives licensed or certified in another state provided any person appointed becomes licensed in Wyoming within one (1) year of appointment.

(b) The initial appointments shall be for staggered terms with three (3) members being appointed for two (2) year terms, three (3) members being appointed for three (3) year terms and one (1) member being appointed for a four (4) year term. Thereafter, members shall be appointed for four (4) year terms. Vacancies shall be filled in the same manner as original appointments.

(c) The board shall elect a chairman and a vice chairman from among its membership. A majority of the board shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever a majority of the board members request and shall be held at least three (3) times per year.

(d) The attorney general shall provide legal counsel as necessary for the board and shall do so without charge until July 1, 2010 to assist the board in its organization and promulgation of initial rules.

#### **33-46-105. Prohibited acts and exceptions.**

(a) Unless licensed pursuant to this act, no person shall practice midwifery or hold himself out to be a midwife, a licensed midwife or a certified professional midwife except that a certified nurse midwife may hold himself out to be a midwife.

(b) The following shall not be considered to be practicing midwifery under

this act:

(i) Any person rendering aid to a woman delivering a baby in the case of an emergency;

(ii) Any family member assisting a woman delivering a baby;

(iii) Any person recommending or referring a woman to medical care or a specific health care practitioner;

(iv) Any person licensed under another chapter of this title while practicing within the scope of the license.

### **33-46-106. Penalties.**

Any person violating any provision of this act 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.

### **33-46-107. Immunity.**

(a) No person other than the licensed midwife who provided care to the patient shall be liable for the midwife's negligent, grossly negligent or willful and wanton acts or omissions.

(b) No hospital, person licensed under the Medical Practice Act, person licensed under the Nurse Practice Act, prehospital emergency medical personnel or any of their agents shall be liable for care provided to a woman or newborn child subsequent to care provided by a midwife, except that any hospital, person licensed under the Medical Practice Act, person licensed under the Nurse Practice Act, prehospital emergency medical personnel or any of their agents shall remain liable as otherwise provided by law for his or its own actions which are independent of the actions and omissions of the midwife.

(c) No person licensed under the Medical Practice Act, person licensed under the Nurse Practice Act or hospital in which they practice shall be liable for any failures of a midwife to meet any standard of care for patients on which they provide consultation to a midwife or accept a referral from the midwife but shall remain liable as otherwise provided by law for his or its own actions.

(d) For purposes of this section, "midwife" means the licensed midwife who provided care to the patient and any employer under whose authority the midwife provided that care.

### **33-46-108. Fees.**

The board shall establish fees in accordance with W.S. 33-1-201 as necessary to provide for the administration of this act, including establishment of a reasonable working capital contingency fund. The board may establish fees

for licensure, renewal of licenses, late applications, provisional licensure and per delivery fees for midwives conducting deliveries. Any per delivery fee established by the board shall not exceed fifty dollars (\$50.00) and shall be forwarded to the board at the interval specified by board rules and regulations. The fees shall be deposited and managed in the same manner as other fees collected pursuant to this act.

**Section 2.** W.S. 7-19-106(a) by creating a new paragraph (xxiv), 7-19-201(a) by creating a new paragraph (xix) and 33-24-129 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:

(xxiv) The board of midwifery for purposes of obtaining background information on applicants for licensure by the board whose application or other information received by the board indicates the applicant has or may have been convicted of a crime, and for purposes of investigation of complaints and disciplinary action against licensees of the board.

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

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

(xix) All persons applying for licensure to the Wyoming board of midwifery whose application or other information received by the board indicates that the applicant has or may have been convicted of a crime, and any licensee of the board of midwifery upon written request from the board of midwifery as part of an ongoing investigation of or disciplinary action against the licensee.

**33-24-129. Exempted professions.**

This act does not apply to physicians, dentists, veterinarians, podiatrists, optometrists, ~~or osteopaths~~ or midwives licensed by law to practice their professions within this state or to other persons authorized by federal law and state law to treat sick and injured persons in Wyoming and to use controlled substances in the course of treatment.

**Section 3.** There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the department of administration and information. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2011. This appropriation shall only be expended for the purpose of providing necessary support and executive secretary services for the board of midwifery as created under section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any

unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2011. The board shall submit a supplemental budget request for the fiscal year beginning July 1, 2011 and standard budget requests for subsequent biennia through the normal budget process.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2010.

(b) W.S. 33-46-103(a) and 33-46-104 created by this act and sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. The board of midwifery may immediately commence drafting and adoption of rules and regulations for the implementation of this act and may immediately accept applications for midwife licenses to be issued on or after July 1, 2010.

Approved March 5, 2010.

**Chapter 47**

**INDUSTRIAL SITING AMENDMENTS**

Original Senate File No. 66

AN ACT relating to industrial siting; amending jurisdictional criteria; amending and adding definitions; expanding and modifying notice provisions; granting rulemaking authority as specified; modifying the information necessary in permit and waiver applications; expanding the number of state agencies involved in permitting; specifying additional issues to consider in the permitting process; requiring additional fees; defining prohibited activities; modifying exempt facilities; providing exceptions to hearing requirements; providing additional requirements and jurisdiction for wind energy facilities; repealing laws regarding incomplete applications; making an appropriation; authorizing a position; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 35-12-102(a)(vii)(C), by creating a new subparagraph (E), (xi) and by creating a new paragraph (xiv), 35-12-105 by creating new subsections (d) through (f), 35-12-106(c) and (d), 35-12-107(b)(viii), by creating new paragraphs (xii) through (xiv), (h)(i), (ii), by creating a new paragraph (iii), (j)(ii), (iii) and by creating a new paragraph (iv), 35-12-109(a)(xiii)(intro), by creating new subparagraphs (Q) through (S), (xv), (xviii), by creating new paragraphs (xix) through (xxi), (b), (c) and by creating a new subsection (d), 35-12-110(a)(i), (b)(xv), (xvi), by creating new

paragraphs (xvii) through (xxiii), (e)(i) and (ii), 35-12-111(a)(ii) and (iii), 35-12-113(a)(ii), (iii), by creating a new paragraph (iv) and by creating a new subsection (h), 35-12-118(a)(ii), (iii) and by creating a new paragraph (iv) and 35-12-119(c)(i) are amended to read:

**35-12-102. Definitions.**

(a) As used in this chapter:

(vii) "Industrial facility" or "facility" means any industrial facility with an estimated construction cost of at least ninety-six million nine hundred thousand dollars (\$96,900,000.00) as of May 30, 1987. Exempt activities shall not be included in the estimated construction cost of an industrial facility. The council shall adjust this amount, up or down, each year using recognized construction cost indices as the council determines to be relevant to the actual change in construction cost applicable to the general type of construction covered under this chapter. "Facility" also includes, regardless of construction cost:

(C) Any commercial radioactive waste management facility defined by W.S. 35-11-103(d)(v); ~~and~~

(E) Any commercial facility generating electricity from wind and associated collector systems that:

(I) Consists of thirty (30) or more wind turbines in all planned phases of the installation; or

(II) Expand an existing installation not previously defined as a facility to include a total number of turbines greater than or equal to the thresholds in subdivision (a)(vii)(E)(I) of this section.

(xi) "Person" includes an individual, group, firm, partnership, corporation, cooperative, association, or other entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a commercial facility generating electricity from wind;

(xiv) "Collector system" means the electrical transmission infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any commercial facility generating electricity from wind up to, but not including, electric substations or similar facilities necessary to interconnect to existing or proposed transmission lines that serve load or export energy from Wyoming.

**35-12-105. Appointment and duties of administrator; staff; rules and regulations.**



(d) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing decommissioning and site reclamation standards for facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E). Such standards shall be designed to assure the proper decommissioning and interim and final site reclamation of commercial facilities generating electricity from wind during construction and operation of the facility, at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease.

(e) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing financial assurance requirements for facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E). These rules and regulations shall not apply to facilities that are public utilities and regulated by the Wyoming public service commission. The rules and regulations shall be designed to provide adequate assurance that the permitted facilities will be properly reclaimed and decommissioned when appropriate. The elements to consider when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear on the decision to accept a financial assurance. The financial assurance may be in any form acceptable to the council and can include a corporate guarantee, letter of credit, bond, deposit account or insurance policy.

(f) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations requiring applicants for facilities described in W.S. 35-12-102(a)(vii)(E) and (F) to provide notice to record owners of mineral rights located on or under the lands where the proposed facility will be constructed.

**35-12-106. Permit from council required prior to commencing construction of facility; electronic permitting; amendments; exceptions.**

(c) Except as provided in subsection (d) of this section, the council may allow the amendment of a permit or application for a permit for good cause if the holder demonstrates to the council at its next meeting that the requested change is in compliance with local ordinances and applicable land use plans and will not significantly add to adverse environmental, social and economic impact in the county impacted area.

(d) On an application for an amendment of a permit, the council shall hold a hearing in the same manner as a hearing is held on an application for a permit if in the council's opinion the requested change in the facility would result in a significant adverse increase in any environmental, social or economic impact of the facility or a change in the location of all or a portion of the facility ~~except as otherwise provided in the original~~

application for alternate locations for the facility unless the change in location was specifically approved by the council in the permit.

**35-12-107. Request for waiver of permit application; form.**

(b) A request for a waiver shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(viii) A brief description of the methods and strategies the applicant will use to maximize the employment and utilization of the existing local or in-state contractors and labor force during the construction and operation of the facility;

(xii) Certification that the governing bodies of all local governments within the potentially impacted area were provided notification, a description of the proposed project and an opportunity to ask the applicant questions at least thirty (30) days prior to submission of the application;

(xiii) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E), a site reclamation and decommissioning plan, which shall be updated every five (5) years and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xiv) Information demonstrating the applicant's financial capability to construct, maintain, operate, decommission and reclaim the facility.

(h) The applicant shall present any evidence necessary to demonstrate to the council:

(i) That the facility would not produce an unacceptable environmental, social or economic impact; ~~and~~

(ii) That the applicant has reached agreement with local governments affected by the facility on the mitigation required to alleviate adverse effects resulting from the facility; ~~and~~

(iii) That the applicant has financial resources to construct, maintain, operate, decommission and reclaim the facility.

(j) Within ten (10) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the request for a waiver. The council shall grant a request for a waiver either as proposed or as modified by the council if it finds and determines that:

(ii) The applicant has discussed the proposed facility with all local governments potentially affected by the project; ~~and~~

(iii) The proposed facility is in compliance with all local ordinances and land use plans; ~~and~~

(iv) The applicant has financial resources to construct, maintain, operate, decommission and reclaim the facility.

**35-12-109. Application for permit; form; fee; financial accounting.**

(a) An application for a permit shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

~~(xiii) Preliminary evaluations of or~~ An evaluation of potential impacts together with any plans and proposals for alleviating social; and economic or environmental impacts upon local government governments or any special districts and alleviating environmental impacts which may result from the proposed facility, ~~which~~ The evaluations, plans and proposals shall cover the following:

(Q) Agriculture;

(R) Terrestrial and aquatic wildlife;

(S) Threatened, endangered and rare species and other species of concern identified in the state wildlife action plan as prepared by the Wyoming game and fish department.

(xv) What other local, state or federal permits and approvals are required;

(xviii) A ~~brief~~ description of the methods and strategies the applicant will use to maximize employment and utilization of the existing local or in-state contractors and labor force during the construction and operation of the facility;

(xix) Certification that the governing bodies of all local governments which will be primarily affected by the proposed facility were provided notification, a description of the proposed project and an opportunity to ask the applicant questions at least thirty (30) days prior to submission of the application;

(xx) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E), a site reclamation and decommissioning plan, which shall be updated every

five (5) years, and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xxi) Information demonstrating the applicant's financial capability to construct, maintain, operate, decommission and reclaim the facility.

(b) At the time of filing an application or a written request for a waiver of the application provisions of this chapter as provided in W.S. 35-12-107, or as subsequently required by the director, an applicant shall pay a fee to be determined by the director based upon the estimated cost of investigating, reviewing, processing and serving notice of an application, ~~and holding a hearing in case of a request for waiver, inspection and compliance activities and processing application update requests.~~ The fee shall be credited to a separate account and shall be used by the division as required to investigate, review, process and serve notice of the application, ~~and to hold a hearing in case of a request for waiver and to pay the reasonable costs of any meeting or hearing associated with permit compliance.~~ Unused fees shall be refunded to the applicant. The maximum fee chargeable shall not exceed one-half of one percent (0.5%) of the estimated construction cost of the facility or one hundred thousand dollars (\$100,000.00), whichever is less.

(c) The director shall provide the applicant with a full financial accounting, including but not limited to all materials, labor and overhead costs relating to the expenditures of the fee at the time of the council's decision as provided in W.S. 35-12-113 or at the completion of construction, whichever occurs later.

(d) At any time after the fee required by subsection (b) of this section has been exhausted or refunded and in addition to the fee imposed under subsection (b) of this section, the applicant may be required to pay a fee, as determined by the director, for the costs of any meeting or hearing associated with permit compliance. The director shall provide the applicant with a full financial accounting for the expenditure of the fee, including but not limited to all materials, labor and overhead costs, at the conclusion of the council meeting or hearing.

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

(a) Not more than ten (10) days following receipt of an application for a permit, the director shall:

(i) Serve ~~notice~~ an electronic or physical copy of the application upon

the governing bodies of local government which will be primarily affected by the proposed facility, ~~and the notice shall refer to~~ together with notice of the applicable provisions of W.S. 35-12-111;

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

(xv) Department of revenue; ~~and~~

(xvi) The Wyoming business council;:-

(xvii) Department of workforce services;

(xviii) Office of state lands and investments;

(xix) Department of employment;

(xx) Department of state parks and cultural resources;

(xxi) Department of fire prevention and electrical safety;

(xxii) Department of family services;

(xxiii) Oil and gas conservation commission.

(e) Upon receipt of the additional information specified in subsection (d) of this section, the director shall either notify the applicant that the application is complete or notify the applicant of continued deficiencies. The applicant shall provide the required information within fifteen (15) days of receipt of the notice of continued deficiency. Upon receipt of the second deficiency notice, the applicant may:

(i) Provide the required information within the time allotted; or

(ii) Withdraw the application; ~~or~~

**35-12-111. Parties to permit proceeding; waiver by failure to participate.**

(a) The parties to a permit proceeding include:

(ii) Each local government entitled to receive ~~service of~~ a copy of the application under W.S. 35-12-110(a)(i);

(iii) Any person residing in a local government entitled to receive ~~service of~~ a copy of the application under W.S. 35-12-110(a)(i) including any person holding record title to lands directly affected by construction of the

facility and any nonprofit organization with a Wyoming chapter, concerned in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the areas in which the facility is to be located. In order to be a party the person or organization must file with the office a notice of intent to be a party not less than twenty (20) days before the date set for the hearing.

**35-12-113. Decision of council; findings necessary for permit conditions imposed; service of decision on parties; waste management surcharge.**

(a) Within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate. The council shall not consider the imposition of conditions which address impacts within the area of jurisdiction of any other regulatory agency in this state as described in the information provided in W.S. 35-12-110(b), unless the other regulatory agency requests that conditions be imposed. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

(ii) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants or expected inhabitants in the affected area; ~~and~~

(iii) The facility will not substantially impair the health, safety or welfare of the inhabitants; ~~and~~

(iv) The applicant has financial resources to construct, maintain, operate, decommission and reclaim the facility.

(h) For applicants subject to W.S. 35-12-105(e), a permit may be issued conditioned upon the applicant furnishing a bond or other financial assurance acceptable to the division in an amount determined by the director to cover the cost of decommissioning and reclaiming the facility.

**35-12-118. Penalties for violations; civil action by attorney general.**

(a) No person shall:

(ii) Construct, operate or maintain a facility, after having first obtained

a permit, other than in specific compliance with the permit; ~~or~~

(iii) Cause any of the acts specified in this subsection to occur;:

(iv) Operate or maintain an industrial facility without having first obtained the permit required under this chapter.

**35-12-119. Exemptions; information required.**

(c) The construction, operation and maintenance of the following activities are exempt from this chapter:

(i) Electric transmission lines ~~not exceeding five hundred thousand (500,000)~~ with a maximum operating voltage of less than one hundred sixty thousand (160,000) volts,; except:

(A) Any collector system, regardless of voltage, associated with a commercial facility generating electricity from wind and which meets the definition of an industrial facility pursuant to W.S. 35-12-102(a)(vii)(E) shall not be exempt;

(B) A commercial facility generating electricity from wind that is exempt from W.S. 35-12-102(a)(vii)(E) shall not become subject to this chapter because its collector system is greater than one hundred sixty thousand (160,000) volts.

**Section 2.** W.S. 35-12-110(e)(iii) is repealed.

**Section 3.**

(a) Notwithstanding section 1 of this act, if 2010 House Bill 0072 is enacted into law, the amendments to W.S. 35-12-105 by creating new subsections (d) through (f), 35-12-107(b) by creating a new paragraph (xiii), 35-12-109(a) by creating a new paragraph (xx) and 35-12-119(c)(i) made by section 1 of this act shall not be effective and, instead, W.S. 35-12-105 by creating new subsections (d) through (f), 35-12-107(b) by creating a new paragraph (xiii), 35-12-109(a) by creating a new paragraph (xx) and 35-12-119(c)(i) are amended to read:

**35-12-105. Appointment and duties of administrator; staff; rules and regulations.**

(d) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing decommissioning and site reclamation standards for facilities permitted under W.S. 35-12-102(a)(vii)(E) and (F). Such standards shall preempt county rules or regulations concerning decommissioning

and reclamation and shall be designed to assure the proper decommissioning and interim and final site reclamation of commercial facilities generating electricity from wind and wind energy facilities during construction and operation of the facility, at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. In the event of any conflict between a standard applied under this subsection and a valid order of the Wyoming public service commission, the order of the public service commission shall be applied.

(e) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing financial assurance requirements for facilities permitted by it pursuant to W.S. 35-12-102(a)(vii)(E) and (F). These rules and regulations shall not apply to facilities that are public utilities and regulated by the Wyoming public service commission. These rules and regulations shall preempt county rules and regulations concerning financial assurances and shall be designed to provide adequate assurance that the permitted facilities will be properly reclaimed and decommissioned at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The elements to consider when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear upon the decision to accept a financial assurance. The financial assurance may be in any form acceptable to the council and may include a corporate guarantee, letter of credit, bond, deposit account or insurance policy.

(f) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations requiring applicants for facilities described in W.S. 35-12-102(a)(vii)(E) and (F) to provide notice to record owners of mineral rights located on or under the lands where the proposed facility will be constructed. Such notice may include notice by publication.

**35-12-107. Request for waiver of permit application; form.**

(b) A request for a waiver shall be filed with the division, in a form as prescribed by council rules and regulations,



and shall contain the following information:

(xiii) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E) or (F), a site reclamation and decommissioning plan, which shall be updated every five (5) years and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

**35-12-109. Application for permit; form; fee; financial accounting.**

(a) An application for a permit shall be filed with the division, in a form as prescribed by council rules and regulations, and shall contain the following information:

(xx) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E) or (F), a site reclamation and decommissioning plan, which shall be updated every five (5) years, and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

**35-12-119. Exemptions; information required.**

(c) The construction, operation and maintenance of the following activities are exempt from this chapter:

(i) Electric transmission lines ~~not exceeding five hundred thousand (500,000) with a maximum operating voltage of less than one hundred sixty thousand (160,000) volts;~~ except:

(A) Any collector system, regardless of voltage, associated with a commercial facility generating electricity from wind and which meets the definition of an industrial facility pursuant to W.S. 35-12-102(a)(vii)(E) and (F) shall not be exempt;

(B) A commercial facility generating electricity from wind that is exempt from W.S. 35-12-102(a)(vii)(E) or (F) shall not become subject to this chapter because its

collector system is greater than one hundred sixty thousand (160,000) volts.

(b) This section shall not be effective if 2010 House Bill 0072 is not enacted into law.

**Section 4.** There is appropriated three hundred fifty-five thousand seven hundred fifty-four dollars (\$355,754.00) from the general fund and one (1) full-time position is authorized to the department of environmental quality. This appropriation shall be for the fiscal biennium beginning July 1, 2010. This appropriation shall only be expended for the purposes of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall be included in the department's 2013-2014 standard biennial budget request.

**Section 5.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

**Editor's note: In reference to section 3 of this chapter, 2010 House Bill 0072 was enacted into law. See 2010 Wyoming Session Laws, Chapter 47.**

Approved March 5, 2010.

## Chapter 48

### EMINENT DOMAIN-WIND POWER COLLECTOR LINES

Original House Bill No. 79

AN ACT relating to condemnation; limiting the exercise of the power of condemnation for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind for a period of time; establishing a task force; assigning duties to the task force; specifying the operation and membership of the 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. 1-26-815 by creating a new subsection (d) is amended to read:

**1-26-815. Right of eminent domain granted; ways of necessity for authorized businesses; purposes; extent.**

(d) No person qualified to exercise the condemnation authority granted by this section, except a public utility that has been granted a certificate of

public convenience and necessity pursuant to W.S. 37-2-205, shall exercise the authority for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind. The prohibition imposed by this subsection shall be effective immediately and shall end June 30, 2011, or upon the effective date of legislation establishing additional conditions for the use of condemnation authority for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind, whichever occurs earlier. As used in this subsection, "collector systems associated with commercial facilities generating electricity from wind" means the conductor infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any commercial facility generating electricity from wind up to but not including electric substations or interconnections facilities associated with existing or proposed transmission lines that serve load or that export energy from Wyoming.

**Section 2.** 2009 Wyoming Session Laws, Chapter 159, Section 348(a)(iii) and (e) is amended to read:

[TASK FORCE ON WIND ENERGY]

**Section 348.**

(a) Provided the management council does not assign the issue of wind energy to a standing committee as a 2009 interim topic, there is created a task force on wind energy consisting of the following members:

(iii) ~~Two (2)~~ Three (3) members from the public-at-large appointed by the governor;

(e) The task force shall exist until December 31, ~~2009~~ 2010. Members of the task force who are not state employees or legislators shall not receive a salary but shall receive reimbursement for mileage and per diem expenses at the rate provided for legislators under W.S. 28-5-101. Members of the task force who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

**Section 3.** There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office to continue the task force on wind energy as established by Chapter 159, 2009 Wyoming Session Laws, 2009 HB 0001, Section 348 as amended by section 2 of this act. The appropriation shall be used for the payment of salary, per diem and mileage for legislative task force members. The task force's membership and operation shall be as established by Chapter 159, 2009

Wyoming Session Laws as amended by section 2 of this act. The task force shall clearly define collector systems, identify and recommend conditions appropriate for the use of condemnation authority authorized pursuant to W.S. 1-26-815 for collector systems for commercial facilities generating electricity from wind, consider and recommend appropriate public policy with respect to the severance of the wind estate from the surface estate and consider and make recommendations regarding the amount, method and duration of payment to landowners who are subject to the construction and operation of wind energy collector systems on their land. The task force shall work with the Wyoming infrastructure authority, other state agencies, county governments, landowners, transmission developers, wind energy developers and other interested stakeholders to determine appropriate conditions and recommendations. The task force shall provide the general public with significant opportunity to comment and shall report to the Wyoming legislature and the governor, including specific recommendations, no later than November 1, 2010.

**Section 4.** There is appropriated two thousand dollars (\$2,000.00) from the general fund to the governor's office for payment of per diem and mileage for nonlegislative task force members as established by Section 2.

**Section 5.** Notwithstanding any other provision of law, the appropriations made by this act shall not be transferred or expended for any purpose not specified by the act and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on December 31, 2010.

**Section 6.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 5, 2010.

## Chapter 49

### ELECTRICITY GENERATED FROM WIND-TAXATION

Original House Bill No. 101

AN ACT relating to taxation and revenue; imposing a tax upon the production of electricity from wind resources as specified; providing for administration, imposition, enforcement and distribution 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. 39-22-101 through 39-22-111 are created to read:

#### CHAPTER 22 TAX UPON PRODUCTION OF ELECTRICITY FROM WIND RESOURCES

**39-22-101. Definitions.**

There are no specific applicable provisions for definitions for this chapter.

**39-22-102. Administration.**

The department of revenue shall enforce the provisions of this chapter. The department shall promulgate rules and regulations necessary for the implementation and enforcement of this chapter.

**39-22-103. Imposition.**

There is levied an excise tax upon the privilege of producing electricity from wind resources in this state. The tax shall be imposed upon the production of any electricity produced from wind resources for sale or trade on or after January 1, 2012, and shall be paid by the person producing such electricity. The tax shall be imposed on each megawatt hour of electricity produced from wind resources at the point of interconnection with an electric transmission line.

**39-22-104. Taxation rate.**

The tax rate shall be one dollar (\$1.00) on each megawatt hour, or portion thereof, which is produced in this state.

**39-22-105. Exemptions.**

(a) No tax shall be imposed upon electricity which is produced from any generating facility owned or operated by the federal government, state of Wyoming or by any county or municipality in this state. No tax shall be imposed upon electricity which is produced for the personal consumption of the producer, including any excess production of electricity that does not exceed five hundred (500) kilowatt hours in any twenty-four (24) hour period.

(b) Electricity produced from a wind turbine shall not be subject to the tax imposed under this chapter until the date three (3) years after the turbine first produced electricity for sale. After such date the production shall be subject to the tax, as provided by W.S. 39-22-103, regardless of whether production first commenced prior to or after January 1, 2012.

**39-22-106. Licensing; permits.**

There are no specific applicable provisions for licenses and permits for this chapter.

**39-22-107. Compliance; collection procedures.**

(a) Returns and reports. Any person producing electricity from wind resources within this state which is subject to the tax imposed by this chapter shall report the amount of megawatt hours produced in this state on or before February 1 of the year immediately following the year in which the electricity was produced.

(b) Payment. Any person owing a tax under this chapter shall pay the tax once each year on or before February 1 of the year immediately following the year in which the electricity was produced. The tax shall be collected by the department of revenue.

(c) Timelines. There are no specific applicable provisions for timelines for this chapter.

**39-22-108. Enforcement.**

(a) Audits. There are no specific applicable provisions for audits for this chapter.

(b) Interest. Interest at an annual rate equal to the average prime interest as determined by the state treasurer during the preceding fiscal year, plus four percent (4%), shall be added to all delinquent taxes under this chapter. To determine the average prime interest rate, the state treasurer shall average the prime interest for at least seventy-five percent (75%) of the thirty (30) largest banks in the United States. The interest rate on delinquent taxes shall be adjusted on January 1 of each year following the year in which the taxes first became delinquent. In no instance shall the delinquent interest rate be less than twelve percent (12%) nor greater than eighteen percent (18%).

(c) Penalties. The following shall apply:

(i) If any person fails to make or file a return and remit the tax as required by W.S. 39-22-107, the department shall impose a penalty of five percent (5%) of the taxes due for each thirty (30) day period, or fraction thereof, elapsing between the due date of the return and the date filed, unless the person for good cause obtains from the department an extension of time for filing prior to the due date for filing. In the event of an extension, the person shall pay the interest due on delinquent payments set forth in subsection (b) of this section. In no event shall the total penalty imposed by this subsection exceed twenty-five percent (25%) of the tax due. The department, for good cause, may waive a penalty imposed for failure to file a return for any one (1) calendar year, provided that:

(A) The return was filed within five (5) business days following the due date, including an approved extension period; and

(B) The taxpayer requests the waiver in writing within fifteen (15) days after the return was filed, setting forth the reasons for the late filing.

(ii) If any part of a tax deficiency is due to the negligence or intentional disregard of rules and regulations there shall be added a penalty of five percent (5%) of the amount of the deficiency plus interest as provided by subsection (b) of this section. The taxes, penalty and interest shall be paid by the taxpayer within ten (10) days after receipt of notice and demand by the department;

(iii) Taxes due together with interest, penalties and costs shall be collectible by the department by appropriate judicial proceedings;

(iv) The department may credit or waive penalties imposed by this section as part of a settlement or for any other good cause.

(d) Liens. Any delinquent tax is a lien upon the property of any owner from and after the time the tax is due until the tax is paid. The tax lien shall have preference over all liens except any valid mortgage or other liens of record filed or recorded prior to the date the tax became due.

(e) Tax sales. There are no specific applicable provisions for tax sales for this chapter.

**39-22-109. Taxpayer remedies.**

There are no specific applicable provisions for taxpayer remedies for this chapter.

**39-22-110. Statute of limitations.**

There are no specific applicable provisions for a statute of limitations for this chapter.

**39-22-111. Distribution.**

(a) The proceeds from the tax imposed by this chapter shall be transferred to the state treasurer to be distributed as follows:

(i) Sixty percent (60%) shall be distributed to the counties in this state where the generating facility is located. The amount shall be proportionately distributed to each county based upon the percentage of the assessed value of the generating facilities located within the county as compared to the total assessed value of generating facilities located within the state;

(ii) Forty percent (40%) shall be deposited in the state general fund.

**Section 2.** This act is effective January 1, 2011.

Approved March 5, 2010.

## Chapter 50

### DATA PROCESSING CENTER-SALES/USE TAX EXEMPTION

Original House Bill No. 67

AN ACT relating to taxation and revenue; providing a sales and use tax exemption on certain data processing services centers and equipment as specified; providing definitions; providing qualifications; providing reporting requirements; and providing for an effective date.

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

**Section 1.** W.S. 39-15-101(a) by creating new paragraphs (xlv) and (xlv), 39-15-105(a)(viii) by creating a new subparagraph (S) and (b)(intro) and 39-16-105(a)(viii) by creating a new subparagraph (H) and (b)(intro) are amended to read:

#### **39-15-101. Definitions.**

(a) As used in this article:

(xlv) “Data processing services center” means a business or business unit which is primarily engaged in providing infrastructure to house a group of network server computers and associated network storage devices in one (1) physical location in order to centralize one (1) or more of the following: storage, management, processing or dissemination of data and information pertaining to a particular business, taxonomy or body of knowledge. The business may provide specialized hosting activities such as web hosting, streaming services or application hosting; application service provisioning; or general time-share mainframe facilities to itself or to its clients. The client of a data processing services center may be a person or company not affiliated with the data processing services center or other business unit within the business entity which owns the data processing services center;

(xlv) “Qualifying computer equipment” means tangible personal property eligible for the exemption provided by W.S. 39-15-105(a)(viii)(S). The term shall include computers, servers, monitors, keyboards, storage devices and other peripherals, racking systems, cabling and trays necessary for the operation of the data processing services center.

#### **39-15-105. Exemptions.**

(a) The following sales or leases are exempt from the excise tax imposed



by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(S) The sales price paid for the purchase or rental of qualifying computer equipment including computers, servers, monitors, keyboards, storage devices and other peripherals, racking systems, cabling and trays that are necessary for the operation of a data processing services center when the aggregate purchase of the qualifying equipment exceeds two million dollars (\$2,000,000.00) in any calendar year. For the purpose of claiming this exemption, the purchaser shall demonstrate to the department that he:

(I) Has a physical location in this state where the qualifying computer equipment purchased shall be maintained and operated until the qualifying computer equipment is scheduled for replacement or until it has reached the end of its serviceable life;

(II) Shall make an initial total capital asset investment in a physical location in this state of not less than five million dollars (\$5,000,000.00) or has made a capital investment in a physical location in this state of not less than five million dollars (\$5,000,000.00) in the five (5) years immediately preceding the effective date of this subparagraph;

(III) Has retained adequate documentation to demonstrate that the total purchase of qualifying computer equipment exceeds the annual threshold of two million dollars (\$2,000,000.00);

(IV) Has received annual certification from the Wyoming business council that the purchaser has created or will create a number of jobs in Wyoming that is appropriate to the size and stage of development of the data processing services center as determined by the Wyoming business council;

(V) Will accrue the excise tax on purchase of otherwise qualifying computer equipment where the annual threshold of two million dollars (\$2,000,000.00) was not met. The tax shall be remitted to the department not later than the end of January immediately following the end of the calendar year where the threshold was not met to avoid the assessment of penalty and interest on any amount of tax due;

(VI) Shall keep adequate written records and documentation in accordance with department rule and regulation to show compliance with the requirements of this subparagraph. If the purchaser does not meet all the requirements of this subparagraph, any tax owed shall be remitted to the department not later than the end of January immediately following the end of the calendar year in which the requirements were not met.

(b) The Wyoming business council and the department of revenue shall jointly report to the joint revenue interim committee on or before

December 1 of each year that the exemption provided by subparagraph (a)(viii)(O), ~~or (R) or (S)~~ of this section is in effect. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

**39-16-105. Exemptions.**

(a) The following purchases or leases are exempt from the excise tax imposed by this article:

(viii) For the purpose of exempting sales of services and tangible personal property as an economic incentive, the following are exempt:

(H) The sales price paid for the purchase or rental of qualifying computer equipment including computers, servers, monitors, keyboards, storage devices and other peripherals, racking systems, cabling and trays that are necessary for the operation of a data processing services center when the aggregate purchase of the qualifying computer equipment exceeds two million dollars (\$2,000,000.00) in any calendar year. For the purpose of claiming this exemption, the purchaser shall demonstrate to the department that he:

(I) Has a physical location in this state where the qualifying computer equipment purchased shall be maintained and operated until the qualifying computer equipment is scheduled for replacement or until it has reached the end of its serviceable life;

(II) Shall make an initial total capital asset investment in a physical location in this state of not less than five million dollars (\$5,000,000.00) or has made a capital investment in a physical location in this state of not less than five million dollars (\$5,000,000.00) in the five (5) years immediately preceding the effective date of this subparagraph;

(III) Has retained adequate documentation to demonstrate that the total purchase of qualifying computer equipment exceeds the annual threshold of two million dollars (\$2,000,000.00);

(IV) Has received annual certification from the Wyoming business council that the purchaser has created or will create a number of jobs in Wyoming that is appropriate to the size and stage of development of the data processing services center as determined by the Wyoming business council;

(V) Will accrue the excise tax on purchase of otherwise qualifying computer equipment where the annual threshold of two million dollars (\$2,000,000.00) was not met. The tax shall be remitted to the department not later than the end of January immediately following the end of the calendar year where the threshold was not met to avoid the assessment of penalty and interest on any amount of tax due;

(VI) Shall keep adequate written records and documentation in

accordance with department rule and regulation to show compliance with the requirements of this subparagraph. If the purchaser does not meet all the requirements of this subparagraph, any tax owed shall be remitted to the department not later than the end of January immediately following the end of the calendar year in which the requirements were not met.

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

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

Approved March 5, 2010.

## Chapter 51

### VACANT LAND

Original House Bill No. 70

AN ACT relating to taxation and revenue; providing for the valuation of vacant land 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. 39-13-103(b) by creating a new paragraph (xvii) is amended to read:

#### **39-13-103. Imposition.**

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

(xvii) For the valuation of vacant land within a platted subdivision development, the county assessor shall consider the value of the property through the use of present worth appraisal methodology upon request of the property owner.

**Section 2.** This act shall apply to any property tax assessed on or after January 1, 2010.

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

Approved March 5, 2010.

## Chapter 52

### CARBON SEQUESTRATION-FINANCIAL ASSURANCES AND REGULATION

Original House Bill No. 17

AN ACT relating to environmental quality; establishing an account; funding the account; requiring fees by specified permit applicants; regulating the expenditure of funds; requiring rulemaking; providing for the state's immunity; requiring bonding or other financial assurances; providing penalties; providing for the release of financial assurances; requiring land owner notice of geological sequestration sites; repealing obsolete provisions; providing an appropriation; authorizing the filling and reclassification of a vacant position; and providing for effective dates.

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

**Section 1.** W.S. 35-11-318 is created to read:

**35-11-318. Geologic sequestration special revenue account.**

(a) There is created the Wyoming geologic sequestration special revenue account. The account shall be administered by the director and all funds in the account shall be transmitted to the state treasurer for credit to the account and shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) in a manner to obtain the highest return possible consistent with the preservation of the corpus. Any interest earned on the investment or deposit of monies into the fund shall remain in the fund and shall not be credited to the general fund. All funds in the account are continuously appropriated for use by the director consistent with this section.

(b) The account shall consist of all monies collected by the department to measure, monitor and verify Wyoming geologic sequestration sites following site closure certification, release of all financial assurance instruments and termination of the permit. The department shall promulgate rules necessary to collect monies in an amount reasonably calculated to pay the costs of measuring, monitoring and verifying the sites.

(c) Funds in the account shall be used only for the measurement, monitoring and verification of geologic sequestration sites following site closure certification, release of all financial assurance instruments and termination of the permit.

(d) The existence, management and expenditure of funds from this account shall not constitute a waiver by the state of Wyoming of its

immunity from suit, nor does it constitute an assumption of any liability by the state for geologic sequestration sites or the carbon dioxide and associated constituents injected into those sites.

**Section 2.** W.S. 35-11-313(f)(ii) by creating a new subparagraph (O) and by creating new paragraphs (vi) and (vii) is amended to read:

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

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

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

(O) A certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the geologic sequestration operations for which the permit is sought, or evidence that the applicant has satisfied other state or federal self insurance requirements. The policy shall provide for personal injury and property damage protection in an amount and for a duration as established by regulations.

(vi) Requirements for bonding and financial assurance for geologic sequestration facilities and geologic sequestration sites including:

(A) Procedures to establish the type and amount of the bond or financial assurance instrument to assure that the operator faithfully performs all requirements of this chapter, complies with all rules and regulations and provides adequate financial resources to pay for mitigation or reclamation costs that the state may incur as a result of any default by the permit holder, provided that, any insurance instruments submitted for financial assurance purposes shall include the state of Wyoming as an additional insured, which inclusion shall not be deemed a waiver of sovereign immunity;

(B) Annual or other periodic reporting by the permittee during geologic sequestration and reclamation activities to allow the administrator to confirm or adjust the amount or type of the bond or other financial assurance requirements consistent with the site, facility and operation specific risks and conditions;

(C) Procedures to require proof of compliance from any permittee ordered by the administrator to adjust a bond or other financial assurance, including procedures for permit suspension or termination procedures

following notice and an opportunity for a hearing if adequate bonding or financial assurance cannot be demonstrated;

(D) Procedures for replacement of a bond or financial assurance instrument if notice of cancellation is provided or notice that the license to do business in Wyoming of the surety or insurance company issuing a bond or other financial assurance pursuant to this chapter is suspended or revoked;

(E) Procedures for the director to forfeit the bond or to make a claim against any insurance instrument providing financial assurance, including the right of the attorney general to bring suit to recover costs if the bond or financial assurance is inadequate, to pay for closure, mitigation, reclamation, measurement, monitoring, verification and pollution control, where recovery is deemed possible;

(F) Procedures, including public notice and a public hearing if requested, for the release of bonds or the termination of insurance instruments not less than ten (10) years after the date when all wells excluding monitoring wells have been appropriately plugged and abandoned, all subsurface operations and activities have ceased and all surface equipment and improvements have been removed or appropriately abandoned, or so long thereafter as necessary to obtain a completion and release certificate from the administrator certifying that plume stabilization as defined by rule has been achieved without the use of control equipment based on a minimum of three (3) consecutive years of monitoring data, and that the operator has completed site reclamation and all required monitoring and remediation sufficient to show that the carbon dioxide injected into the geologic sequestration site will not harm or present a risk to human health, safety or the environment, including drinking water supplies, consistent with the purposes of this chapter and the rules and regulations adopted by the council;

(G) Requirements for the operator to record an affidavit in the office of the county clerk of the county or counties in which a geologic sequestration site is located, which affidavit shall be reasonably calculated to alert a person researching the title of a particular tract that such tract is underlain by a site permitted for geologic sequestration.

(vii) Requirements for fees to be paid by all permittees of geologic sequestration sites and facilities, which may include a per ton injection fee or a closure fee, during the period of injection of carbon dioxide and associated constituents into subsurface geologic formations in Wyoming, which fees shall be deposited in the geologic sequestration special revenue account created by W.S. 35-11-318 for use as provided therein.

**Section 3.** W.S. 35-11-313(g) is repealed.

**Section 4.**

(a) For the period beginning July 1, 2010 and ending June 30, 2012:

(i) There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the Wyoming department of environmental quality to pay the salary and benefits for the position authorized to be reclassified and filled under paragraph (ii) of this subsection;

(ii) The Wyoming department of environmental quality is authorized to reclassify one (1) computer technology support specialist full-time equivalent position which is vacant as of the effective date of this act to a principal accountant full-time equivalent position to assist the department in fulfilling its rulemaking duties relating to financial assurances pursuant to this act.

(b) The funding for the position authorized under subsection (a) of this section shall be included in the exception budget request of the department of environmental quality for the biennium beginning July 1, 2012.

(c) The authorization under paragraph (a)(ii) of this section to reclassify and fill the vacant position shall not be considered to be the filling of a vacant position for purposes of section 314 of 2010 House Bill 0001. The appropriation in paragraph (a)(i) of this section shall be reduced dollar for dollar by any funds appropriated in 2010 House Bill 0001 to the department for the vacant position reclassified pursuant to this section.

**Section 5.**

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

(b) Section 4 of this act is effective July 1, 2010.

Approved March 5, 2010.

**Chapter 53****APPROPRIATION FOR THE LEGISLATURE**

Original Senate File No. 2

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

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

**Section 1.** There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2012:

**SALARIES**

LSO Staff Permanent/Temporary .....	\$6,298,338
Legislators – Session .....	1,176,246
Legislators – Interim.....	1,544,467
Session Staff .....	791,325
Employer Paid Benefits .....	2,444,988

**IN-STATE TRAVEL**

Mileage and Per Diem – Session .....	1,067,370
Mileage and Per Diem – Interim .....	904,137

**OUT-OF-STATE TRAVEL**

Travel Expenses.....	122,800
Per Diem .....	186,900

**ANNUAL DUES**

National Conference of State Legislatures .....	233,854
The Energy Council.....	64,000
Council of State Governments .....	168,473

**REGISTRATION FEES .....** 85,600

**TELECOMMUNICATIONS AND POSTAGE.....** 220,000

**GENERAL ADMINISTRATIVE SUPPORT [1.], [2.].....** 1,495,630  
(Information technology, copying,  
supplies and equipment, furniture,  
contract services, special projects, etc.)

**STATUTES, SESSION LAWS AND DIGESTS.....** 430,000

**TOTAL.....** \$17,234,128



Footnotes to Section 1:

1. [Legislative Computer Equipment]. One hundred thirty-five thousand dollars (\$135,000.00) shall be used for the purchase of laptop computers and support systems. Legislative laptop computers being replaced shall be sold in accordance with Management Council directives. Any proceeds received from the sale of any laptop computer shall be deposited into the general fund and are hereby reappropriated to the legislative service office to be used for the purchase of replacement laptop computers. This footnote is effective immediately.

2. [Technology Enhancement Projects]. Two hundred fifty thousand dollars (\$250,000.00) shall be used to begin implementation of projects identified through the ongoing information technology project management process, including redesign of the legislative website; integration of the document management system within the website; and upgrades and enhancements to legislative management software.

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

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

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

(a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), the unobligated portions of the following appropriations shall not revert on June 30, 2010, and are hereby reappropriated to the legislative service office for the following purposes:

(i) Appropriation for leadership office furnishings, including painting and minor repairs, 2008 Wyo. Session Laws, Ch. 47, Section 7(a);

(ii) Appropriation for committee room hearing tables and furnishings, 2008 Wyo. Session Laws, Ch. 47, Section 7(b);

(iii) Appropriation for ongoing architectural and interior design consulting, 2008 Wyo. Session Laws, Ch. 47, Section 7(e);

(iv) Any balance remaining on June 30, 2010, 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, 2010 through June 30, 2012;

(v) Any balance in the constituent service allowance account created by W.S. 28-5-106(a) remaining on June 30, 2010, is appropriated to fund the constituent service allowance for the period July 1, 2010, through June 30, 2012.

(b) This section is effective immediately.

**Section 5.** [Constituent Service Allowance]. There is appropriated from the general fund to the constituent service allowance account created by W.S. 28-5-106(a) three hundred sixty thousand dollars (\$360,000.00) to fund constituent service allowance reimbursements for the period July 1, 2010, through June 30, 2012.

**Section 6.** [PDA Devices].

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

(i) Reimbursement under this subsection shall be available only to legislators elected at the 2010 general election or appointed to fill a vacancy after the 2010 general election;

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

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

**Section 7.** [Artwork/Facilities Appropriations].

(a) There is appropriated from the general fund to the legislative service office:

(i) Five thousand dollars (\$5,000.00) for administration of the legislative artwork donation program;

(ii) Twenty-five thousand dollars (\$25,000.00) for committee room hearing tables and furnishings;

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

(b) The appropriations in this section are effective immediately.

**Section 8.** [New Legislator Compensation].

(a) For the period beginning July 1, 2010, and ending June 30, 2012, from and after the date the state canvassing board certifies the results of a general election in accordance with W.S. 22-16-118, legislators elect and newly appointed legislators may, to the extent authorized by the Management Council, receive mileage and per diem at the same rate as members of the legislature plus an amount equal to the daily salary paid to legislators for each day spent at a legislative training function or at a meeting of an interim committee to which they will be assigned. There is appropriated from the general fund to the legislative service office twenty-five thousand dollars (\$25,000.00) or as much thereof as may be necessary for purposes of this section.

(b) As used in this section:

(i) "Legislator elect" means a person elected to the legislature during the 2010 general election who is not a current member of legislature and before the person is duly sworn in;

(ii) "Newly appointed legislator" means a person appointed after the 2010 general election to fill a vacancy in the House or Senate and before the person is duly sworn in.

**Section 9.** [Legislative Redistricting]. There is appropriated two hundred eighty-five thousand dollars (\$285,000.00) from the general fund to the legislative service office to fund hardware, software, staff support and committee meetings required for legislative redistricting following the 2010 census.

**Section 10.** [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, 2012, unless otherwise specified.

(b) Except as otherwise provided, this act is effective July 1, 2010.

Approved March 5, 2010.

**Chapter 54****HOMICIDE DURING PREGNANCY-2**

Original House Bill No. 132

AN ACT relating to homicide; establishing a sentencing enhancement in homicide cases in which a pregnant woman is killed as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-2-109 is created to read:

**6-2-109. Sentencing enhancement for the homicide of a pregnant woman causing the involuntary termination of the pregnancy.**

(a) Upon sentencing of a defendant who is convicted of an offense pursuant to W.S. 6-2-104, 6-2-105 or 6-2-108, if the jury has found that the victim was pregnant at the time of the commission of the offense and that the defendant knew that the victim was pregnant at the time of the commission of the offense, the court shall impose a sentence as follows:

(i) For a conviction of W.S. 6-2-104, imprisonment in the penitentiary for any term not less than forty (40) years, or during life; or

(ii) For a conviction of W.S. 6-2-105 or 6-2-108, imprisonment in the penitentiary for any term not less than ten (10) years and not more than thirty (30) years.

**Section 2.** W.S. 6-2-104, 6-2-105(b) and 6-2-108(b) are amended to read:

**6-2-104. Murder in the second degree; penalty.**

Except as provided in W.S. 6-2-109, whoever purposely and maliciously, but without premeditation, kills any human being is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for any term not less than twenty (20) years, or during life.

**6-2-105. Manslaughter; penalty.**

(b) Except as provided in W.S. 6-2-109, manslaughter is a felony punishable by imprisonment in the penitentiary for not more than twenty (20) years.

**6-2-108. Drug induced homicide; penalty.**

(b) Except as provided in W.S. 6-2-109, drug induced homicide is a felony punishable by imprisonment in the penitentiary for not more than twenty

(20) years.

**Section 3.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 55

### LOSS OF PARENTAL RIGHTS-HOMICIDE OF SPOUSE

Original House Bill No. 75

AN ACT relating to termination of parental rights; providing for termination of a parent's rights upon conviction of the homicide of the other parent of the child as specified; and providing for an effective date.

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

**Section 1.** W.S. 14-2-309(a) by creating a new paragraph (viii) is amended to read:

**14-2-309. Grounds for termination of parent-child relationship; clear and convincing evidence.**

(a) The parent-child legal relationship may be terminated if any one (1) or more of the following facts is established by clear and convincing evidence:

(viii) The parent is convicted of murder or homicide of the other parent of the child under W.S. 6-2-101 through 6-2-104.

**Section 2.** This act is effective July 1, 2010.

Approved March 5, 2010.

## Chapter 56

### UPMIFA-EXPENDITURE LIMITATION

Original House Bill No. 60

AN ACT relating to Uniform Prudent Management of Institutional Funds Act; amending provisions related to amount of authorized expenditures as specified; and providing for an effective date.

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

**Section 1.** W.S. 17-7-304(d)(intro) and (ii) is amended to read:

**17-7-304. Appropriation for expenditure or accumulation of endowment fund; rules of construction.**

(d) The appropriation for expenditure in any year of an amount greater than ~~five percent (5%)~~ seven percent (7%) of the fair market value of an endowment fund, calculated on the basis of market values determined at least quarterly and averaged over a period of not less ~~that than~~ three (3) years immediately preceding the year in which the appropriation for expenditure is made, creates a rebuttable presumption of imprudence. For an endowment fund in existence for fewer than three (3) years, the fair market value of the endowment fund shall be calculated for the period the endowment fund has been in existence. This subsection shall not:

(ii) Create a presumption of prudence for an appropriation for expenditure of an amount less than or equal to ~~five percent (5%)~~ seven percent (7%) of the fair market value of the endowment fund.

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

Approved March 8, 2010.

## Chapter 57

### SECRETARY OF STATE-DIRECTIVES AUTHORITY

Original House Bill No. 69

AN ACT relating to elections; granting rulemaking and directive authority to the secretary of state to comply with federal law concerning military and overseas citizens; and providing for an effective date.

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

**Section 1.** W.S. 22-2-121 by creating a new subsection (e) is amended to read:

**22-2-121. Chief election officer to prepare forms; rules; advice.**

(e) The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Military and Overseas Voter Empowerment Act of 2009, P.L. 111-84, and shall have the authority to issue directives to county election officers necessary to ensure compliance with the act. Directives authorized under this subsection may include:

(i) That ballots be available for Uniformed and Overseas Citizens

Absentee Voting Act voters forty-five (45) days prior to the election;

(ii) How ballots are to be transmitted electronically;

(iii) How returned ballots shall be tabulated; and

(iv) What information shall be provided to Uniformed and Overseas Citizens Absentee Voting Act voters.

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

Approved March 8, 2010.

## Chapter 58

### PUBLIC RETIREMENT PLANS-QUALIFIED PLAN STATUS

Original House Bill No. 88

AN ACT relating to public retirement plans; generally amending provisions to comply with internal revenue code qualified plan requirements; specifying distribution limits and qualified rollovers; providing for distribution upon program termination; amending obsolete provisions and conforming provisions to federal requirements; 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) by creating new paragraphs (xxvii) and (xxviii), 9-3-407(c)(vi), 9-3-415(d), 9-3-417(c), 9-3-418 by creating a new subsection (f), 9-3-424(a), 9-3-428(a)(ii) and by creating new subsections (b) and (c), 9-3-430(c), 9-3-431 by creating a new subsection (h), 9-3-432 by creating a new subsection (n), 9-3-436(a), 9-3-602(a) by creating new paragraphs (xix) and (xx), 9-3-609(c), 9-3-610 by creating a new subsection (f), 9-3-617(d), 9-3-707 by creating a new subsection (d), 15-5-204 by creating a new subsection (h), 15-5-404 by creating a new subsection (d), 15-5-409 by creating a new subsection (c), 35-9-608 by creating a new subsection (m), 35-29-101(a) by creating new paragraphs (viii) and (ix), 35-29-106 by creating a new subsection (k) and 35-29-112 are amended to read:

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

(a) As used in this article:

(xxvii) "Eligible retirement plan" means:

(A) An annuity contract described in section 403(b) of the Internal Revenue Code;

(B) An eligible plan under section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state;

(C) An individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includible in gross income; or

(D) A qualified plan described in section 401(a) or 403(a) of the Internal Revenue Code.

(xxviii) "Rollover contribution" means the transfer of funds from an eligible retirement plan, in an amount eligible to be rolled over to a qualified trust in accordance with applicable law and for which the member provides evidence satisfactory to the system that such amount qualifies for rollover treatment.

**9-3-407. Retirement board; control and management of account containing assets of retirement system; payments from account.**

(c) From the retirement account shall be paid:

(vi) Reasonable administrative expenses under this article.

**9-3-415. When retirement permitted; service credit.**

(d) Any vested member may elect to make a one-time purchase of up to five (5) years of service credit as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump-sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board and the individual's attained age and the benefit structure of the appropriate plan. A member may purchase service credit with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the system in the form of a direct rollover, the rollover contribution shall be paid to the system on or before sixty (60) days after the date it was received by the member. Service credit purchased under this subsection shall qualify as service credit defined in W.S. 9-3-402(a)(xxi), 9-3-602(a)(iii), 9-3-702(a)(iii) and 15-5-402(a)(iv).

**9-3-417. Determination of eligibility for retirement; board to determine equivalent of years of service; credit for military**



**service.**

(c) Credit shall be allowed for any period of time after commencement of participation in the retirement program which a member spends in active military or other emergency service of the United States in accordance with rules adopted by the board pursuant to the ~~Veterans' Reemployment Rights Act (38 U.S.C. 4321, et seq. P.L. 93-508)~~ Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq. In accordance with rule and regulation of the board, until June 30, 2018 up to two (2) years of credit allowed under this subsection may be provided at no cost to the member. After June 30, 2010, each state agency, department or institution, including the University of Wyoming and the community colleges shall estimate the amount required for provision of credits under this subsection for the next biennium and shall include the estimate in the agency's biennial budget request. Provision for payment of employer's contributions under this subsection shall be as provided in W.S. 9-3-414.

**9-3-418. Amount of service retirement benefit; firefighter members excluded.**

(f) Benefits shall not be payable under the system to the extent that they exceed the limitations imposed by section 415(b) of the United States Internal Revenue Code. The board shall provide any benefits in excess of the limitations under special pay plans authorized under W.S. 9-3-405(b) to the extent the benefits can be provided and the system retain qualified plan status under the Internal Revenue Code.

**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 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 the amount of the contributions withdrawn, in lump sum, together with regular interest, 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 regular 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 seven (7) 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.

**9-3-428. Construction of article; limitation of liability of state; termination of system.**

(a) Nothing in this article shall be construed to:

(ii) Constitute a contract or binding obligation of any kind whatsoever or, except as provided in subsection (b) of this section to create or grant any vested right or interest in any individual, corporation or body politic.

(b) If the system is terminated, all affected members have a nonforfeitable interest in their benefits that were accrued and funded to date. The value of the accrued benefits to be credited to the account of each affected member shall be calculated as of the date of termination.

(c) Subject to subsection (a) of this section and W.S. 9-3-429(b), the legislature declares its intent that the system is intended to be a permanent system and has not been created for the purpose of income tax benefits.

**9-3-430. Application for benefits; benefit payment effective dates; minimum distribution rules.**

(c) Benefit payments under the system shall begin by the later of April 1 of the calendar year following the year in which the member reaches age seventy and one-half (70 1/2) years or retires. The member's entire interest

in the system shall be distributed over the life of the member or the lives of the member and a designated beneficiary, over a period not extending beyond the life expectancy of the member or the life expectancy of the member and designated beneficiary. If a member dies after distribution of benefits has begun, the remaining portion of the member's interest shall be distributed at least as rapidly as under the method of distribution prior to the member's death. If a member dies before distribution of benefits has begun, the entire interest of the member shall be distributed within five (5) years of the member's death. The five (5) year payment rule shall not apply to any portion of the member's interest which is payable to a designated beneficiary over the life or life expectancy of the beneficiary and which begins within one (1) year after the date of the member's death. The five (5) year payment rule shall not apply to any portion of the member's interest which is payable to a surviving spouse payable over the life or life expectancy of the spouse which begins not later than the date the member would have reached age seventy and one-half (70 1/2) years. The board may by rule and regulation modify distributions under this section in order to provide minimum distributions required by section 401(a)(9) of the Internal Revenue Code or as otherwise necessary to retain qualified plan status under the Internal Revenue Code.

**9-3-431. Firefighter members; contributions; benefit eligibility; service and disability retirement benefits; termination of benefits upon failure to make timely contribution payments.**

(h) Benefits shall not be payable under the system to the extent that they exceed the limitations imposed by section 415(b) of the Internal Revenue Code. The board shall provide any benefits in excess of the limitations under special pay plans authorized under W.S. 9-3-405(b) to the extent the benefits can be provided and the system retain qualified plan status under the Internal Revenue Code.

**9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.**

(n) Benefits shall not be payable under the system to the extent that they exceed the limitations imposed by section 415(b) of the Internal Revenue Code. The board shall provide any benefits in excess of the limitations under special pay plans authorized under W.S. 9-3-405(b) to the extent the benefits can be provided and the system retain qualified plan status under the Internal Revenue Code.

**9-3-436. Establishment of trust.**

(a) Except as otherwise provided in subsection (b) of this section, all assets of a retirement system are held in trust for the exclusive benefit of the members, retirees and beneficiaries of the system, including reasonable

administrative expenses. The trustee has the exclusive authority, subject to this act, to invest and manage those assets.

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

(a) As used in this article:

(xix) "Eligible retirement plan" means as defined in W.S. 9-3-402(a)(xxvii);

(xx) "Rollover contribution" means as defined in W.S. 9-3-402(a)(xxviii).

**9-3-609. Determination of years of service by board; credit for time spent in military service.**

(c) Credit shall be allowed for any period of time after commencement of participation in the retirement program which an employee spends in active military or other emergency service of the United States approved in accordance with rules adopted by the retirement board, ~~if the employee does not withdraw his accumulated contributions and makes payments equal to the deductions which would have been made during his absence within such time as the board prescribes after his return to service. In the absence of payments instead of deductions, the period of time shall be credited for the purpose of eligibility for retirement allowances under W.S. 9-3-607 and 9-3-608, but not for the purpose of the computation of those allowances under W.S. 9-3-610 pursuant to the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.~~

**9-3-610. Amount of benefit.**

(f) Benefits and allowances shall not be payable under this article to the extent that they exceed the limitations imposed by section 415(b) of the Internal Revenue Code.

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

(d) Any employee may elect to purchase up to five (5) years of service credit for full-time employment in law enforcement which is performed for another state or political subdivision of another state, the federal government or for any public law enforcement agency in Wyoming as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and if the employee does not vest in any retirement plan of the agency for which the prior service being purchased was earned. Any employee electing to purchase service credit shall pay into the account a single lump-sum amount equal to the actuarial equivalent of the benefits to be derived

from the service credit computed on the basis of actuarial assumptions approved by the board and the individual's attained age and average salary for the highest three (3) continuous years of covered service. The lump sum may be paid with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the retirement program in the form of a direct rollover, the rollover contribution shall be paid to the program on or before sixty (60) days after the date it was received by the member. Service credit purchased under this subsection shall not be used to determine vested eligibility to receive benefits under this article.

**9-3-707. Amount of benefit; adjustments.**

(d) Benefits shall not be payable under the program to the extent that they exceed the limitations imposed by section 415(b) of the Internal Revenue Code. The board shall provide any benefits in excess of the limitations under special pay plans authorized under W.S. 9-3-405(b) to the extent the benefits can be provided and the program retain qualified plan status under the Internal Revenue Code.

**15-5-204. Pensions; amounts; qualifications; when paid; disability benefits; disqualifications; examinations; disallowance; actions; adjustment.**

(h) The board shall adopt rules to allow service for any period of time, after commencement of participation under this article, which an employee spends in active military or other emergency service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.

**15-5-404. Vesting rights; return to service.**

(d) The board shall adopt rules to allow service for any period of time, after commencement of participation under this article, which an employee spends in active military or other emergency service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.

**15-5-409. Amount of service pension.**

(c) Benefits shall not be payable under the pension system to the extent that they exceed the limitations imposed by section 415(b) of the Internal Revenue Code.

**35-9-608. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.**

(m) The board shall adopt rules to allow service for any period of time,

after commencement of participation in this pension program, which an employee spends in active military or other emergency service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.

**35-29-101. Definitions.**

(a) As used in this article:

(viii) “Eligible retirement plan” means as defined in W.S. 9-3-402(a)(xxvii);

(ix) “Rollover contribution” means as defined in W.S. 9-3-402(a)(xxviii).

**35-29-106. Benefits enumerated; death of participant or spouse; amount and payment of contributions; withdrawal from plan.**

(k) The board shall adopt rules to allow service for any period of time, after commencement of participation under this article, which an employee spends in active military or other emergency service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.

**35-29-112. Purchase of service credit.**

Any member who has been a participating member for at least five (5) years may elect to make a one (1) time purchase of up to five (5) years of service credit as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and as established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board, the individual’s attained age and the benefit structure at the time of purchase. A member may purchase service credit with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the fund in the form of a direct rollover, the rollover contribution shall be paid to the fund on or before sixty (60) days after the date it was received by the member.

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

**Chapter 59****INSURANCE-SERVICE CONTRACTS**

Original House Bill No. 90

AN ACT relating to insurance; providing a definition of normal wear and tear as it applies to service contracts; and providing for an effective date.

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

**Section 1.** W.S. 26-49-102(a)(ix) is amended to read:

**26-49-102. Definitions.**

(a) As used in this article:

(ix) "Service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement or maintenance of property or indemnification for repair, replacement or maintenance, for the operational or structural failure due to a defect in materials or workmanship or normal wear and tear, with or without additional provision for incidental payment or indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service. Service contracts may provide for the repair, replacement or maintenance of property for damage resulting from power surges and accidental damage from handling.; "Service contract" also includes a contract or agreement for one (1) or more of the following:

(A) The removal of dents, dings or creases that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels or sanding, bonding or painting;

(B) The repair or replacement of tires or wheels damaged as a result of coming into contact with ordinary road hazards including, but not limited to, potholes, curbs, rocks, wood debris, metal parts, glass, plastic or composite scraps. A contract or agreement meeting the definition set forth in this subparagraph in which the party obligated to perform is either a tire or wheel manufacturer or a motor vehicle manufacturer is exempt from the requirements of this chapter;

(C) The repair of small windshield chips or cracks but which expressly excludes the replacement of the entire windshield;

(D) The repair of damage to the interior components of a motor vehicle caused by wear and tear but which expressly excludes the replacement of any part or component of a motor vehicle's interior.

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 60

### BUSINESS ENTITIES-REINSTATEMENT FEES

Original House Bill No. 23

AN ACT relating to business entities; modifying fees required upon reinstatement following administrative dissolution or forfeiture; providing conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 17-14-905(b), 17-15-112(b), 17-16-1422(a)(iv) and (v), 17-19-1422(a)(iv) and (v) and 17-21-1107(b) are amended to read:

#### **17-14-905. Reinstatement following administrative dissolution.**

(b) A domestic limited partnership applying for reinstatement pursuant to subsection (a) of this section shall include payment of ~~a sum equal to double the amount of~~ fees and taxes then delinquent and a reinstatement certificate fee prescribed by the secretary of state by rule.

#### **17-15-112. Administrative forfeiture of authority and certificate of organization.**

(b) If any limited liability company has failed to pay the tax required by W.S. 17-15-132(a)(vi) it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof. The forfeiture shall be made effective in the following manner. The secretary of state shall provide notice to the limited liability company at its last known mailing address by first class mail. Unless compliance is made within sixty (60) days of the date of notice the limited liability company shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its certificate, be revived and reinstated by paying ~~double the amount of~~ the delinquent taxes. When the reinstatement is effective, it relates back to and takes effect as of the effective date deemed defunct pursuant to this subsection and the limited liability company resumes carrying on its business as if it had never been deemed defunct.

#### **17-16-1422. Reinstatement following administrative dissolution.**



(a) An officer or other person with proper authority at the time a corporation was administratively dissolved under W.S. 17-16-1421 may apply to the secretary of state for reinstatement within two (2) years after the effective date of dissolution. Reinstatement may be denied by the secretary of state if the corporation has been the subject of secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the corporation was engaged in illegal operations. The application shall:

(iv) If the corporation was administratively dissolved for failing to deliver its annual report or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-16-1630, include payment of a ~~sum equal to double the amount of~~ fees and taxes then delinquent and a reinstatement certificate fee prescribed pursuant to W.S. 17-16-122; and

(v) If the corporation was administratively dissolved for failure to maintain a registered agent, include payment of a two hundred fifty dollar (\$250.00) reinstatement fee and payment of a ~~sum equal to double the amount of~~ any fees and taxes then delinquent.

#### **17-19-1422. Reinstatement following administrative dissolution.**

(a) A corporation administratively dissolved under W.S. 17-19-1421 may apply to the secretary of state for reinstatement within two (2) years after the effective date of dissolution. Reinstatement may be denied by the secretary of state if the corporation has been the subject of secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the corporation was engaged in illegal operations. The application shall:

(iv) If the corporation was administratively dissolved for failing to deliver its annual report or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-19-1630, include payment of a ~~sum equal to double the amount of~~ fees and taxes then delinquent and the reinstatement certificate fee prescribed by W.S. 17-19-122; and

(v) If the corporation was administratively dissolved for failure to maintain a registered agent, include payment of a one hundred fifty dollar (\$150.00) reinstatement fee and payment of a ~~sum equal to double the amount of~~ any fees and taxes then delinquent.

#### **17-21-1107. Reinstatement following lapse of registration.**

(b) A domestic registered limited liability partnership applying for reinstatement pursuant to subsection (a) of this section shall include payment of a ~~sum equal to double the amount of~~ fees and taxes then delinquent and a reinstatement certificate fee prescribed by the secretary of state by rule.

### **Section 2.**

(a) Notwithstanding section 1 of this act, if 2010 Senate File 18 is enacted into law, the amendment of W.S. 17-15-112(b) in section 1 of this act shall not be effective.

(b) This section shall not be effective if 2010 Senate File 18 is not enacted into law.

**Section 3.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 61

### LIVESTOCK AND BRANDS

Original House Bill No. 102

AN ACT relating to livestock; removing goats, llamas and alpacas from brand inspection fees and from the definition of livestock for certain purposes; removing goat owners from eligibility for membership on district predator boards; and providing for an effective date.

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

**Section 1.** W.S. 11-6-202(a)(i), (iv) and (v), 11-6-203(a)(i) and (b), 11-6-210(a) and (f), 11-20-101(a)(iv) and 11-20-401(a)(ii) are amended to read:

**11-6-202. Administration of districts by district boards; number and qualifications of members; term; filling of vacancies.**

(a) The affairs of each district shall be administered by a board of directors, each of whom shall be a bona fide resident of Wyoming. Directors for the positions identified in paragraphs (i) and (ii) of this subsection shall be elected at an annual meeting of district livestock owners. Directors for the positions identified in paragraphs (iv) and (v) of this subsection shall be appointed as described. The composition of the board shall be as follows:

(i) Three (3) directors shall be sheep ~~or goat~~ owners having paid predator management fees on sheep ~~or goats~~ in the district in the year preceding election. At each subsequent annual district meeting one (1) director shall be elected for a three (3) year term. All sheep ~~or goat~~ owners whether an individual, corporation or partnership, having paid predator management fees on sheep ~~or goats~~ in the district regardless of the domicile of the sheep, ~~or goats~~, are entitled to one (1) vote at the meeting;

(iv) The board of county commissioners shall appoint one (1) director to serve for an initial term of two (2) years and thereafter for three (3) year

terms from electors in the county not engaged in raising sheep, ~~goats~~ or cattle. No appointed member may serve for a consecutive period of more than six (6) years;

(v) If the board of directors determines state funds are necessary for an effective predator management program to assure the statutory requirements provided in W.S. 11-6-205 are fulfilled and state funds are appropriated and received for that purpose, then three (3) directors representing sportsmen and hunters from the district shall be appointed to the board of directors by the county commissioners serving the local district. Sportsmen and hunter representatives shall be bona fide residents of the district not engaged in raising sheep, ~~goats~~ or cattle and shall hold or have held either a valid Wyoming fishing or hunting license or a Wyoming wildlife damage management stamp within the preceding twelve (12) month period. County commissioners, to the greatest extent practical, shall select sportsmen and hunter representatives to ensure representation from as broad a geographic distribution of the district as possible. The county commissioners shall determine who of the three (3) sportsmen and hunter directors appointed to a board under this paragraph shall serve an initial term of one (1) year, who shall serve an initial term of (2) years and who shall serve a term of three (3) years. Thereafter, each term shall be for three (3) years.

**11-6-203. Manner of calling annual meeting of predator management districts; when held; election of chairman and secretary.**

(a) The annual meeting of each predator management district shall be held within the first two (2) weeks of December and each board shall:

(i) On or before December 1, obtain an accurate list of all persons who have paid predator management fees on sheep, ~~goats~~ or cattle in the district;

(b) When assembled in accordance with the provisions of subsection (a) of this section, the sheep, ~~goat~~ and cattle owners shall elect a chairman and secretary who shall act as judges of the election of directors representing livestock interests of the board.

**11-6-210. Creation of predator management district fund; predator management fees; donations; appropriation by county commissioners.**

(a) At the time of collecting brand inspection fees imposed under W.S. 11-20-401 and 11-20-402, the brand inspector shall collect predator management fees on all sheep, ~~goats~~ and cattle inspected within each predator management district. However, predator management fees shall not be collected on cattle, and sheep and ~~goats~~ shipped into this state for immediate sale or slaughter. The amount of the fee for each predator management district shall be established by each predator management

district board in consultation with the state predator management advisory board and shall not exceed one dollar (\$1.00) per head on sheep, ~~goats~~ and cattle. The directors elected pursuant to W.S. 11-6-202(a)(i) and (ii) from each predator management district board shall annually determine the predator management fee to be charged and collected in the district taking into consideration comments solicited from the producers present at the district's annual meeting as provided for in W.S. 11-6-203, who have paid predator management fees within the district during the preceding twelve (12) months and shall inform the livestock board of the fee prior to January 1 each year. The fee shall not be collected on the same livestock more than once in any twelve (12) month period. The livestock board may retain not to exceed five percent (5%) of the revenues collected for the actual cost of collecting the predator management fee. Remaining revenues collected by the livestock board under this section shall be remitted to the state treasurer for deposit in an account. The state treasurer, on a quarterly basis, shall distribute the revenues to the county treasurer of the county from which the shipment originated unless, at the time of payment of the fees, the livestock owner designates the fees to be distributed in total to another county in this state in which the livestock are fed or pastured. The county treasurer shall deposit revenues distributed under this subsection into a special continuing fund, to be known as the "Predator Management District Fund of .... County" and to be administered by the predator management board of that district.

(f) Notwithstanding subsection (a) of this section, the amount of the annual predator management fee for sheep, ~~goats~~ and cattle shipped into this state for confinement in a commercial feedlot shall not exceed twenty-five cents (\$0.25) per head on sheep, ~~goats~~ and cattle. For purposes of this subsection, "commercial feedlot" means any place, establishment or facility commonly known as a feedlot conducted, operated or managed for profit or nonprofit for livestock producers, feeders or market agencies, consisting of pens and their appurtenances, in which livestock are received, held, fed, cared for or kept for sale or shipment in commerce. A pasture, field or other enclosure, fenced or unfenced, shall not be considered a commercial feedlot for purposes of this subsection. The predator management district board shall have the authority to determine if a facility qualifies as a commercial feedlot as defined in this subsection.

#### **11-20-101. Definitions.**

(a) As used in this act:

(iv) "Livestock" means cattle, horses, mules, asses; and sheep, ~~goats, llamas and alpacas~~. The board acting in conjunction with the game and fish commission may designate individual bison or identifiable herds of bison as wildlife;

#### **11-20-401. Brand inspection fees generally.**

(a) Except as otherwise provided, each livestock inspector shall at the time of inspecting for brands and ownership collect inspection fees in an amount established by the livestock board but not less than:

(ii) Twenty-five cents (\$0.25) per head on all sheep, ~~goats, llamas and alpacas~~, including any hide or carcass;

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

Approved March 8, 2010.

## Chapter 62

### DAMAGE TO UNDERGROUND PUBLIC UTILITIES

Original House Bill No. 57

AN ACT relating to underground public utilities; providing for civil penalties for damages to underground public utilities; providing notification requirements before excavations; providing definitions; providing for mitigation of damages; providing for safety training programs; and providing for an effective date.

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

**Section 1.** W.S. 37-12-306 is created to read:

**37-12-306. Civil penalties; applicability.**

(a) An action to recover a civil penalty under this section may be brought by an operator, excavator, aggrieved party, the notification center, county attorney, district attorney or the attorney general. Venue for an action shall be in the district court for the county in which the operator, excavator, aggrieved party or the notification center resides or maintains a principal place of business in this state or in the county in which the conduct giving rise to a civil penalty occurred. The action provided in this subsection may be by jury trial if a jury is demanded by either party.

(b) In determining the liability for or the amount of any damages or civil penalty pursuant to this section, a court shall consider the nature, circumstances and gravity of the alleged violation, the alleged violator's degree of culpability and the alleged violator's history of prior violations.

(c) The penalties provided in this section are in addition to any other remedy available at law or equity.

(d) No civil penalty shall be imposed under this section against an excavator or operator who violates any of the provisions of this article if the violation occurred while the excavator or operator was responding to a service outage or other emergency, except that such penalty shall be imposed if such violation was willful or malicious.

(e) This section shall not apply to any governmental entity as defined by W.S. 1-39-103(a)(i), which participates in the notification center as provided by this act. Nothing in this article shall affect any provision of the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-120.

(f) Any civil penalty received under subsection (g) or (h) of this section shall be deposited into the county public school fund of the county in which the violation occurred.

(g) With respect to operators:

(i) Every operator in Wyoming shall join and participate in the notification center pursuant to W.S. 37-12-304(a). Any operator who does not join or participate in the notification center shall be liable for a fine of five hundred dollars (\$500.00) each year it is not in compliance with this subsection;

(ii) If any underground facility located in the service area of an operator is damaged as a result of the operator's failure to join or participate in the notification center pursuant to W.S. 37-12-304(a), the court shall impose upon such operator a civil penalty up to the amount of five thousand dollars (\$5,000.00) for the first offense and up to twenty-five thousand dollars (\$25,000.00) for a second offense within a twelve (12) month period after the first offense. If any underground facility located in the service area of an operator is damaged as a result of the operator's failure to join or participate in the notification center pursuant to W.S. 37-12-304(a) on more than two (2) separate occasions within a twelve (12) month period from the date of the first failure to comply with W.S. 37-12-304(a), then the civil penalty shall be up to seventy-five thousand dollars (\$75,000.00). Upon a first offense, the operator may be required by the court to complete an excavation safety training program with the notification center;

(iii) If any underground facility is damaged as a result of the operator's failure to comply with W.S. 37-12-304(a) or failure to use reasonable care in the marking of the damaged underground facility, the operator shall be liable for:

(A) Any cost or damage incurred by the excavator as a result of any delay in the excavation project while the underground facility is restored, repaired or replaced, together with reasonable costs and expenses of suit, including reasonable attorney fees; and

(B) Any injury or damage to persons or property resulting from the damage to the underground facility. The operator shall also indemnify and defend the affected excavator against any and all claims or actions, if any, for personal injury, death, property damage or service interruption resulting from the damage to the underground facility.

(iv) If an operator, after receipt of a notice from an excavator or notification center pursuant to W.S. 37-12-302(c), fails to mark the location of its underground facilities within the time period specified in W.S. 37-12-302(d), and unless the failure resulted from circumstances beyond the operator's control, the court shall impose upon the operator a civil penalty of up to five hundred dollars (\$500.00) for each violation. For purposes of this paragraph, each day of delay in marking underground facilities shall be a separate violation.

(h) With respect to excavators:

(i) Every excavator shall notify the notification center pursuant to W.S. 37-12-302(c) prior to commencing any excavation activity. Any excavator who fails to notify the notification center pursuant to W.S. 37-12-302(c) shall be liable for a civil penalty in the amount of five hundred dollars (\$500.00);

(ii) If an excavator fails to comply with W.S. 37-12-302(c) and damages an underground facility during excavation, the excavator shall be liable for a civil penalty up to the amount of five thousand dollars (\$5,000.00) for the first offense and up to twenty-five thousand dollars (\$25,000.00) for a second offense within a twelve (12) month period after the date of the first offense. If an excavator fails to comply with W.S. 37-12-302(c) on more than two (2) separate occasions within a twelve (12) month period from the date of the first failure to comply with W.S. 37-12-302(c), then the civil penalty shall be up to seventy-five thousand dollars (\$75,000.00). Upon a first offense, the excavator may be required to complete an excavation safety training program with the notification center;

(iii) If an excavator requests a facilities locate on an expedited basis (less than two (2) full business days) for an emergency excavation and the excavation at issue was not an emergency and did not require a locate on an expedited basis, the excavator shall be liable for a civil penalty of up to five hundred dollars (\$500.00) for each false emergency locate incident;

(iv) If an excavator fails to comply with W.S. 37-12-302(c) and damages an underground facility during an excavation, or fails to exercise reasonable care in excavating and damages a located underground facility during an excavation, the excavator shall be liable for:

(A) Any cost or damage incurred by the operator in restoring, repairing or replacing its damaged underground facility, together with

reasonable costs and expenses of suit, including reasonable attorney fees; and

(B) Any injury or damage to persons or property resulting from the damage to the underground facility. The excavator shall also indemnify and defend the operator against any and all claims or actions, if any, for personal injury, death, property damage or service interruption resulting from the damage to the underground facility.

(v) Subparagraph (iv)(A) of this subsection shall not apply to an excavator if the operator of the underground facility has failed to comply with W.S. 37-12-302(d) or 37-12-304(a).

**Section 2.** W.S. 37-12-301(b)(ii), (iii), by creating a new paragraph (iv), by renumbering (iv) and (v) as (v) and (vi), by creating a new paragraph (vii), by renumbering (vi) through (ix) as (viii) through (xi) and by amending and renumbering (x) as (xii), 37-12-302(a), (b), (c)(intro), (i), (iii), (d), (f), (g) and (h), 37-12-304(a), (b)(iii) by creating a new subparagraph (C), (vii) and by creating a new paragraph (ix) and 37-12-305(e) are amended to read:

**37-12-301. Short title; definitions.**

(b) As used in this act:

(ii) “Emergency” means ~~an~~ a sudden, unforeseen occurrence, including a loss of communications, which demands immediate action to protect the health, safety and welfare of the public and to prevent loss of life, health, property or essential public services and advance notice to the notification center prior to excavation is impracticable under the circumstances. “Emergency” shall include ruptures and leakage of pipelines, explosions, fires and similar instances where immediate action is necessary to prevent loss of life or significant damage to underground facilities or the environment;

(iii) “Excavation” or “excavates” means any operation in which earth, rock or other ~~material~~ materials on or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment or explosives or other means, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, plowing-in, pulling-in, ripping, scraping and cable or pipe installing, except tilling of soil and gardening or agricultural purposes;

(iv) “Excavator” means any person or entity that excavates or conducts excavation activities;

(~~iv~~)(v) “Impoundment” means a closed basin formed naturally, or artificially built, which is dammed or excavated for the retention of water, slurry or other liquid or semi-liquid material;

(~~v~~)(vi) “Notification center” means a center that receives notice



from excavators of planned excavation or other requests for location and transmits this notice to participating operators;

(vii) “Operator” means any person, including public utilities, municipal corporations, political subdivisions or other persons having the legal authority to bury, operate, maintain, repair and replace underground facilities;

(vi)(viii) “Person” means an individual, partnership, municipality, state, county, political subdivision, utility, joint venture, corporation, limited liability company, statutory trust or other business entity and includes the employer of an individual;

(vii)(ix) “Secured facility” means a parcel of land used for commercial or industrial purposes that is surrounded entirely by a fence or other means of preventing access, including a fence with one (1) or more gates that are locked at all times or monitored by a person who can prevent unauthorized access;

(viii)(x) “Sump” means a surface pit into which drilling mud flows on reaching the surface of the well after being pumped through the drill pipe and bit, then up through the annular opening between the walls of the hole and the drill pipe, carrying with it cuttings from the well, which settle out of the mud in the sump pits;

(ix)(xi) “Underground facility” means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or ~~telegraphic~~ other form of electronic communications, cable television, electric energy, oil, gas, hazardous liquids or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes and attachments;

(x)(xii) “This act” means W.S. 37-12-301 through ~~37-12-305~~ 37-12-306.

**37-12-302. Notice of excavation by excavator; information to be supplied upon notice; exceptions; penalty.**

(a) ~~Every person having the right to bury underground facilities operator~~ shall file with the notification center a general description of the area served together with the name, address and telephone number of the person from whom necessary information may be obtained concerning the location of underground facilities.

(b) Any person requiring ~~excavation or design for or designing architectural or engineering drawings that call for~~ excavation shall obtain information from ~~persons with underground facilities operators~~, as to the nature, location, and depth if known, of underground facilities. If the information is not available, the person requiring or designing architectural or engineering drawings that call for excavation shall determine at their expense the

nature and location of the underground facilities. The person requiring or designing architectural or engineering drawings that call for excavation shall make the information and location a part of the plan by which the excavators operate. ~~This subsection shall not apply to underground facility owners performing excavation on their own underground facilities.~~

(c) Except as hereafter provided, no ~~person excavator~~ shall make or begin excavation without first notifying ~~any person having underground facilities in the area~~ the notification center of the proposed excavation. Notice shall be given by ~~any telephone, e-mail, fax or other~~ electronic medium ~~or in person approved by the notification center~~ at least two (2) full business days, but not more than fourteen (14) business days prior to any excavation to the notification center pursuant to W.S. 37-12-304. Unless the location marks are still visible, if an excavation on a single project lasts more than fourteen (14) business days, the excavator shall give notice at least once each succeeding fourteen (14) business day period. Notice to the notification center is notice to each member thereof in the area. Notification of the following information to the notification center shall be required and shall include the following:

(i) Name of the person notifying the ~~system~~ notification center;

(iii) Specific location by legal description or other reliable method that allows for current and accurate means of identifying geographic locations, and starting date and description of the intended activity.

(d) ~~A person~~ An operator shall at ~~their~~ its expense, upon receipt of the notice provided for in subsection (c) of this section, use reasonable care to mark the location of the underground facilities with stakes, flags, paint or by other clearly identifiable marking within twenty-four (24) inches horizontally from the exterior sides of the operator's underground facilities. The location shall be marked using American Public Works Association uniform color standards. If requested by the excavator, the ~~person operator~~ receiving the notice shall advise the excavator of the nature, location, size, function and depth if known, of underground facilities in the proposed excavation area. The ~~person providing information operator~~ shall respond no later than two (2) full business days after receipt of the notice ~~from the notification center~~ or at a time otherwise mutually agreed to by the ~~parties operator and excavator~~.

(f) If information ~~requested~~ required pursuant to ~~subsections (c) and subsection~~ (d) of this section is not provided within the time specified therein, or if the information provided fails to identify the location of the underground facilities in accordance with subsection (d) of this section, then any ~~person excavator~~ damaging or injuring underground facilities shall not be liable for such damage or injury except ~~on proof of negligence when failing to utilize reasonable care~~. However, if information ~~requested~~ required pursuant to ~~subsections (c) and subsection~~ (d) of this section is provided within the time specified therein, and if the information provided sufficiently identifies the location of the underground facilities in accordance with subsection (d) of this section, then any ~~person excavator~~ damaging or injuring underground facilities shall be liable for all damage or injury to

persons or property.

(g) ~~Compliance with this section does not excuse a person from acting in a careful and prudent manner an excavator from exercising reasonable care in complying with this act~~ nor does compliance with this section excuse ~~a person an excavator~~ from liability for damage or injury for failure to so act. When excavating, reasonable care shall require hand digging, as necessary, to protect the underground facility.

(h) When any contact with or damage to any underground facility occurs, the excavator shall immediately ~~inform~~ notify the operator of the facility ~~and the notification center, of the location of and extent of damage to the underground facility and shall cooperate with the operator of the damaged underground facility to mitigate the damages incurred to the extent reasonably possible, including the provision of in-kind work where technical or special skills are not required according to the nature of the underground facility. An excavator shall not conceal or attempt to conceal any dislocation, disturbance or damage to an underground facility and shall not repair or attempt to repair the underground facility unless authorized by the operator of the underground facility. Upon notification of damage to an underground facility from an excavator, the operator of the underground facility shall respond to the notification in a manner reasonably appropriate to the circumstances. The operator shall file a report with the notification center describing the response within seventy-two (72) hours of the initial notification. This requirement of notification shall not relieve the excavator and the operator from compliance with any other state or federal notification obligation. In any dispute concerning the liability for damages to any underground facility, the excavator shall bear the burden of proof concerning its use of reasonable care in conducting the excavation.~~

### **37-12-304. Notification centers; formation; duties.**

(a) ~~Persons having underground facilities~~ All operators shall join the notification center and shall participate in the notification center providing for mutual receipt of notification of excavation activities in a specified area and pay their share of the cost for the service provided.

(b) The notification center shall:

(iii) Maintain adequate records documenting compliance with the requirements of this act, including the following:

(C) Written records related to all complaints and responses alleging noncompliance with this act.

(vii) Upon request, provide to ~~persons excavators~~ giving notice of an intent to engage in an excavation activity the names of participating operators of underground facilities to whom the notice will be transmitted;

(ix) Offer an excavation safety training program.

**37-12-305. Exemptions.**

(e) Private domestic water and sewer lines located outside any incorporated area and serving ~~five (5) nine (9)~~ or fewer service hook-ups, private irrigation and drainage lines and ditches, irrigation district and drainage district lines and ditches, and private livestock water pipelines and facilities are exempt from the provisions of this act.

**Section 3.** W.S. 37-12-302(j) and (k) is repealed.

**Section 4.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 63

### PEACE OFFICERS, DETENTION OFFICERS AND DISPATCHERS

Original House Bill No. 80

AN ACT relating to certification and hiring of peace officers, detention officers and dispatchers; authorizing law enforcement units to hire currently certified persons without additional examination and background investigation; providing for verification of certification and employment as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-1-711 is created to read:

**9-1-711. Certification and hiring of currently certified peace officers, detention officers and dispatchers.**

(a) A law enforcement unit may, following verification from the commission that a person is currently certified by the commission as a peace officer, detention officer or dispatcher, appoint that person to a respectively certified position without further investigation or examination.

(b) The commission shall provide in its rules for the certification to a prospective hiring law enforcement unit that a person is currently certified by the commission as a peace officer, detention officer or dispatcher.

(c) It is the sole responsibility of the prospective hiring law enforcement unit to verify that the person is employed in good standing by another law enforcement unit in this state.

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

Approved March 8, 2010.

## Chapter 64

### TAXATION OF SPECIFIED DIGITAL PRODUCTS

Original House Bill No. 29

AN ACT relating to excise tax; imposing the sales and use tax on specified digital products as specified; providing exceptions; and providing for an effective date.

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

**Section 1.** W.S. 39-15-103(a)(i) by creating a new subparagraph (P) and 39-16-103(a)(i), (ii), (b)(i), (c)(ii) and (vi) are amended to read:

#### **39-15-103. Imposition.**

(a) Taxable event. The following shall apply:

(i) Except as provided by W.S. 39-15-105, there is levied an excise tax upon:

(P) Except as otherwise provided in this subparagraph, the sales price of every retail sale of specified digital products within the state. A sale of specified digital products is only subject to the tax under this section if the purchaser has permanent use of the specified digital product. A vendor who purchases specified digital products for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition in whole or in part to another person shall be considered a wholesaler and not subject to the tax imposed by this article. Those services provided by a trade association as part of a member benefit are not subject to the tax imposed by this subparagraph.

#### **39-16-103. Imposition.**

(a) Taxable event. The following shall apply:

(i) Persons storing, using or consuming tangible personal property or specified digital products, except as otherwise provided in this paragraph, are liable for the tax imposed by this article. Specified digital products are only subject to the tax imposed by this article if the purchaser has permanent use of the specified digital product. A vendor who purchases specified digital products for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition in whole or in part to another person shall be considered a wholesaler and not subject to the tax imposed by this article.

Those services provided by a trade association as part of a member benefit are not subject to the tax imposed by this subparagraph. The liability is not extinguished until the tax has been paid to the state but a receipt given to the person by a registered vendor in accordance with paragraph (c)(i) of this section is sufficient to relieve the purchaser from further liability;

(ii) Specified digital products sold and tangible personal property sold by any person for delivery in this state is deemed sold for storage, use or consumption herein and is subject to the tax imposed by this article unless the person selling the property has received from the purchaser a signed certificate stating the property was purchased for resale and showing his name and address. Specified digital products are only subject to the tax imposed by this article as specified in paragraph (i) of this subsection;

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

(i) Specified digital products sold and tangible personal property sold by any person for delivery in this state is deemed sold for storage, use or consumption herein and is subject to the tax imposed by this article unless the person selling the property has received from the purchaser a signed certificate stating the property was purchased for resale and showing his name and address. Specified digital products are only subject to the tax imposed by this article as specified in paragraph (a)(i) of this section;

(c) Taxpayer. The following shall apply:

(ii) Persons storing, using or consuming tangible personal property or specified digital products are liable for the tax imposed by this article. Specified digital products are only subject to the tax imposed by this article as specified in paragraph (a)(i) of this section. The liability is not extinguished until the tax has been paid to the state but a receipt given to the person by a registered vendor in accordance with paragraph (i) of this subsection is sufficient to relieve the purchaser from further liability;

(vi) Every person storing, using or consuming tangible personal property or specified digital products purchased from a vendor who does not maintain a place of business in this state is liable for the tax imposed by this article. Specified digital products are only subject to the tax imposed by this article as specified in paragraph (a)(i) of this section;

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

**Chapter 65****WORKFORCE SERVICES AMENDMENTS**

Original House Bill No. 59

AN ACT relating to workforce services; transferring oversight of Serve Wyoming to department of workforce services; amending department of workforce services confidentiality provisions; revising the membership of and transferring oversight of the governor's council for employment and rehabilitation of the handicapped as specified; transferring the displaced worker and education program to the department of workforce services; updating the entities to be consulted in preparing the displaced worker and education statewide plan; and providing for an effective date.

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

**Section 1.** W.S. 9-1-223(a) and (f)(ii), 9-2-2607(a), 27-1-110, 27-1-111, 27-1-112, 27-13-101(a)(iv) and 27-13-102(a)(intro) are amended to read:

**9-1-223. Serve Wyoming; composition; powers and duties; definitions.**

(a) Serve Wyoming is transferred from the ~~department of workforce services to the office of the governor~~ to the department of workforce services and shall operate as a private not-for-profit corporation, as specified in this section.

(f) As used in this section:

(ii) "Serve Wyoming" means the not-for-profit corporation within the ~~governor's office~~ department of workforce services to implement the purposes of the National and Community Service Act of 1990.

**9-2-2607. Confidentiality of information; disclosure; reimbursement.**

(a) Except as otherwise provided, information maintained pursuant to this article shall not be disclosed in a manner which reveals the identity of the employing unit or the individual. The confidentiality limitations of this section do not apply to transfers of information to the employing unit or the individual when the employing unit or individual who provided the requested information gives written permission for its release, or between the divisions of the department of workforce services so long as the transfer of information is not restricted by federal law, rule or contract. Any employee of the requesting department or agency who discloses information outside of the department in violation of federal or state law may be terminated without progressive discipline.

**27-1-110. State rehabilitation council; membership; chairman.**

(a) There is established a permanent council within the department of

~~employment workforce services~~ to be known as the Wyoming governor's council for employment and rehabilitation of the handicapped state rehabilitation council, to consist of: ~~at least twelve (12) members appointed by the governor. At least three (3) members of the council shall have handicapping conditions, and at least three (3) members shall be representative of private employers or employer's organizations. No member shall be a state employee.~~

(i) At least one (1) representative of the statewide independent living council;

(ii) At least one (1) representative of a parent training and information center;

(iii) At least one (1) representative of the client assistance program;

(iv) At least one (1) vocational rehabilitative counselor;

(v) At least one (1) representative of community rehabilitation program service providers;

(vi) Four (4) representatives of business, industry and labor;

(vii) At least two (2) representatives of disability advocacy groups;

(viii) At least two (2) current or former applicants of vocational rehabilitation services;

(ix) The administrator of the division of vocational rehabilitation;

(x) At least one (1) representative of the department of education;

(xi) At least one (1) representative of the state workforce investment board.

(b) The director of the department of workforce services shall be an ex officio, nonvoting member of the state rehabilitation council.

(c) A majority of council members shall be persons who are:

(i) Individuals with disabilities;

(ii) Not employed by the division of vocational rehabilitation.

(d) One (1) of the members shall be elected chairman by the members of the council. The appointive members shall hold office for the term specified. The council shall be nonpartisan. The governor may remove any council member as provided in W.S. 9-1-202.

#### **27-1-111. Duties of council and department.**

The department of ~~employment workforce services~~, with advice of the



council, shall carry on a continuing program to promote the employment of physically, mentally, emotionally and otherwise handicapped persons by creating statewide interest in the rehabilitation and employment of the handicapped and by obtaining and maintaining cooperation from all public and private groups and individuals in the field. The council shall work in cooperation with the president's committee on employment of the handicapped in order to more effectively carry out the purposes of this act.

**27-1-112. Authority of council to receive gifts, grants or donations.**

The department of ~~employment workforce services~~, on behalf of the council, is authorized to receive any gifts, grants or donations made for any of the purposes of its program.

**27-13-101. Definitions.**

(a) As used in this act:

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

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

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

**Section 2.**

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

(i) All duties of the governor's office with respect to the Serve Wyoming, governor's council for employment and rehabilitation of the handicapped and the displaced worker and education programs be transferred to the department of workforce services;

(ii) All unexpended funds not otherwise obligated and any other property, if any, of the governor's office exclusively dedicated to the Serve Wyoming, governor's council for employment and rehabilitation of the handicapped and the displaced worker and education programs be transferred to the department of workforce services;

(iii) Any contract, agreement or obligation entered into or assumed by the governor's office with respect to the Serve Wyoming, governor's council

for employment and rehabilitation of the handicapped and the displaced worker and education programs, if the execution or assumption was within the lawful powers of the governor's office, be assumed by the department of workforce services;

(iv) Any policy adopted by the governor's office with respect to the Serve Wyoming, governor's council for employment and rehabilitation of the handicapped and the displaced worker and education programs remain in effect unaltered as policy of the department of workforce services until amended or repealed by the department of workforce services.

**Section 3.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 66

### UNEMPLOYMENT COMPENSATION AMENDMENTS

Original Senate File No. 23

AN ACT relating to unemployment compensation; complying with federal requirements; amending the benefit disqualification period for false claims; authorizing benefit repayment agreements; providing for consolidated accounts following a business acquisition; making all employers subject to cancellation of the substitute payment option; authorizing installment payment agreements for delinquent employer contributions; providing for personal liability and liens on the property of specified officers and directors of delinquent employers, as specified; amending the threshold for incremental bonds for impact industries; amending and providing definitions; authorizing publishing the identity of state agency employing units as specified; repealing provisions inconsistent with the federal unemployment tax act; and providing for an effective date.

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

**Section 1.** W.S. 27-3-102(a)(xxi), 27-3-311(e), 27-3-409(b)(intro), by creating a new paragraph (iii) and (f)(intro), 27-3-507(a), 27-3-509(f)(intro) and (i), 27-3-510(e)(intro), 27-3-511 by creating new subsections (f) and (g), 27-3-516(a) and 27-3-607 by creating a new subsection (d) are amended to read:

#### **27-3-102. Definitions generally.**

(a) As used in this act:

(xxi) "Casual labor" means service ~~of less than two (2) consecutive weeks and not within the normal course of business~~ and for which the remuneration paid is less than fifty dollars (\$50.00);

**27-3-311. Disqualifications from entitlement; grounds; forfeiture.**

(e) Any person who knowingly files a claim for benefits which contains a false statement or misrepresentation of a material fact, as determined by the department, shall be disqualified from receiving benefits for a fifty-two (52) week period beginning the week in which the false statement or misrepresentation was made or beginning the week following the date that notice of the overpayment determination or decision is mailed to the person who filed the claim.

**27-3-409. Payment of benefits upon determination; repayment of overpaid benefits; penalty.**

(b) An individual receiving benefits under this act to which he is not entitled shall be liable for and repay the benefit. Repayment of the benefits shall be had ~~either~~ by any combination of recoupment, recovery by civil action or ~~both~~ voluntary reimbursement agreement:

(iii) The department in its discretion, without civil action, may accept repayment of overpaid benefits by reimbursement from an individual pursuant to a payment schedule approved by the department.

(f) The department may cancel the amount of overpayments or penalty due on any overpayment after ~~the expiration of the time period described in paragraph (b)(i) of this section~~ eight (8) years from the effective date of the claim resulting in the overpayment when:

**27-3-507. Person acquiring trade of employing unit; transfer of experience and assignment of rates.**

(a) A person acquiring the trade, organization, business or substantially all the assets of an employer subject to this act shall assume the employer's account, benefit experience and contribution rate. If the acquiring person is an employer subject to this act, the department shall consolidate the separate accounts and benefit experience and shall determine the contribution rate of the acquiring person effective the first day of the calendar quarter following the date of acquisition. A delinquency rate shall be assumed by the acquiring person as provided in W.S. 27-3-503(b) when the acquiring person owned or controlled an interest in the transferring employer or if the acquiring person is a member of the immediate family of the transferring employer.

**27-3-509. Election of substitute payments by certain organizations authorized; filing and liability period; billing; posting of security; exceptions.**

(f) Any ~~Indian tribe or tribal unit employer~~ failing to make required payments under this section, including assessments of interest and penalties, within ninety (90) days after receipt of a bill, shall not be eligible

for making payments under this section for the following tax year unless full payment is received by the department before the contribution rates for the next tax year are computed under this act, subject to the following:

(i) Any ~~Indian tribe~~ employer losing the option to make payments under this section because of late payments or nonpayment under this subsection shall have the option reinstated if after one (1) year, all contributions have been paid on a timely basis and no contributions, payments instead of contributions for paid benefits, penalties or interest remain outstanding;

**27-3-510. Delinquencies; interest to be charged; deposit; collection by civil action; jeopardy assessments; posting of bond; liability of corporate officers and directors.**

(e) Any officer or director having at least twenty percent (20%) ownership interest of a corporate employing unit and any manager of a limited liability company having at least twenty percent (20%) ownership interest of a limited liability company employing unit, who controls or supervises filing contribution reports or making payment contributions under this act and who ~~willfully~~ fails to file the reports or make required payments, and the employing unit fails to pay the amounts due the department, is liable for the contributions or reimbursement including interest, penalties and costs. Liability under this subsection shall:

**27-3-511. Delinquencies; lien; foreclosure; notice and hearing; satisfaction and release; remedies not exclusive.**

(f) Notwithstanding any other provision of this section, the department may enter into installment payment agreements for delinquent tax and interest liabilities where repayment requirements are met and where payment in a lump sum would cause severe inconvenience to the taxpayer.

(g) For purposes of this section, "employer" includes those individuals described in W.S. 27-3-510(e) under the conditions described in that section.

**27-3-516. Incremental bond for impact industries.**

(a) Any project in Wyoming with an estimated construction cost ~~of at least one hundred million dollars (\$100,000,000.00)~~ equal to or greater than the threshold construction cost defined by the industrial siting council pursuant to W.S. 35-12-102(a)(vii), a majority of which is planned to be completed or discontinued within a period of seven (7) years, and which will require the employment of at least two hundred fifty (250) people is subject to this section. After the project is initiated, each employing unit working on a project which meets the criteria specified under this section shall report annually to the department any change in contract bids within the state as may have been determined under subsection (b) of this section.

**27-3-607. Cooperation by department with federal and state agencies; disclosure and submission of specified information; limitations.**

(d) The department may conduct and publish statistical analysis of payroll and employment of state agencies in the executive branch which may reveal the identity of state agency employing units.

**Section 2.** W.S. 27-3-102(a)(xviii)(M) and (R) and 27-3-108(a)(xii) are repealed.

**Section 3.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 67

### COMMUNITY BASED IN-HOME SERVICES

Original Senate File No. 24

AN ACT relating to community based in-home services for seniors and persons with disabilities; amending eligibility criteria; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1208(a) is amended to read:

**9-2-1208. Community based in-home services.**

(a) The department of health shall administer a state program to provide community based in-home services for Wyoming senior citizens and disabled adults eighteen (18) years of age and older. Priority shall be given to persons at risk of placement in nursing homes, assisted living or other institutional care settings and the program may serve persons who are not senior citizens if the program's services are needed, ~~as determined by consultation and assessment pursuant to the Wyoming Long Term Care Choices Act~~, to avoid institutional placement.

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

**Chapter 68****OMNIBUS WATER BILL-CONSTRUCTION**

Original Senate File No. 37

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

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

**Section 1.** W.S. 99-3-1501 through 99-3-1504 are created to read:

ARTICLE 15  
2010 CONSTRUCTION PROJECTS

**99-3-1501. Definitions.**

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

**99-3-1502. General authorization.**

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

**99-3-1503. 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 – Arapahoe Water Supply:

(i) Project sponsor: Northern Arapaho Tribe;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Five hundred seventy-five thousand dollars (\$575,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering

and construction of the project an amount not to exceed three hundred eighty-five thousand two hundred fifty dollars (\$385,250.00) 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 eighty-five thousand two hundred fifty dollars (\$385,250.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2015;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The sponsor shall purchase the well drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor shall purchase the well with a lump sum payment. The sponsor shall make the payment described herein prior to the commencement of the project. The payment shall be deposited by the commission into water development account I.

(c) Project – Buffalo Pipeline:

(i) Project sponsor: Town of Buffalo;

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

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

(iv) Total project budget: One million one hundred eighty-two thousand dollars (\$1,182,000.00);

(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 ninety-one thousand nine hundred forty dollars (\$791,940.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred ninety thousand sixty dollars (\$390,060.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30)

years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission one million one hundred eighty-two thousand dollars (\$1,182,000.00) 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, 2015.

(d) Project – Burns Storage Tank:

(i) Project sponsor: Town of Burns;

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

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

(iv) Total project budget: Nine hundred thirty thousand dollars (\$930,000.00);

(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 six hundred twenty-three thousand one hundred dollars (\$623,100.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred six thousand nine hundred dollars (\$306,900.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission nine hundred thirty thousand dollars (\$930,000.00) 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, 2015.

(e) Project – Casper Zone IV Improvements:

(i) Project sponsor: City of Casper;



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

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

(iv) Total project budget: Nine hundred ninety thousand dollars (\$990,000.00);

(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 six hundred sixty-three thousand three hundred dollars (\$663,300.00) 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 six hundred sixty-three thousand three hundred dollars (\$663,300.00) 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, 2015;

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

(f) Project – Cook Road Well:

(i) Project sponsor: Cook Road Water District;

(ii) Project purpose: Rural domestic and municipal water supply;

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

(iv) Total project budget: One million two hundred ninety thousand dollars (\$1,290,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred sixty-four thousand three hundred dollars (\$864,300.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor

from water development account 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 twenty-five thousand seven hundred dollars (\$425,700.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission one million two hundred ninety thousand dollars (\$1,290,000.00) 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, 2015.

(g) Project – Ethete Water Supply:

(i) Project sponsor: Northern Arapaho Tribe;

(ii) Project purpose: Rural domestic and municipal water supply;

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

(iv) Total project budget: Four million dollars (\$4,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million dollars (\$2,000,000.00) 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 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, 2015;

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

(h) Project – Farview Water Supply:

(i) Project sponsor: Farview Water District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: One hundred thousand dollars (\$100,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed sixty-seven thousand dollars (\$67,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed thirty-three thousand dollars (\$33,000.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission one hundred thousand dollars (\$100,000.00) 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, 2015;

(viii) Special conditions: The sponsor shall purchase the well drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor may purchase the well with a lump sum payment or with amortized payments for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

(j) Project – Jackson Storage Tanks:

(i) Project sponsor: Town of Jackson;

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

(iii) Project description: Design and construction of two (2) storage tanks, connections for the tanks to the existing water supply system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four million dollars (\$4,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million six hundred eighty thousand dollars (\$2,680,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million three hundred twenty thousand dollars (\$1,320,000.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission four million dollars (\$4,000,000.00) 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, 2015.

(k) Project – Owl Creek Water Supply:

(i) Project sponsor: Owl Creek Rural Water District;

(ii) Project purpose: Rural domestic and municipal water supply;

(iii) Project description: Design and construction of transmission pipelines, pump stations, connection to the Town of Thermopolis's water supply system and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four million seven hundred fifty thousand dollars (\$4,750,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million one hundred eighty-two thousand five hundred dollars (\$3,182,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three million one hundred eighty-two thousand five hundred dollars (\$3,182,500.00) or as much thereof as is necessary to

carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2015;

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

(m) Project – South Laramie Water Supply:

(i) Project sponsor: City of Laramie;

(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: Three million one hundred thousand dollars (\$3,100,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million seventy-seven thousand dollars (\$2,077,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million twenty-three thousand dollars (\$1,023,000.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission three million one hundred thousand dollars (\$3,100,000.00) 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, 2015.

(n) Project – South Thermopolis Water Supply:

(i) Project sponsor: South Thermopolis Water and Sewer Water District;

(ii) Project purpose: Rural domestic and municipal water supply;

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

(iv) Total project budget: Three million one hundred sixty thousand dollars (\$3,160,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million one hundred seventeen thousand two hundred dollars (\$2,117,200.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two million one hundred seventeen thousand two hundred dollars (\$2,117,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2015;

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

(o) Project – Wamsutter Well 2010:

(i) Project sponsor: Town of Wamsutter;

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

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

(iv) Total project budget: One million one hundred thirty thousand dollars (\$1,130,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred fifty-seven thousand one hundred dollars (\$757,100.00) 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 fifty-seven thousand one hundred dollars (\$757,100.00) or as much thereof as is necessary to carry

out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2015.

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The sponsor shall purchase the well drilled during the Level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor shall purchase the well with a lump sum payment. The sponsor shall make the payment described herein prior to the commencement of the project. The payment shall be deposited by the commission into water development account I.

[REHABILITATION CONSTRUCTION PROJECTS]

**99-3-1504. 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 Rehabilitation 2010:

(i) Project sponsor: Casper Alcova Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Seven hundred twelve thousand dollars (\$712,000.00);

(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 four hundred seventy-seven thousand forty dollars (\$477,040.00) 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 seventy-seven thousand forty dollars (\$477,040.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015;

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

(c) Project – Heart Mountain Rehabilitation 2010:

(i) Project sponsor: Heart Mountain Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Two million one hundred twenty-two thousand dollars (\$2,122,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed one million one hundred eighty thousand dollars (\$1,180,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million one hundred eighty thousand dollars (\$1,180,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(d) Project – Little Snake Diversions:

(i) Project sponsor: Savery-Little Snake Conservancy District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of improvements



to diversion structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred ninety thousand dollars (\$990,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred sixty-three thousand three hundred dollars (\$663,300.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred twenty-six thousand seven hundred dollars (\$326,700.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission nine hundred ninety thousand dollars (\$990,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015.

(e) Project – Midvale Rehabilitation 2010:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Four hundred seventy thousand dollars (\$470,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed two hundred sixty-three thousand dollars (\$263,000.00) 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 sixty-three thousand dollars (\$263,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(f) Project – Rawlins Atlantic Rim Reservoir:

(i) Project sponsor: City of Rawlins;

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

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

(iv) Total project budget: Four million dollars (\$4,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million six hundred eighty thousand dollars (\$2,680,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million three hundred twenty thousand dollars (\$1,320,000.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission four million dollars (\$4,000,000.00) 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 II on July 1, 2015.

(g) Project – Willwood Rehabilitation 2010:

(i) Project sponsor: Willwood Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million three hundred fifty-two thousand dollars (\$1,352,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed seven hundred forty-six thousand dollars (\$746,000.00) 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 seven hundred forty-six thousand dollars (\$746,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

[AMENDMENTS TO PRIOR PROJECTS]

**Section 2.** W.S. 99-1-105, 99-2-303(f)(v)(C), 99-3-703(f)(xiii)(C), (j)(iv) through (vi) and (ix), 99-3-704(g)(iv) through (vi) and (ix), 99-3-804(d)(vii) and (viii) by creating a new subparagraph (C), 99-3-904(n)(vi), 99-3-1103(m)(vii), 99-3-1104(g)(vi), 99-3-1106(a)(vii) and (b)(vii), 99-3-1403(j)(iii) through (vii), (k)(iii) through (vii), (m)(iii) through (vii) and (o)(iii) through (vii), 99-3-1404(b)(iv)

through (vii) and 99-99-1001(a) by creating a new paragraph (vii), (g) and by creating a new subsection (k) are amended to read:

**(Deer Creek Project)**

**99-1-105. Project appropriation.**

The total project budget is forty-five million dollars (\$45,000,000.00). There is appropriated from that portion of the water development account funded from revenues pursuant to W.S. 39-6-305(g) to the commission ~~thirteen million five hundred thousand dollars (\$13,500,000.00)~~ five million two hundred fifty thousand dollars (\$5,250,000.00) or as much thereof as is necessary to carry out the purposes of this act. Unexpended funds appropriated under this section shall revert to the account established in W.S. 99-99-1001(a)(vii) on July 1, 2010.

**99-2-303. Level III construction projects - new development.**

(f) Project - Little Snake River Valley Dam and Reservoir Project:

(v) Appropriation:

(C) Unexpended funds appropriated under this subsection shall revert to ~~water development account I~~ the account established in W.S. 99-99-1001(a)(vi) on July 1, 2005-2010.

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

(f) Project - Little Snake River Small Dams and Reservoirs Phase II Project:

(xiii) Special supplemental conditions:

(C) Supplemental funding shall be limited to the twelve (12) projects identified and recommended for construction in the Little Snake River Basin Small Reservoir Development Project, the Doty Mountain Five Project, Coal Gulch Dam Project and the Grieve Reservoir Project. The sponsor shall obtain the approval of the commission prior to the construction of any individual facility.

(j) Project - Small Water Development Projects:

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

(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 seven hundred fifty thousand dollars (\$1,750,000.00)~~ one million nine hundred

fifty thousand dollars (\$1,950,000.00) 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 seven hundred fifty thousand dollars (\$1,750,000.00)~~ one million nine hundred fifty thousand dollars (\$1,950,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

(ix) No new project shall be authorized under this subsection on or after ~~April 1, 2010~~ July 1, 2012.

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

(g) Project - Small Water Development Projects:

(iv) Total project budget: ~~Three million five hundred thousand dollars (\$3,500,000.00)~~ Three million one hundred thousand dollars (\$3,100,000.00);

(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 seven hundred fifty thousand dollars (\$1,750,000.00)~~ one million five hundred fifty thousand dollars (\$1,550,000.00) 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 seven hundred fifty thousand dollars (\$1,750,000.00)~~ one million five hundred fifty thousand dollars (\$1,550,000.00) 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;

(ix) No new project shall be authorized under this subsection on or after ~~April 1, 2010~~ July 1, 2012.

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

(d) Project – Byron Raw Water Supply:

(vii) Appropriation: There is appropriated from water development account II to the commission one million five hundred sixty-one thousand dollars (\$1,561,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2010~~ 2010; and

(viii) Special conditions:

(C) Notwithstanding the other provisions of this subsection to the contrary, since the sponsor has abandoned the project, the sponsor shall be obligated to pay the funds disbursed by the commission for project purposes in the amount of one hundred seventy thousand two hundred fourteen dollars (\$170,214.00). The sponsor shall make the payment described herein not later than July 1, 2010. The payment shall be deposited by the commission into water development account II.

**99-3-904. Level III construction projects-rehabilitation.**

(n) Project - Wind River Irrigation Project:

(vi) Appropriation: There is appropriated from water development account II to the commission three million five hundred thousand dollars (\$3,500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2010~~2015; and

**99-3-1103. Level III construction projects-new development.**

(m) Project – Pine Haven Transmission 2006 Project:

(vii) Appropriation: There is appropriated from water development account I to the commission three hundred forty-eight thousand dollars (\$348,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010~~2012.

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

(g) Project – Midvale Irrigation District Conservation/Automation Project:

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred forty-two thousand seven hundred dollars (\$542,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2010~~2012; and

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

There are created the following sponsor's inflations funds:

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

(vii) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as

much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2010-2013~~; and

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

(vii) Appropriation: There is appropriated from water development account II to the commission five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account ~~I-II~~ on July 1, ~~2010-2013~~; and

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

(j) Project – Pinedale Pipelines-Phase I:

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

(iv) Total project budget: ~~Eleven million six hundred seventy thousand dollars (\$11,670,000.00)~~ Eleven million four hundred seventy thousand dollars (\$11,470,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, ~~for two (2) transmission pipelines and construction engineering and construction of one (1) transmission pipeline~~ the project an amount not to exceed ~~five million two hundred ninety-three thousand dollars (\$5,293,000.00)~~ seven million six hundred eighty-four thousand nine hundred dollars (\$7,684,900.00) or sixty-seven percent (67%) of the actual costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, ~~for two (2) transmission pipelines and construction engineering and construction of one (1) transmission pipeline~~ the project an amount not to exceed ~~two million six hundred seven thousand dollars (\$2,607,000.00)~~ three million seven hundred eighty-five thousand one hundred dollars (\$3,785,100.00) or thirty-three percent (33%) of the actual costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~seven million nine hundred thousand dollars (\$7,900,000.00)~~ eleven million four hundred seventy thousand dollars (\$11,470,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection

shall revert to water development account I on July 1, 2014.

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

(iii) Project description: Design and construction of a ~~reservoir and transmission pipelines-pipeline, pump station, outlet works improvements~~ and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: ~~Sixteen million four hundred fifteen thousand dollars (\$16,415,000.00)~~ Three million nine hundred thousand dollars (\$3,900,000.00);

(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 for the project an amount not to exceed ~~nine hundred four thousand five hundred dollars (\$904,500.00)~~ two million six hundred thirteen thousand dollars (\$2,613,000.00) or sixty-seven percent (67%) of the actual costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, ~~and project land procurement, construction engineering and construction~~ for the project an amount not to exceed ~~four hundred forty-five thousand five hundred dollars (\$445,500.00)~~ one million two hundred eighty-seven thousand dollars (\$1,287,000.00) or thirty-three percent (33%) of the actual costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~one million three hundred fifty thousand dollars (\$1,350,000.00)~~ three million nine hundred thousand dollars (\$3,900,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2014.

(m) Project – Riverton Water Supply:

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

(iv) Total project budget: ~~Six million four hundred forty thousand dollars (\$6,440,000.00)~~ Nine million two hundred thousand dollars (\$9,200,000.00);

(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 for the project an amount not to exceed ~~four million three hundred fourteen thousand eight hundred dollars (\$4,314,800.00)~~ six million one hundred sixty-four thousand dollars (\$6,164,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, ~~and project land procurement, construction engineering and construction~~ for the project an amount not to exceed ~~six hundred forty-four thousand dollars (\$644,000.00)~~ nine hundred twenty thousand dollars (\$920,000.00) or ten percent (10%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~four million nine hundred fifty-eight thousand eight hundred dollars (\$4,958,800.00)~~ seven million eighty-four thousand dollars (\$7,084,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2014;

(o) Project – Star Valley Ranch Water Supply:

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

(iv) Total project budget: ~~Two million six hundred twenty thousand dollars (\$2,620,000.00)~~ Four million nine hundred ninety-five thousand dollars (\$4,995,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million seven hundred fifty-five thousand four hundred dollars (\$1,755,400.00)~~ three million three hundred forty-six thousand six hundred fifty dollars (\$3,346,650.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~eight hundred sixty-four thousand six hundred dollars (\$864,600.00)~~ one million six hundred forty-eight thousand three hundred fifty dollars (\$1,648,350.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~two million six hundred twenty thousand dollars (\$2,620,000.00)~~ four million nine hundred ninety-five thousand dollars (\$4,995,000.00) 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 I on July 1, 2014;

**99-3-1404. Level III construction projects – rehabilitation.**

(b) Project – Big Horn Canal Rehabilitation 2009:

(iv) Total project budget: ~~Nine hundred forty-five thousand dollars (\$945,000.00)~~ One million one hundred eighty thousand dollars (\$1,180,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~six hundred thirty-three thousand one hundred fifty dollars (\$633,150.00)~~ seven hundred ninety thousand six hundred dollars (\$790,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~three hundred eleven thousand eight hundred fifty dollars (\$311,850.00)~~ three hundred eighty-nine thousand four hundred dollars (\$389,400.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~nine hundred forty-five thousand dollars (\$945,000.00)~~ one million one hundred eighty thousand dollars (\$1,180,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2014.

**99-99-1001. Creation; use of funds; interest.**

(a) The following accounts are created:

(vii) Pathfinder modification account.

(g) Revenues received by the state from the lease, sale, assignment or transfer of water from projects funded by the Wyoming water development program or from the lease, sale, assignment or transfer of projects, or any portions thereof, funded by the Wyoming water development program shall be deposited into the account created by paragraph (a)(iv) of this section.

The Wyoming water development commission shall administer the account and use any monies in the account to meet the contract obligations of the state relative to said leases, sales, assignments or transfers. The account balance shall at no time exceed  ~~fifty thousand dollars (\$50,000.00) one hundred thousand dollars (\$100,000.00).~~

(k) All revenues received by the state from the lease, sale, assignment or transfer of ownership of water resulting from the state's interest in the Pathfinder modification project shall be deposited in the account created by paragraph (a)(vii) of this section. The Wyoming water development commission shall use any monies in the account to meet the operation, maintenance, replacement and mitigation obligations of the state related to the Pathfinder modification project. Two million two hundred fifty thousand dollars (\$2,250,000.00) from the appropriation from water development account II provided in the 2000 Wyoming Session Laws, Chapter 36, Section 6 is hereby transferred to the account created by paragraph (a)(vii) of this section.

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

Approved March 8, 2010.

## Chapter 69

### OBSOLETE LAWS-GENERAL REVISIONS

Original Senate File No. 53

AN ACT relating to the general revision of laws; amending archaic and obsolete provisions; correcting and updating references; conforming provisions to previous enactments; repealing provisions held to be unconstitutional; repealing fully executed and otherwise archaic or obsolete provisions; and providing for an effective date.

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

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]  
[a. PROVISIONS AFFECTED BY COURT DECISIONS, OTHER THAN  
HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]

**Section 101.** W.S. 9-5-203(a) and (b) is amended to read:

**9-5-203. Recovery of escheated or forfeited property; general procedure; proceedings where estate without known heirs; unclaimed payments; disposition of property obtained.**

(a) Whenever any property escheats or is forfeited to the state for its use, the legal title vests in the state from the time of the escheat or forfeiture. ~~An~~

~~information~~ A complaint may be filed by the county attorney of the proper county or by the attorney general in the name of the state of Wyoming against the person or bank which possesses the escheated or forfeited property, in the district court of the proper county for the recovery of the property, alleging the grounds on which the recovery is claimed, and like proceedings in judgment shall be had as in a civil action for the recovery of property. In any such action due proof that any real or personal property has been unclaimed for five (5) years immediately prior to the time of filing the ~~information~~ complaint and that the name or whereabouts of the owner of the property is unknown is prima facie evidence of the failure of title to the property for want of legal heirs.

(b) In cases where probate proceedings are commenced upon the estate of any person without known heirs no action under subsection (a) of this section need be brought. The court having jurisdiction of the estate shall enter a decree in the estate, distributing the unclaimed property remaining for distribution in the estate to the state of Wyoming. Where probate proceedings have been commenced but have never been completed, the county attorney or attorney general may proceed ~~by information~~ as provided by subsection (a) of this section. In any such estate, the failure of any heirs or devisees of the deceased to appear and establish a claim within the time fixed by the notice of final settlement of the estate for filing objections to the final account and petition for distribution is prima facie evidence of the failure of title to the property of the estate for want of legal heirs or devisees.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]

[i. JUSTICES OF THE PEACE REFERENCES]

**Section 201.** W.S. 5-6-301(b) is amended to read:

**5-6-301. Punishment of persons convicted before judge; maximum penalty permitted; power to punish for contempt.**

(b) The municipal judge shall punish for contempt in the same manner as ~~justices of the peace~~ district court.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]

[ii. COUNTY COURTS]

**Section 202.** W.S. 7-20-102(b)(i) and 7-20-104 are amended to read:

**7-20-102. Arrests without warrant.**

(b) A peace officer, without a warrant, may arrest and take into custody a person if:

(i) An order of protection has been issued by a ~~county circuit~~ or district court as authorized by W.S. 35-21-104 or 35-21-105 stating on its face the period of time for which the order is valid and specifically restraining or enjoining a household member, as defined by W.S. 35-21-102(a)(iv), from entering onto premises, from physical abuse, threats of personal abuse or acts which unreasonably restrain the personal liberty of any household member, or from abducting, removing or concealing any child in the custody of another household member or from transferring, concealing, encumbering or otherwise disposing of petitioner's property or the joint property of the parties;

**7-20-104. Notice to victim of services and legal rights and remedies.**

At the time of arrest under W.S. 7-20-102 or as soon thereafter as is practicable, the peace officer shall advise the victim of the availability of a program that provides services to victims of battering in the community and give the victim notice of the legal rights and remedies available. The notice shall include furnishing the victim a copy of the following statement:

“IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the district attorney to file a criminal complaint. You also have the right to go to the ~~county circuit~~ or district court and file a petition requesting any of the following orders for relief: (a) An order restraining your attacker from abusing you; (b) An order directing your attacker to leave your household; (c) An order preventing your attacker from entering your residence, school, business or place of employment; (d) An order awarding you or the other parent custody of or visitation with a minor child or children; (e) An order restraining your attacker from molesting or interfering with minor children in your custody; (f) An order directing the party not granted custody to pay support for minor children, or for support of the other party if that party has a legal obligation to do so.

You also have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is under \$.... (Officer to insert current jurisdictional limit of small claims court).

1. Name, address and phone number of local family violence program.
2. Name, address and phone number of district attorney's office.”

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[b. FULLY EXECUTED]

**Section 203.** W.S. 5-1-102(a), 5-6-112(a), 5-6-113(a), 9-4-601(b)(i)(intro), (iv)(A) and (B), 9-4-602(a)(intro), 11-18-101(c), 11-19-405(a), 11-20-115(b), 11-20-408(b), 11-40-102(a) and (b), 11-40-105(h), 11-40-109(b), 12-4-201(d)(intro), 12-4-407(c), 13-1-205(a)(i)(B), 13-1-402(a), 14-4-104(e), 15-5-202(a), 15-5-203(e), 15-5-306(e)(ii), 15-5-420(b), 15-5-421, 15-9-204(a), 16-1-109(d)(intro), 16-1-305(e), 18-3-201(d), 18-3-303(a), 18-3-703(b) and (c), 18-5-305 and 18-6-310(b) are amended to read:

**5-1-102. Terms of judicial nominating commission members; expenses; removal.**

(a) The terms of the elected and appointed voting members of the judicial nominating commission created by Article 5, Section 4, Wyoming Constitution, shall be four (4) years except the initial term for one (1) attorney and one (1) elector shall be two (2) years and the initial term for one (1) attorney and one (1) elector shall be three (3) years. The members of the Wyoming state bar initially elected to the commission shall draw lots to determine the term each shall serve. The governor shall designate whether the length of the term of electors he initially appoints to the commission shall be two (2), three (3) or four (4) years. ~~The terms of all initial elected and appointed members shall begin on March 1, 1973.~~ The governor may remove any member he appoints as provided in W.S. 9-1-202.

**5-6-112. Detention of juvenile offenders.**

(a) ~~Effective July 1, 1995,~~ No minor charged with violating a municipal ordinance defined as a status offense under subsection (b) of this section shall be detained in a jail.

**5-6-113. Incarceration of juvenile offenders.**

(a) ~~Effective July 1, 1995,~~ No minor convicted of a status offense shall be sentenced to a term of imprisonment.

**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, ~~but for the fiscal years beginning July 1, 2004 and July 1, 2005 any amount in~~

~~excess of seven million five hundred thousand dollars (\$7,500,000.00) shall be deposited in accordance with paragraph (v) of this subsection, and thereafter 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):~~

(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). ~~For the fiscal years beginning July 1, 2004 and July 1, 2005, any amount in excess of one million six hundred thousand dollars (\$1,600,000.00) shall be deposited in accordance with paragraph (v) of this subsection. Thereafter~~ 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);

(B) ~~For the fiscal years beginning July 1, 2004 and July 1, 2005, Forty percent (40%) to be deposited in accordance with paragraph (v) of this subsection and thereafter~~ to the school capital construction account established under W.S. 21-15-111(a)(i).

#### **9-4-602. Distribution and use; state treasurer's duty.**

(a) Except as hereafter provided, distribution under W.S. 9-4-601 shall be made by the state treasurer within thirty (30) days after the receipt of the government royalty funds for the preceding period. Federal mineral royalties received by the state on a continuing monthly basis shall be distributed under W.S. 9-4-601 by the state treasurer, subject to the following: ~~and except as otherwise provided by law for fiscal year 1994:~~

#### **11-18-101. Livestock board; creation; composition; qualifications; appointment and term of members; removal; vacancies; name defined.**

(c) ~~Effective July 1, 1979,~~ Appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

#### **11-19-405. Control of brucellosis; governor authorized to negotiate with federal agencies.**

(a) In order to preserve the brucellosis-free status of this state, the governor shall enter into negotiations with any relevant parties including appropriate federal agencies on steps necessary to ensure brucellosis is not passed from wildlife to livestock. ~~If adequate progress is not made~~

~~by September 1, 1996, in the negotiations or if the appropriate federal agencies are unwilling to act to control brucellosis or are obstructing necessary efforts to control brucellosis, the governor is authorized to direct the attorney general to bring appropriate legal action.~~

**11-20-115. Rerecording; when required; notice; abandonment.**

~~(b) Effective January 1, 2005, Every~~ owner of a brand shall rerecord the brand. The term of the rerecording period shall not exceed the term established by this section and the method of renewal shall be established by the board. The renewal fee shall be as established by W.S. 11-20-116 and shall be prorated by the board for any renewal less than ten (10) years. The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

**11-20-408. Examination of agency records; report.**

(b) The board shall adopt an annual fiscal year budget for the brand registration and inspection program. The budget shall include any deficit amount from the prior year and may include an operating reserve not to exceed one (1) year for that portion of the program to be funded by user fees. Based on the budget adopted under this subsection, the board shall set the user fees for all activities under the program at no less than the minimum fees provided for in this chapter. Each fee may be adjusted not more than one (1) time per fiscal year and by not more than twenty percent (20%) in any one (1) fiscal year. ~~Beginning November 1, 2008, The~~ board shall report annually by November 1 to the joint agriculture, state and public lands and water resources interim committee with respect to the budget adopted and fees set under this subsection.

**11-40-102. Creation of committee; composition; administrative support; compensation; officers; conflict of interest.**

(a) There is created the Wyoming lean beef committee. The initial membership of the committee shall consist of eleven (11) members of whom five (5) shall be members of the faculty of the University of Wyoming, one (1) shall be a person with professional training and experience related to human health and diet, designated by the president of the University of Wyoming, five (5) shall be appointed by the governor of whom three (3) shall be producers of beef cattle, one (1) shall be a person with training and experience in finance, one (1) shall be a person with training and experience in marketing and one (1) shall be the director of the department of agriculture or his designee serving ex officio. The members appointed by the governor shall serve three (3) year terms. The members designated by the president of the university shall serve at his pleasure. ~~Beginning April 1, 1989 the number of members designated by the president of the University of Wyoming shall be reduced by one (1) each year and the number appointed by the governor shall be increased by one (1) each year~~



~~until the number of university members is reduced to two (2).~~

(b) ~~Until July 1, 1990~~ Administrative support for the committee shall be provided by and budgeted for by the University of Wyoming and thereafter it shall be the responsibility of the department of agriculture.

**11-40-105. Licensing; use of trademark; royalty.**

(h) ~~Until January 1, 1992~~ licensees shall pay to the state an annual royalty of one dollar (\$1.00) per head. ~~Thereafter~~ The committee shall annually set the royalty to be paid by licensees which shall be not less than fifty cents (\$.50) per head and not more than five dollars (\$5.00) per head and shall be designed to defray the expenses of the committee, the expenses of the inspection and enforcement program and give the state of Wyoming a return of eight percent (8%) per annum on the monies appropriated for the marketing of Wyoming lean beef by Chapter 199, Wyoming Session Laws 1985 and by any other legislative appropriation and spent by the University of Wyoming on the 1985 San Francisco simulated market test. The royalties shall be deposited in the general fund of the state except that fifty percent (50%) of any royalties in excess of the amount budgeted for the expenses of the committee, the inspection and enforcement program and repayment to the state shall be deposited in the University of Wyoming fund to the credit of the agricultural experiment station account.

**11-40-109. Termination of existence of committee.**

(b) ~~If the existence of the committee does not terminate as provided by subsection (a) of this section but thereafter~~ the sales volume falls below one million dollars (\$1,000,000.00) for three (3) successive years, the existence of the committee shall terminate on July 1 of the fourth (4<sup>th</sup>) year.

**12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.**

(d) ~~Effective January 1, 1986,~~ The number of retail liquor licenses issued shall be based on the following population formula:

**12-4-407. Restaurant liquor license; authorized.**

(c) ~~After the 1980 census has been completed and~~ the maximum number of appropriate licenses has been certified by the commission, the number of restaurant liquor licenses issued shall not exceed fifty percent (50%) of the number of retail liquor licenses allowable under W.S. 12-4-201(d), or two (2), whichever is greater.

**13-1-205. Financial institutions; consumer reports; encumbrance of assets; immunity.**

(a) Any financial institution as defined in W.S. 13-1-101(a)(ix), national chartered credit union, benefit association, insurance company, safe deposit company, money market mutual fund or similar entity authorized to do business in the state shall:

(i) Enter into an agreement with the department of family services to provide identifying information for each noncustodial parent who maintains an account at the institution and who the department of family services identifies as owing past due child support, provided:

(B) ~~By July 1, 1997, Each financial institution shall have an agreement with the department setting a time schedule for developing an agreement for providing the information required pursuant to this section. The agreements shall be completed by January 1, 1998, and shall go into effect no later March 31, 1998.~~

**13-1-402. Disclosure of date when account opened; exception; penalty.**

(a) All checks, drafts or similar negotiable or nonnegotiable instruments or orders of withdrawal which are drawn against funds held by a financial institution located in Wyoming in a consumer deposit account ~~opened after July 1, 1983,~~ shall, for a period of not less than twelve (12) months, clearly display on the face thereof the month and year in which the account was opened. This section does not apply to temporary checks, drafts or similar negotiable or nonnegotiable instruments or orders of withdrawal, or to a consumer deposit account where the applicant either demonstrates through the production of monthly statements or represents in a writing, certified under sworn oath or affirmation, that for twelve (12) months immediately preceding his application he has had an account at the same or another financial institution. A written representation made to avoid this section is subject to W.S. 6-5-303.

**14-4-104. Certification; application; standards; notification to certify or refuse; term.**

(e) The department is authorized to establish pursuant to rules and regulations full and provisional certificate fees and fees for continuation of a full certificate. Fees for continuation of a full certificate shall be due on the anniversary date of the original certificate. Fees collected by the department under this section shall be deposited in the general fund to offset the cost of administration of the board. ~~For the balance of the biennium that began July 1, 1998, the governor may add the fees collected under this section to the department's budget through the B-11 process.~~

**15-5-202. Pension account; creation; administration; donations; investment; dual participation prohibited.**

(a) There is created a firemen's pension account for the purpose of paying the awards, benefits and pensions under the provisions of this article, ~~and article 2 of this chapter.~~ The account shall be administered by the board through the director. The board has full custody and control of the account with full power over its administration. The director of the state department of audit or his designee shall make a biennial audit of the account and the receipts thereto and disbursements therefrom and report his findings to the governor and the legislature. The account shall be administered without liability on the part of the state beyond the amount of the funds. All expenses of administration shall be paid from the account. ~~Effective July 1, 1981 the firemen's contingency account is abolished and all monies in that account as of that date shall be credited to the firemen's pension account.~~

**15-5-203. Firemen and employer contributions; imposition at discretion of board; amounts; how and when collected, suspended and reinstated.**

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

**15-5-306. Board powers and duties.**

(e) The board shall:

(ii) ~~Commencing in 1983 and~~ At least every two (2) years thereafter cause an actuarial investigation of all the experience under the accounts within the fund to be made;

**15-5-420. Member contributions.**

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

**15-5-421. Contribution by employer.**

~~Until January 1, 1983 each employer shall pay into the account an amount equal to twenty-one percent (21%) of the compensation paid all members of the account. Beginning January 1, 1983, Each employer shall make monthly contributions to the account in an amount equal to the percentage contribution rate multiplied by the salaries paid to members of the account. The contribution rate, expressed as a percentage, shall be based on the~~

results of actuarial valuations made at least every three (3) years, ~~with the first such actuarial valuation to be made as of January 1, 1982.~~ The city's contribution rate shall be comprised of the normal cost plus the level percentage of salary payment required to amortize the actuarial liability over a period of forty (40) years from January 1, 1983, calculated on the basis of an acceptable actuarial reserve funding method approved by the board.

**15-9-204. Organizational procedure.**

(a) Upon petition of twenty-five percent (25%) of the persons owning nonresidential property within the proposed district and following a public hearing, if the governing body of a municipality determines it is necessary to establish a downtown development authority for the public health, safety, prosperity, security and welfare and to carry out the purposes of an authority as stated in W.S. 15-9-201, it may by ordinance establish a downtown development authority. In the ordinance, the governing body shall state the boundaries of the downtown development district, as set forth in the original petition requesting the establishment of a downtown development authority within which the authority shall exercise its powers. Upon request of the governing body, the petitioners may submit an amended petition which modifies the boundaries of the district. The boundaries of the downtown development authority shall be certified to the county assessor of the county in which the municipality is located within sixty (60) days after formation of the district, ~~or in the case of an existing district, by April 15, 1987.~~

**16-1-109. State loan and investment board loans; amount; interest; security; conditions.**

(d) ~~For all loans made prior to July 1, 1979, all tangible personal and real property pledged for the repayment of loans under this section, excluding pledges of revenue or property generating user fees to repay the loans, is released as security for any loans under this section and the state loan and investment board shall have prepared, execute and have filed all necessary instruments to carry out this provision. Effective July 1, 1979, Loans under this section shall be made only under the following conditions:~~

**16-1-305. Authorized projects; authorized financial assistance.**

(e) ~~Funding set-asides and loan subsidies as allowed by the Safe Drinking Water Act for federal fiscal years 1997, 1998 and 1999 shall be limited to those provided for in subsections (c) and (d) of this section. The board may consider the use of an amount of the allowable percentage of the capitalization grant for all of the established set-asides provided for by the Safe Drinking Water Act, in all following federal fiscal years starting in the year 2000.~~

**18-3-201. Qualifications; certification and education.**

(d) No individual shall perform the duties or exercise the authority of a property tax appraiser unless the person is certified by the department of revenue. No certificate shall be issued to any individual who has not demonstrated to the department of revenue that the individual is competent to perform the necessary work or administer the necessary operation of an assessor's office. An individual may serve as county assessor without certification for one (1) elected term and the remainder of any unexpired term to which appointed. ~~Individuals occupying the position of county assessor as of the effective date of this act shall be deemed certified until January 1, 1991.~~

**18-3-303. Fees or salary; restriction upon employment; failure to perform official duties.**

(a) Each county attorney and their deputies shall receive such fees, salary or both as allowed by the board of county commissioners. When counties have consolidated the office of county and prosecuting attorney pursuant to W.S. 18-3-301(b) the salary of county and prosecuting attorneys shall be apportioned between the counties by agreement of the boards of county commissioners, but a county which has consolidated may independently employ a deputy county and prosecuting attorney. The boards of county commissioners of each county which have consolidated shall meet ~~not later than June 1, 1978, and each~~ once every four (4) years ~~thereafter~~ to set such salaries.

**18-3-703. Records to be kept; copies to be furnished upon request; duty to file plats, maps and records of surveys made for county with county clerk; penalty for failure to file such records; authority of county commissioners to purchase records of private surveys.**

(b) ~~Not later than June 1, 1965,~~ Each county surveyor shall file with the county clerk of the county wherein the land surveyed is located all plats, maps and survey records of surveys made by him in behalf of the county, and shall make such filings continuously ~~thereafter~~ as surveys are completed. The county clerk and the county commissioners may invoke the aid of any district court in the state to secure possession of such documents as are in the custody of the county surveyors which are the property of the county.

(c) It is unlawful for any county surveyor to fail to file plats, maps and survey records of surveys made as provided herein, ~~or to file such plats, maps and survey records of surveys made after June 1, 1965,~~ within thirty (30) days of the completion of the survey. Violators of this section are guilty of a misdemeanor and may be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not more than thirty (30) days, or both.

**18-5-305. Enforcement; rules and regulations.**

Each board shall enforce this article and in accordance with the Wyoming Administrative Procedure Act shall ~~within six (6) months after March 10, 1975,~~ adopt such rules and regulations as necessary to implement the provisions of and to insure compliance with the intent and purposes of this article.

**18-6-310. Juvenile prisoners.**

(b) ~~Effective July 1, 1997,~~ Juvenile prisoners shall be kept separate from adult prisoners.

**Section 204.** W.S. 9-4-601(b)(v), 9-12-104(a)(xx), 11-20-103(c), 11-20-116(f), 11-20-212(c), 11-20-223(c), 11-20-401(b), 11-20-402(b), 11-20-405(c), 11-34-123(b), 11-40-109(a), 15-5-302(c) and (d), 15-7-515, 16-1-305(d), 18-3-402(a)(xvi)(Y) are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[c. ARCHAIC REFERENCES]

[i. GOVERNMENT ROYALTY REVENUE]

**Section 205.** W.S. 9-4-601(a)(iii) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(a) All monies received by the state of Wyoming from the secretary of the treasury of the United States under the provisions of the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191), as amended, or from lessees or authorized mine operators and all monies received by the state from its sale of production from federal mineral leases subject to the act of congress of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. §§ 181, 191) as amended, except as provided by subsection (b) of this section, shall be deposited into an account and the first two hundred million dollars (\$200,000,000.00) of revenues received in any fiscal year shall be distributed by the state treasurer as provided in this subsection. One percent (1%) of these revenues shall be credited to the general fund as an administrative fee, and the remainder shall be distributed as follows:

(iii) Except as provided by W.S. 9-4-605(a), twenty-six and one-quarter percent (26 1/4%) to the highway fund subject to allocations under W.S. ~~9-4-606 and 9-4-607;~~

**Section 206.** W.S. 9-4-606 is repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[c. ARCHAIC REFERENCES]

[ii. OTHER ARCHAIC USES]

**Section 207.** W.S. 1-17-102(c), 2-2-306, 2-2-307, 2-2-311, 6-1-101(a), 6-1-104(a)(intro) and by creating a new paragraph (xiv), 6-10-301(a), 7-12-101, 11-2-102(h), 11-5-301, 11-6-210(g)(intro), 11-6-305(a), 11-7-405(a), 15-1-413(b), 21-17-205, 21-17-301(c), 33-16-311 and 33-18-104 are amended to read:

**1-17-102. Request for hearing when property seized under execution.**

(c) ~~As to any judgment entered prior to June 11, 1986,~~ The notice provided in this section shall be sent to the last known address of the judgment debtor by the clerk of court upon the request of any person before any property of the judgment debtor is seized by execution or garnishment.

**2-2-306. Citations; used to give personal notice.**

When a personal notice is required, and no mode of giving it is prescribed in this ~~act~~ chapter, it shall be given by citation.

**2-2-307. Citations; when to be served.**

When no other time is specially prescribed in this ~~act~~ chapter, citations shall be served at least five (5) days before the return day thereof.

**2-2-311. Payment of costs.**

When it is not otherwise prescribed in this ~~act~~ chapter, the district court, or the supreme court on appeal, may order costs to be paid by any party to the proceedings, or out of the assets of the estate. Execution for the costs may issue out of the court.

**6-1-101. Short title; applicability of provisions; conflicting penalties.**

(a) This act may be cited as the Wyoming Criminal Code, ~~of 1982.~~

**6-1-104. Definitions.**

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

(xiv) "This act" means title 6 of the Wyoming statutes.

**6-10-301. Life imprisonment without parole.**

(a) Pursuant to article 3, section 53 of the Wyoming constitution, a sentence of life imprisonment without parole is created for specified crimes designated in the Wyoming Criminal Code, ~~of 1982.~~

**7-12-101. Manner of appeal.**

A defendant may appeal his conviction in any criminal case in the manner provided by the Wyoming Rules of Appellate Procedure, ~~and the Wyoming Rules of Appellate Procedure for Courts of Limited Jurisdiction.~~

**11-2-102. Composition; qualifications; appointment and removal of members; quorum.**

(h) ~~Effective July 1, 1979,~~ Appointments and terms shall be in accordance with W.S. 28-12-101 through 28-12-103.

**11-5-301. Authorization of program.**

~~Effective July 1, 1990,~~ A weed and pest special management program may be carried out as provided by this article and legislative appropriation acts. All state and local governmental entities shall comply with the program.

**11-6-210. Creation of predator management district fund; predator management fees; donations; appropriation by county commissioners.**

(g) ~~After January 1, 1992~~ Each predator management district board shall annually allocate five percent (5%) of all predator management fee collections to be used for refunds, in whole or in part. If a refund is requested the board shall pay the refund within one hundred eighty (180) days of application. Refunds under this subsection shall be subject to the following:

**11-6-305. Wyoming animal damage management board funding; sources; methods of collection.**

(a) ~~Effective January 1, 2000,~~ There is created a "wildlife damage management" stamp. The stamp, issued at licensed selling agents as designated by the Wyoming game and fish commission may be purchased voluntarily. Proceeds from the sale of the stamp, excluding fifty cents (\$.50) which the agent shall retain for each stamp sold, shall be deposited by the state treasurer into the animal damage management account created by W.S. 11-6-306. The Wyoming game and fish commission shall retain the fees related to those administrative costs which are required to design and print stamps, and collect, account for and disburse these funds to the ADMB. The Wyoming game and fish commission shall annually provide to the ADMB a complete and detailed accounting of all administrative costs and fees.



**11-7-405. Restrictions on rearing, moving and trapping bees; permits; fees.**

(a) No person shall rear any bee in a nesting material from which samples of loose larval cells cannot readily be obtained such as drilled boards or soda straws, ~~except drilled boards may be used until April 1, 1984.~~

**15-1-413. Survey of boundaries; when and how to be made; presumption once recorded.**

(b) Any survey ~~or perambulation~~ made and recorded as provided in subsection (a) of this section is presumptive of the boundaries of the city or town, and any copy thereof certified by the county clerk shall be received in evidence in any court of this state.

**21-17-205. Report.**

The trustees of the University of Wyoming, through their president, shall report to the governor as required by W.S. 9-2-1014 respecting the progress, condition and wants of the university and of each school or department thereof, the course of study in each, the number of professors and students, the nature, costs and results of important investigations, and such other information as they deem important or as may be required by any law of this state, or of the United States. The secretary and treasurer of the board of trustees shall prepare an itemized report ~~to accompany the report~~ showing the receipts and disbursements for the year, the appropriation resolution for that year, the purposes for which the revenue was expended, and the amount of revenue expended upon each school or department of work, including the experiment station. ~~The reports are to be printed and not less than one hundred (100) copies filed with the secretary of state for distribution among the members of the legislature and other public officers.~~

**21-17-301. Supervision and management of farms and stations; director of experiments.**

(c) The director of the experiments shall carefully record, preserve and compile the results of all experiments and demonstrations and, ~~as required by W.S. 9-2-1014, report to the governor the results publicly on a regular basis. He shall further furnish information to the people of the state as to the results of demonstrations and experiments conducted.~~

**33-16-311. Petition for revocation or suspension of license; notice for hearing; order of suspension or revocation.**

A petition for the revocation or suspension of a license may be filed by the attorney general or by the county attorney of the county in which the licensee resides or has practiced, or by any citizen residing in this state. Said petition shall be filed with the Wyoming state board of embalming

and shall be entitled, "In the Matter of the Revocation (or Suspension) of the License of (name of licensee) to Practice Funeral Directing", and shall state the charges against the licensee with reasonable definiteness. Upon the presentation of the petition to said board, the board shall make an order fixing a time and place of hearing thereon which shall not be less than ten (10) days nor more than thirty (30) days thereafter. Notice of filing of such petition and the time and place of hearing shall be served upon the licensee at least ten (10) days before said hearing. Said notice may be served by any sheriff ~~or constable~~ or by any person especially appointed by the board. Order of revocation or suspension of licenses shall be entered of record and the name of said licensee stricken from the roster of licentiates and the licensee may not engage in the practice of funeral directing after revocation of license or during the time for which it is suspended.

**33-18-104. Records; inspection by law enforcement officers.**

The said book, and the entries therein, shall at all times be open to the inspection of the sheriff of the county and his deputies, or any member of the police force of any city or town, ~~or any constable~~, in the county in which said junk dealers do business.

**Section 208.** W.S. 9-12-304(b)(iv), and 18-3-109 are repealed.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE  
CROSS REFERENCED PROVISIONS]  
[a. WYOMING OR INTERNAL CITATIONS]

**Section 301.** W.S. 1-15-107(b)(v) and (ix), 1-17-102(b)(v) and (ix), 7-3-401 Article II(a) by creating a new paragraph (vi), 7-3-504(b), 9-6-210(a), 15-1-709, 15-5-112(a) and (b) and 19-7-103(b)(x) are amended to read:

**1-15-107. Notice of exemptions; right to a hearing; procedures.**

(b) The notice required by this section shall inform the person of his right to request a hearing. The notice shall inform him that certain benefits and property cannot be taken to pay a debt and shall list the exempted benefits and property set forth in paragraphs (i) through (x) of this subsection. The notice shall also include a form for requesting a hearing and instructions that if the person believes he is entitled to retain or recover the property because it is exempt, or for any other reason, he should sign the form requesting a hearing and return or mail the form to the office of the clerk of court within ten (10) days after the date the notice was mailed to him. The request for hearing form shall set forth the following exemptions and provide a place for the person to designate which exemptions he claims:

(v) Federal civil service and state retirement system benefits as provided in 5 U.S.C. 8346 and W.S. 9-3-426, ~~and 9-3-620, 9-3-712 and 15-5-313;~~

(ix) Homestead, personal articles and articles used for carrying on a trade or business to the extent provided by W.S. 1-20-101 through ~~1-20-109~~ 1-20-111;

**1-17-102. Request for hearing when property seized under execution.**

(b) Except where the judgment is solely against corporate entities, the court shall attach to every money judgment a notice containing the following information:

“You are informed that since the judgment is entered the prevailing party may proceed to seize your property, funds or wages by execution or garnishment. In that event you may be entitled to the following exemptions:

(v) Federal civil service and state retirement system benefits as provided in 5 U.S.C. 8346 and W.S. 9-3-426, ~~and 9-3-620, 9-3-712 and 15-5-313~~;

(ix) Homestead, personal articles and articles used for carrying on a trade or business to the extent provided by W.S. 1-20-101 through ~~1-20-109~~ 1-20-111;

**7-3-401. Western Interstate Corrections Compact.**

The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT  
ARTICLE II  
Definitions

(a) As used in this compact, unless the context clearly requires otherwise:

(vi) “This compact” means W.S. 7-3-401.

**7-3-504. Judgment against complainant; defects in complaint.**

(b) A proceeding to prevent an offense under this ~~section~~ article shall not be dismissed because of any informality or insufficiency of the complaint or other document in the proceeding. The complaint may be amended by the judge to conform to the evidence in the case.

**9-6-210. Administration.**

(a) The environmental quality council may promulgate rules necessary to administer this state's rights and responsibilities under the Northwest Interstate Compact on Low-Level Waste Management. Enforcement shall be pursuant to article 9 of chapter 11 of the Wyoming Environmental Quality Act, with the right of judicial review as provided for in W.S. 35-11-1001.

**15-1-709. Advice and information.**

The executive director of the ~~department of economic planning and development~~ Wyoming business council and the University of Wyoming shall furnish advice and information in connection with a project when requested to do so by a county or municipality.

**15-5-112. Retention of positions; discharge; grounds and procedure; retirement of firemen.**

(a) All persons occupying positions affected by this article may retain their positions until discharged or reduced in grade under its provisions.

(b) Discharge from a department, or reduction in grade or compensation, or both, may be made for any cause, not political or religious, which will promote the efficiency of the service, on written notice and specifications filed with the commission and served upon the person affected by the authority requesting the discharge or reduction. The person whose discharge or reduction is sought is allowed a reasonable time to answer the charges in writing and demand a hearing. The commission, after hearing or investigation, shall determine whether the reason for discharge or reduction is sufficient and established. Except as otherwise provided in subsection (c) of this section no person may be discharged or reduced in pay or rank without consent of the commission after a hearing, unless the action is pursuant to a classification program under W.S. 15-5-106. A copy of the specifications, notice, answer, consent and order of discharge or reduction are a part of the public records of the commission.

**19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.**

(b) The adjutant general of Wyoming shall have powers and duties and be paid a salary as follows:

(x) He may purchase for cash or upon contract or otherwise acquire lands within Wyoming for use by the national guard or for the use of other elements of the armed forces as an artillery and target range and training and maneuvering area. He may acquire lands for such purposes by eminent domain when the state ~~land~~ board of land commissioners gives its written approval or consent;

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE  
CROSS REFERENCED PROVISIONS]  
[b. FEDERAL CITATIONS]

**Section 302.** W.S. 2-10-106(e), 15-9-112 and 15-9-118 are amended to read:

**2-10-106. Allowances for exemptions or deductions and credits.**

(e) To the extent that property passing to or in trust for a surviving spouse or any charitable, public or similar gift or bequest does not constitute an allowable deduction for purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and deductible from the property, the property shall not be included in the computation provided for in W.S. 2-10-103 and to that extent no apportionment shall be made against the property. The sentence immediately preceding shall not apply to any case where the result will be to deprive the estate of a deduction otherwise allowable under ~~section 2053 (d) of the Internal Revenue Code of 1954 of the United States~~ applicable gift and estate laws, relating to deduction for state death taxes on transfers for public, charitable or religious uses.

**15-9-112. Provisions not applicable for disaster area.**

Notwithstanding any other provisions of this chapter, if a local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, tornado, earthquake, storm or other catastrophe for which the governor of the state has certified the need for disaster assistance under ~~Public Law 875, eighty-first congress~~ 42 U.S.C. 5121 et seq., or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project for that area without regard to the provisions of W.S. 15-9-109 and the provisions of this act requiring a general plan for the municipality and a public hearing on the urban renewal project.

**15-9-118. Property acquired in project; disposition when area designated under federal provisions.**

Notwithstanding any other provisions of this chapter, if the municipality is situated in an area designated as a redevelopment area under the Federal Area Redevelopment Act (~~Public Law 87-27~~) 42 U.S.C. 3161 et seq., land in an urban renewal project area designated under the urban renewal plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practicable by the public body or corporation for redevelopment in accordance with the urban renewal plan. Only the purchaser from or lessee of the public body or corporation, and their assignees, are required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a public body or corporation under this section shall be made at its fair value for uses in accordance with the urban renewal

plan.

[SECTION 4. PROVISIONS TO CODIFY NONCODIFIED  
SUBSTANTIVE SECTIONS OF EARLIER LEGISLATION]

**Section 401.** W.S. 9-4-218 by creating a new subsection (c) is amended to read:

**9-4-218. Federal natural resource policy account created; purposes.**

(c) The governor shall report to the joint appropriations interim committee not later than December 1, of each year:

(i) All actions taken pursuant to this section;

(ii) All expenditures from the federal natural resource policy account;

(iii) The purpose of each expenditure.

**Section 501.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 70

### CONFIRMATION OF APPOINTMENTS

Original Senate File No. 54

AN ACT relating to senate confirmation of gubernatorial appointments; specifying the time for the senate vote on confirmation; and providing for an effective date.

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

**Section 1.** W.S. 28-12-102(b) is amended to read:

**28-12-102. Senate consideration of gubernatorial appointments; procedure; roll call vote required.**

(b) After review of nominees in accordance with subsection (a) of this section, the senate, within five (5) legislative working days after submission by roll call vote, shall confirm or reject each gubernatorial nominee requiring the advice and consent of the senate.

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 71

### REDUCED CIGARETTE IGNITION PROPENSITY

Original Senate File No. 52

AN ACT relating to fire safety and prevention; providing requirements for the sale of cigarettes; requiring that cigarettes have a reduced propensity for ignition; providing testing and reporting requirements; providing for enforcement; providing definitions; providing penalties; and providing for effective dates.

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

**Section 1.** W.S. 35-9-801 through 35-9-811 are created to read:

#### ARTICLE 9 REDUCED CIGARETTE IGNITION

##### **35-9-801. Short title.**

This article shall be known and may be cited as the “Wyoming Reduced Cigarette Ignition Propensity Act”.

##### **35-9-802. Definitions.**

(a) For the purposes of this act unless the context otherwise requires:

(i) “Agent” means any person authorized by the department of revenue to purchase and affix stamps on packages of cigarettes;

(ii) “Cigarette” means:

(A) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(B) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette as described in subparagraph (A) of this paragraph.

(iii) “Manufacturer” means:

(A) Any entity that manufactures cigarettes or causes the manufacture of cigarettes that are intended for sale in this state including cigarettes intended to be sold in the United States through an importer;

(B) Any successor of any entity described in subparagraph (A) of this paragraph.

(iv) “Quality control” and “quality assurance program” means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors and equipment related problems do not affect the results of testing. A quality control program shall ensure that testing repeatability remains within the required repeatability values stated in W.S. 35-9-803(a)(vi) for all test trials used to certify cigarettes in accordance with this act;

(v) “Repeatability” means the range of values within which the repeat results of test trials from a single laboratory must fall ninety-five percent (95%) of the time;

(vi) “Retail dealer” means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products;

(vii) “Sale” means any transfer of title or possession, exchange or barter in any manner, by any means, or by any agreement, including cash and credit sales, giving of cigarettes as samples, prizes or gifts, and the exchange of cigarettes for any consideration other than money;

(viii) “Sell” means to sell, or to offer or agree to do the same;

(ix) “Wholesale dealer” means any person other than a manufacturer who sells cigarettes or tobacco products to retail dealers or others for resale and any person who owns, operates or maintains one (1) or more cigarette or tobacco product vending machines upon premises owned or occupied by any other person;

(x) “This act” means W.S. 35-9-801 through 35-9-811.

**35-9-803. Requirements for sale; test method; adoption of other state’s testing method, if appropriate; performance standards; exceptions.**

(a) Except as provided in this act, cigarettes may not be offered for sale or sold to persons located in this state unless the cigarettes have been tested and have met the required performance standard specified in this section, the manufacturer has filed a written certification with the state fire marshal in accordance with W.S. 35-9-804 and the cigarettes have been marked in accordance with W.S. 35-9-805. The following testing requirements shall apply:

(i) Cigarette testing shall be conducted in accordance with the American society of testing and materials (“ASTM”) standard E2187-04, “Standard Test Method for Measuring the Ignition Strength of Cigarettes,” in effect on February 1, 2010. The state fire marshal may adopt a subsequent ASTM standard upon a written finding that the subsequent method does not result in a change in the percentage of full length burns exhibited by



any tested cigarette when compared to the percentage of full length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard in this section;

(ii) Testing shall be conducted on ten (10) layers of filter paper;

(iii) No more than twenty-five percent (25%) of the cigarettes tested in a test trial in accordance with this section shall exhibit full length burns. Forty (40) replicate tests shall comprise a complete test trial for each cigarette tested;

(iv) The performance standard required by this section shall be applied only to a complete test trial;

(v) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization ("ISO"), or other comparable accreditation standard required by the state fire marshal;

(vi) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall not be greater than nineteen hundredths (0.19);

(vii) This section does not require additional testing if cigarettes are tested consistent with this act for any other purpose;

(viii) Testing performed or sponsored by the state fire marshal to determine a cigarette's compliance with the performance standard required by this section shall be conducted in accordance with this section.

(b) Each cigarette listed in a certification submitted pursuant to W.S. 35-9-804 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two (2) nominally identical bands on the paper surrounding the tobacco column. At least one (1) complete band shall be located at least fifteen (15) millimeters from the lighting end of the cigarette. Cigarettes on which the bands are positioned by design shall have at least two (2) bands fully located at least fifteen (15) millimeters from the lighting end and at least ten (10) millimeters from the filter end of the tobacco column. For nonfiltered cigarettes the bands shall be at least ten (10) millimeters from the labeled end of the tobacco column.

(c) If the state fire marshal determines that a cigarette cannot be tested in accordance with paragraph (a)(i) of this section, the manufacturer shall propose a test method and performance standard. If the state fire marshal approves the proposed test method and determines that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in paragraph (a)(iii) of this section, that test method and performance standard may be used to certify the cigarette pursuant to W.S. 35-9-804.

(d) The state fire marshal shall authorize a manufacturer to employ an alternative test method and performance standard to certify that cigarette for sale in this state if the fire marshal determines that:

(i) Another state has enacted reduced cigarette ignition propensity standards that include the proposed alternative test method and performance standard;

(ii) The other state's testing method and performance standard are the same as those adopted pursuant to paragraph (a)(i) of this section;

(iii) The officials responsible for implementing the other state's requirements have approved the proposed alternative test method and performance standard for a particular cigarette as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section; and

(iv) There is no reasonable basis to reject the alternative testing method.

(e) Manufacturers shall maintain copies of reports of all tests conducted on all cigarettes offered for sale for three (3) years and shall make copies available upon written request by the state fire marshal or attorney general. Any manufacturer failing to make copies of the requested reports available within sixty (60) days of receipt of the request shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000.00) for each day after the sixtieth day that the manufacturer fails to make copies available.

(f) The state fire marshal shall review the effectiveness of this section and report the findings and any recommended improvements every three (3) years to the joint labor, health and social services interim committee. The report and legislative recommendations shall be submitted no later than June 30, beginning in 2011.

(g) The requirements of subsection (a) of this section shall not prohibit:

(i) Wholesale or retail dealers from selling after the effective date of this act the dealer's inventory of cigarettes existing on the effective date of this act if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to the effective date and the wholesale or retail dealer can establish that the inventory was purchased prior to the effective date of this act in a comparable quantity to the inventory purchase during the same period of the prior year; or

(ii) The sale of cigarettes solely for the purpose of consumer testing using only the quantity of cigarettes that is reasonably necessary for the testing. For purposes of this paragraph the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of the cigarettes.

**35-9-804. Certification and product change.**

(a) Each manufacturer shall certify in writing to the state fire marshal:

(i) Each cigarette listed in the certification has been tested pursuant to W.S. 35-9-803; and

(ii) Each cigarette listed in the certification meets the performance standard set forth in W.S. 35-9-803.

(b) For each cigarette listed in the certification the following information shall be included:

(i) Brand or trade name on the packaging;

(ii) Style;

(iii) Length in millimeters;

(iv) Circumference in millimeters;

(v) Flavor such as menthol if applicable;

(vi) Filter or nonfilter;

(vii) Package description such as soft pack or box;

(viii) Marking pursuant to W.S. 35-9-805;

(ix) Contact information for the laboratory that conducted the testing, including name, address and telephone number; and

(x) The date of testing.

(c) The state fire marshal shall make the certifications available to the attorney general and department of revenue for purposes consistent with this act.

(d) Cigarettes certified pursuant to this section shall be recertified every three (3) years.

(e) For each cigarette listed in a certification, a manufacturer shall pay a fee of two hundred fifty dollars (\$250.00) payable to the state fire marshal for processing, testing, enforcement and oversight activities required by this act to be deposited into the general fund.

(f) If a cigarette is certified and is subsequently changed in a manner that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this act, the cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards consistent with the provisions of this act and maintains the records of that retesting as required by this act.

Any altered cigarette which does not meet the performance standard set forth in this act shall not be sold in this state.

**35-9-805. Cigarette packaging.**

(a) Cigarettes certified by a manufacturer in accordance with W.S. 35-9-804 shall be marked to indicate compliance with the requirements of W.S. 35-9-803. The marking shall include the letters "FSC" (Fire Standard Compliant), shall not be less than eight (8) point type and shall be permanently printed, stamped, engraved or embossed on the package at or near the UPC Code.

(b) A manufacturer shall use only one (1) marking applied uniformly for all packages including packs, cartons, cases and brands marketed by the manufacturer.

(c) Manufacturers certifying cigarettes in accordance with W.S. 35-9-804 shall submit copies of the certification to all wholesale dealers and agents selling their cigarettes.

**35-9-806. Penalties.**

(a) A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers for sale cigarettes, other than through retail sale, in violation of W.S. 35-9-803 shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) for each pack of such cigarettes sold or offered for sale. In no case shall the penalty against any such person or entity exceed one hundred thousand dollars (\$100,000.00) during any thirty (30) day period.

(b) A retail dealer who knowingly sells or offers for sale cigarettes in violation of any provision of this act shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) for each pack of such cigarettes sold or offered for sale. In no case shall the penalty against any retail dealer exceed ten thousand dollars (\$10,000.00) during any thirty (30) day period.

(c) In addition to any penalty prescribed by law any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to W.S. 35-9-804 shall be subject to a civil penalty of not less than seventy-five thousand dollars (\$75,000.00) nor more than two hundred fifty thousand dollars (\$250,000.00) for each false certification.

(d) Any person violating any other provision of this act shall be subject to a civil penalty for a first offense not to exceed one thousand dollars (\$1,000.00) and for each subsequent offense a penalty not to exceed five thousand dollars (\$5,000.00) for each violation.

(e) Law enforcement personnel or an authorized representative of the state fire marshal may seize cigarettes for which no certification has been filed or that have not been marked in the manner required by this act.

Cigarettes seized pursuant to this section shall be destroyed not less than thirty (30) days after the trademark holder in the cigarette brand has been given an opportunity to inspect the cigarettes.

(f) In addition to any other remedy provided by law, the attorney general may file an action in district court for a violation of this act, including petitioning for any one (1) or more of the following remedies:

(i) For preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent or any other individual or entity to enjoin such individual or entity from selling, offering to sell or affixing tax stamps to any cigarette that does not comply with the requirements of this act;

(ii) To recover any costs or damages suffered by the state because of a violation of this act, including enforcement costs relating to the specific violation and attorney's fees.

(g) Each violation of this act or of rules and regulations adopted under this act constitutes a separate civil violation for which the state fire marshal or attorney general may obtain relief. Upon obtaining judgment for injunctive relief under this section, the state fire marshal or attorney general shall provide a copy of the judgment to all wholesale dealers and agents to which the subject cigarette has been sold.

#### **35-9-807. Inspection and enforcement.**

(a) The department of revenue may inspect cigarettes to determine if the cigarettes are marked as required by W.S. 35-9-805. If the cigarettes are not marked as required, the department of revenue shall notify the state fire marshal.

(b) To enforce the provisions of this act, the attorney general, the department of revenue and the state fire marshal, their agent and other law enforcement personnel are authorized to examine books, papers, invoices and other records of any person or entity possessing, controlling or occupying any premises where cigarettes are placed, held, stored, sold or offered for sale.

#### **35-9-808. Fee and penalties.**

All certification fees paid under W.S. 35-9-804 shall be deposited in the general fund. All monies recovered as penalties under W.S. 35-9-806 shall be paid over to the state treasurer pursuant to W.S. 8-1-109.

#### **35-9-809. Sale in other states.**

Nothing in this act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of

W.S. 35-9-803 if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this state.

**35-9-810. Preemption of local law.**

This act shall preempt any local law, ordinance or regulation conflicting with any provision of this act.

**35-9-811. Construction of act.**

This act shall be interpreted and construed as provided in W.S. 8-1-103(a)(vii).

**Section 2.** No city, town or political subdivision shall enact any law, ordinance, resolution or regulation regulating cigarette ignition propensity on or after July 1, 2010.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2011.

(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 8, 2010.

**Chapter 72**

**FUEL TAX BONDS**

Original Senate File No. 56

AN ACT relating to fuel taxes; authorizing certificates of deposit to secure taxes due from licensees; specifying requirements; and providing for an effective date.

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

**Section 1.** W.S. 39-17-106(e)(intro), (v) and by creating a new paragraph (vi), 39-17-108(c)(iii), 39-17-206(k)(intro), (v) and by creating a new paragraph (vi) and 39-17-208(c)(iii) are amended to read:

**39-17-106. Licenses; permits.**

(e) The department may require bonds, or accept in lieu of a bond a

certificate of deposit meeting the requirements of paragraph (vi) of this subsection, under this article as follows:

(v) Failure to post the required bond or certificate of deposit under this subsection shall result in the denial of a license;:

(vi) In lieu of a surety or cash bond the department may accept a certificate of deposit under the following requirements:

(A) The certificate of deposit:

(I) Shall be issued by a financial institution authorized to do business in Wyoming and qualified by law to act as a depository of public funds in this state;

(II) Shall be payable not more than one (1) year after being deposited with the department.

(B) The department shall be given a first priority security interest in the certificate of deposit. The certificate of deposit shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for delinquent taxes, penalties and interest due under this article and the return of the license issued under this article. The entire amount of the certificate of deposit shall be forfeited to the state if the licensee practices any fraud, makes any fraudulent representation or violates any law relating to the conduct of the business for which he is licensed under this article;

(C) The certificate of deposit and related documents providing for the security interest and forfeiture shall be approved as to form by the Wyoming attorney general;

(D) The licensee shall pay all cost incurred by the department to perfect its security interest;

(E) Any interest earned on a certificate of deposit shall accrue to the licensee.

### **39-17-108. Enforcement.**

(c) Penalties. The following shall apply:

(iii) Any person who fails to furnish any report or remit any license tax to the department as required by this article is guilty of a misdemeanor. Each offense is punishable as provided in paragraph (vii) of this subsection. In addition, the department may suspend or revoke any license held by the offender and may require the offender, as a condition of any future licensing under this article, to provide a surety bond, cash bond or certificate of

deposit as provided by W.S. 39-17-106(e);

**39-17-206. Licenses; permits.**

(k) The department may require bonds, or accept in lieu of a bond a certificate of deposit meeting the requirements of paragraph (vi) of this subsection, under this article as follows:

(v) Failure to post the required bond or certificate of deposit under this subsection shall result in the denial of a license;:

(vi) In lieu of a surety or cash bond the department may accept a certificate of deposit under the following requirements:

(A) The certificate of deposit:

(I) Shall be issued by a financial institution authorized to do business in Wyoming and qualified by law to act as a depository of public funds in this state;

(II) Shall be payable not more than one (1) year after being deposited with the department.

(B) The department shall be given a first priority security interest in the certificate of deposit. The certificate of deposit shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for delinquent taxes, penalties and interest due under this article and the return of the license issued under this article. The entire amount of the certificate of deposit shall be forfeited to the state if the licensee practices any fraud, makes any fraudulent representation or violates any law relating to the conduct of the business for which he is licensed under this article;

(C) The certificate of deposit and related documents providing for the security interest and forfeiture shall be approved as to form by the Wyoming attorney general;

(D) The licensee shall pay all cost incurred by the department to perfect its security interest;

(E) Any interest earned on a certificate of deposit shall accrue to the licensee.

**39-17-208. Enforcement.**

(c) Penalties. The following shall apply:

(iii) Any person who fails to furnish any report or remit any license



tax to the department as required by this article is guilty of a misdemeanor. Each offense is punishable as provided in paragraph (vii) of this subsection. In addition, the department may suspend or revoke any license held by the offender and may require the offender, as a condition of any future licensing under this article, to provide a surety bond, cash bond or certificate of deposit as provided in W.S. 39-17-206(k);

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

## Chapter 73

### SUPREME COURT PEACE OFFICER

Original Senate File No. 68

AN ACT relating to peace officers; amending definitions of "peace officer" to include specified court security officers; and providing for an effective date.

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

**Section 1.** W.S. 6-1-104(a)(vi)(O), (P) and by creating a new subparagraph (Q) and 7-2-101(a)(iv)(M), (N) and by creating a new subparagraph (O) are amended to read:

#### **6-1-104. Definitions.**

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

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

(O) The director and full-time staff instructors of the Wyoming law enforcement academy when duly appointed and acting pursuant to W.S. 9-1-633(b); ~~and~~

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

(Q) Any duly authorized court security officer employed by the Wyoming supreme court who is qualified pursuant to W.S. 9-1-701 through 9-1-707 when:

(I) Enforcing Wyoming statutes or supreme court rules on premises where the supreme court is conducting business;

(II) In fresh pursuit of a person whom the officer has probable cause to believe has committed within the officer's jurisdiction a violation of a state statute, or for whom an arrest warrant is outstanding for any criminal offense; or

(III) When responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction.

**7-2-101. Definitions.**

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

(iv) "Peace officer" means:

(M) Certified law enforcement officers of an adjoining state while responding to a request for assistance from a peace officer in this state pursuant to the "Law Enforcement Interstate Mutual Aid Act" or other lawful request; ~~and~~

(N) The director and full-time staff instructors of the Wyoming law enforcement academy when duly appointed and acting pursuant to W.S. 9-1-633(b); and

(O) Any duly authorized court security officer employed by the Wyoming supreme court who is qualified pursuant to W.S. 9-1-701 through 9-1-707 when:

(I) Enforcing Wyoming statutes or supreme court rules on premises where the supreme court is conducting business;

(II) In fresh pursuit of a person whom the officer has probable cause to believe has committed within the officer's jurisdiction a violation of a state statute, or for whom an arrest warrant is outstanding for any criminal offense; or

(III) When responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction.

**Section 2.** This act is effective July 1, 2010.

Approved March 8, 2010.

**Chapter 74****VETERAN'S BURIAL**

Original Senate File No. 62

AN ACT relating to veterans; extending burial benefits to additional indigent veterans; and providing for an effective date.

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

**Section 1.** W.S. 19-14-101(a) is amended to read:

**19-14-101. Burial of indigents.**

(a) The board of county commissioners of each county shall provide for the preparation of the body and transmittal to and burial in the veteran's cemetery of any other than a dishonorably discharged veteran of the armed forces of the United States who served ~~during World War II or any preceding war or the Korean or Vietnam conflicts~~ on behalf of the United States in any war or conflict as defined in section 101, title 38, United States Code and who dies leaving insufficient funds to defray the necessary funeral expenses. The amount expended for transporting the body shall not exceed five hundred dollars (\$500.00).

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 75****DISPOSAL OF REMAINS-MILITARY PERSONNEL**

Original Senate File No. 71

AN ACT relating to the disposition of remains; clarifying the type of written instructions accepted from military service members; and providing for an effective date.

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

**Section 1.** W.S. 2-17-101(a) and (b)(intro) is amended to read:

**2-17-101. Authority to authorize burial or cremation; immunity for funeral directors and undertakers.**

(a) If a decedent leaves written instructions regarding his entombment, burial or cremation, or a document that designates and authorizes another person to direct disposition of the decedent's body the funeral director or undertaker to whom the body is entrusted shall proceed with the disposition

of the body in accordance with those instructions or the instructions given by the person designated to direct disposition of the decedent's body. A document that designates another person to direct disposition of the decedent's body drafted pursuant to service in the military and in a form mandated by federal law at the time it was signed shall be recognized as valid for purposes of this section. In the event a decedent does not leave written instructions regarding his entombment, burial or cremation, or fails to leave a document designating another person to direct disposition of the decedent's body, the funeral director or undertaker to whom the body is entrusted shall obtain a signed consent before the entombment, burial or cremation proceeds.

(b) Any of the following persons, in order of priority as stated, may consent to the entombment, burial or cremation of the decedent, provided no written instructions or a document designating another person to direct disposition of the decedent's body were left by the decedent:

**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, 2010.

## Chapter 76

### NATURAL RESOURCE 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 2010; amending funding for specified previously approved large projects; requiring specified conservation easements to include the state of Wyoming as a third party beneficiary as specified; providing appropriations; providing for reversion of funds; and providing for an effective date.

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

**Section 1.** W.S. 9-15-501 through 9-15-508 are created to read:

#### ARTICLE 5 2010 LARGE PROJECT FUNDING

##### **9-15-501. Sixty Seven Ranch Easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Sixty Seven Ranch easement:

(i) Project sponsor: Green River Valley Land Trust;

(ii) Project purpose: Permanent use restriction on approximately eight thousand four hundred (8,400) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, antelope, waterfowl, amphibians, fisheries, songbirds and other species;

(B) Maintain essential migration routes for moose, mule deer, elk and sage grouse; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Five million five hundred thousand dollars (\$5,500,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor five hundred thousand dollars (\$500,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-502. Sage Creek CRM.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Sage Creek CRM:

(i) Project sponsor: Big Horn County Weed and Pest;

(ii) Project purpose: Removal of invasive Russian olive, saltcedar and other vegetation and restoration of native and improved vegetation on approximately eight thousand (8,000) acres in Big Horn county in order to:

(A) Improve hydrologic and watershed function, including water yield and use; and

(B) Maintain habitats for native and game species including deer, turkey, pheasants, songbirds, fish and amphibians.

(iii) Project description: Invasive species eradication and landscape

restoration;

(iv) Total project budget: Eight hundred eighty-two thousand dollars (\$882,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thousand dollars (\$200,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred thousand dollars (\$100,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

### **9-15-503. Greybull River Watershed.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Greybull River Watershed:

(i) Project sponsor: South Big Horn Conservation District;

(ii) Project purpose: Removal of invasive Russian olive, saltcedar and other vegetation and restoration of native and improved vegetation on portions of a watershed comprising approximately two hundred fifty-six thousand three hundred eighty-six (256,386) acres in Big Horn county in order to:

(A) Improve hydrologic and watershed function, including water yield and use; and

(B) Maintain habitats for native and game species including deer, turkey, pheasants, songbirds, fish and amphibians.

(iii) Project description: Invasive species eradication and landscape restoration;

(iv) Total project budget: Two million five hundred seventy thousand dollars (\$2,570,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred fifty thousand dollars (\$150,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-504. Shoshone/Clarks Fork Watershed.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Shoshone/Clarks Fork Watershed:

(i) Project sponsor: Park County Weed Management;

(ii) Project purpose: Removal of invasive Russian olive, saltcedar and other vegetation and restoration of native and improved vegetation on portions of a watershed of approximately eight hundred fifteen thousand (815,000) acres in Park county in order to:

(A) Improve hydrologic and watershed function, including water yield and use; and

(B) Maintain habitats for native and game species including deer, turkey, pheasants, songbirds, fish and amphibians.

(iii) Project description: Invasive species eradication and landscape restoration;

(iv) Total project budget: One million seven hundred eighty thousand dollars (\$1,780,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred fifty thousand dollars (\$150,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-505. Shepperson Ranch Conservation Easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Shepperson Ranch easement:

(i) Project sponsor: Wyoming Stock Growers Agricultural Land Trust;

(ii) Project purpose: Permanent use restriction on approximately thirteen thousand six hundred fifty-seven (13,657) acres in Park county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, antelope, sage grouse, cutthroat trout, waterfowl, songbirds and other species;

(B) Maintain essential migration routes for antelope, elk and mule deer; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million twenty thousand dollars (\$1,020,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred eighty thousand dollars (\$280,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred eighty thousand dollars (\$280,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-506. Beckton Ranch Easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Beckton Ranch easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Permanent use restriction on approximately one thousand twenty-eight (1,028) acres in Sheridan county in order to:

(A) Preclude loss of habitat for elk, mule deer, antelope, sharp-tailed grouse, songbirds and other species;

(B) Maintain essential migration routes for elk and mule deer; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million four hundred seventy-six thousand dollars (\$2,476,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred



fifty thousand dollars (\$350,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred fifty thousand dollars (\$350,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-507. Upper Gros Ventre Wetlands.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Upper Gros Ventre Wetlands:

(i) Project sponsors: Wyoming Wetland Society;

(ii) Project purpose: Maintain and enhance wetland and riparian habitats and migration corridors for elk, bighorn sheep, mule deer, antelope, trumpeter swan and other species on approximately nine (9) miles of the Gros Ventre River in Teton county;

(iii) Project description: Re-establishment and enhancement of stream and wetland habitats, including hydrologic modifications, vegetation management and other physical improvements;

(iv) Total project budget: Two million six hundred five thousand dollars (\$2,605,000.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors two hundred twenty-one thousand two hundred dollars (\$221,200.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty-one thousand two hundred dollars (\$221,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**9-15-508. Laramie River Restoration.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Laramie River Restoration:

(i) Project sponsor: Laramie Beautification Committee;

(ii) Project purpose: Re-establishment of stream function and elimination of bank erosion on approximately four (4) miles of the Laramie River within the City of Laramie in Albany county in order to:

(A) Reduce or eliminate erosion and loss of stable stream banks which provide habitat for songbirds, small mammals, deer and other species;

(B) Improve hydrologic function of the watershed and improve fisheries habitat and migration routes; and

(C) Improve water quality and quantity.

(iii) Project description: Re-establishment of a functional stream through placement of stream altering structures and vegetation;

(iv) Total project budget: One million one hundred eighty thousand three hundred ninety-three dollars (\$1,180,393.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred forty-four thousand dollars (\$344,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred seventy-two thousand dollars (\$172,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2013.

**Section 2.** W.S. 9-15-201(b)(iv) through (vi), 9-15-302(b)(iv) through (vi), 9-15-309(b)(iv) through (vi), 9-15-402(b)(iv) through (vi) and 9-15-405(b)(ii), (iv), (v) and (vi) are amended to read:

**9-15-201. Wyoming wildlife and natural resource large project funding; 2007.**

(b) Project – Bates Creek Watershed Restoration:

(iv) Total project budget: ~~One million sixty thousand seven hundred fifty dollars (\$1,060,750.00)~~ two million four hundred twenty-five thousand dollars (\$2,425,000.00) over an anticipated period of approximately sixteen (16) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors not to exceed ~~five hundred sixty-seven thousand two hundred ninety-three dollars (\$567,293.00)~~ eight hundred sixty-seven thousand two hundred ninety-three dollars (\$867,293.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board two hundred sixty-seven thousand two hundred ninety-three dollars (\$267,293.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2010, there is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, ~~2008-2012~~, but shall revert to the income account on June 30, ~~2012-2013~~.

### **9-15-302. Wyoming Range Aspen Enhancement.**

(b) Project – Wyoming Range Aspen Enhancement:

(iv) Total project budget: ~~One million ninety thousand dollars (\$1,090,000.00)~~ Two million four hundred forty thousand dollars (\$2,440,000.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsors ~~four hundred ten thousand dollars (\$410,000.00)~~ six hundred thirty thousand dollars (\$630,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred sixty thousand dollars (\$260,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2009, there is appropriated from the income account to the board one hundred fifty thousand dollars (\$150,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2010, there is appropriated from the income account to the board two hundred twenty thousand dollars (\$220,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, ~~2012-2013~~.

### **9-15-309. Yellowtail CRM II.**

(b) Project – Yellowtail CRM II:

(iv) Total project budget: ~~Nine hundred forty-four thousand five hundred dollars (\$944,500.00)~~ One million seven hundred eighty thousand dollars (\$1,780,000.00) over an anticipated period of approximately three

(3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor ~~two hundred thousand dollars (\$200,000.00)~~ four hundred thousand dollars (\$400,000.00) over a period of not more than ~~three (3)~~ six (6) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2010, there is appropriated from the income account to the board one hundred ten thousand dollars (\$110,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated under this subsection shall not lapse on June 30, 2010, but shall revert to the income account on June 30, ~~2011~~ 2013.

#### **9-15-402. Cottonwood-North Bench easements.**

(b) Project: Cottonwood-North Bench easements:

(iv) Total project budget: ~~Three million one hundred twenty-four thousand nine hundred dollars (\$3,124,900.00)~~ Five million nine hundred four thousand nine hundred dollars (\$5,904,900.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor ~~three hundred ninety thousand dollars (\$390,000.00)~~ seven hundred forty thousand dollars (\$740,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred ninety-five thousand dollars (\$195,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2010 there is appropriated from the income account to the board three hundred fifty thousand dollars (\$350,000.00) or as much there as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, ~~2011~~ 2013.

#### **9-15-405. Sublette wildlife fence initiative.**

(b) Project: Sublette wildlife fence initiative:

(ii) Project purpose: Promote the seasonal migration of mule deer and antelope on approximately ~~thirty-seven thousand five hundred (37,500)~~ seventy thousand (70,000) acres in southwest Wyoming to reduce or eliminate loss of wildlife;

(iv) Total project budget: ~~Two million four hundred six thousand one hundred eighty dollars (\$2,406,180.00)~~ six million eighty-four thousand dollars (\$6,084,000.00) over an anticipated period of approximately three (3) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor ~~two hundred thousand dollars (\$200,000.00)~~ four hundred thousand dollars (\$400,000.00) over a period of not more than three (3) years for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. In addition to any amounts appropriated prior to 2010, there is appropriated from the income account to the board an additional two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, ~~2012~~ 2013.

**Section 3.** Each conservation easement for which funding is authorized under Section 1 of this act shall include the state of Wyoming as a third party beneficiary with the right to enforce the terms of the agreement and, if the easement is transferred or extinguished, the right to recover the state's pro rata share of funds provided for the creation of the easement up to one hundred percent (100%) of the funds granted by the state for the creation of the easement.

**Section 4.** 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, 2010.

## Chapter 77

### SCHOOL BUS SEAT BELTS

Original Senate File No. 45

AN ACT relating to school buses; prohibiting evidentiary admissibility and limiting liability related to use of seat belts on school buses; and providing for an effective date.

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

**Section 1.** W.S. 21-3-131 by creating a new subsection (c) is amended

to read:

**21-3-131. School bus standards; operators; vehicle operation; liability limited.**

(c) Evidence of a person's failure to wear a lap or seat belt on a school bus if required under state or federal law or the failure of a school bus driver to require a passenger to wear a lap or seat belt as required under W.S. 31-5-1402(a), shall not be admissible in any civil action or for the purposes of W.S. 31-5-1402(a).

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

## Chapter 78

### ELECTRIC TRANSMISSION-CONSIDERATION OF REGIONAL ISSUES

Original House Bill No. 111

AN ACT relating to public utilities; providing for regional considerations in the regulation of electric transmission; specifying legislative findings; and providing for an effective date.

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

**Section 1.** W.S. 37-2-114 and 37-2-122(a) are amended to read:

**37-2-114. Authority to confer with other state and federal commissions; expenses.**

(a) The commission may confer in person, by attending conventions or otherwise, with the members of railroad or other public utility commissions of other states and with the interstate commerce commission on any matters relating to public utilities, and shall be allowed actual traveling expenses when engaged in such work.

(b) In regulating the transmission of electricity:

(i) The commission may meet in conjunction with public utility commissions of other states as it determines necessary or convenient to develop common sets of fact finding for regulation of the transmission of electricity in the region. Any common set of facts developed under this paragraph shall only be developed under a docketed commission proceeding with opportunity for participation by the public in compliance with the Wyoming Administrative Procedure Act and commission rules;

(ii) The commission may meet jointly with public utility commissions of other states to conduct hearings on the regulation of the transmission of electricity. The commission shall act independently in entering any order as a result of such hearings;

(iii) Subject to W.S. 37-2-122, the commission may consider regional effects of its orders upon the utility and may consider requirements imposed upon the utility by the laws of other states within the region or the orders of other commissions within the region.

(c) As used in subsection (b) of this section, "region" includes any state with a border contiguous to Wyoming and the states of Arizona, California, Nevada, New Mexico, North Dakota, Oregon and Washington.

**37-2-122. Matters considered in fixing rates; order changing services or facilities.**

(a) In determining what are just and reasonable rates the commission may take into consideration availability or reliability of service, depreciation of plant, technological obsolescence of equipment, expense of operation, physical and other values of the plant, system, business and properties of the public utility whose rates are under consideration. In determining just and reasonable rates for electricity the commission shall consider common sets of facts developed pursuant to W.S. 37-2-114(b)(i) and regional benefits provided by the utility.

**Section 2.** The legislature finds that in the regulation of electric transmission, regional factors should be considered by the public utility regulatory authorities of the various affected states to best promote the interests of the citizens of the region. The development and use of a common set of facts and other cooperation and coordination between the regulatory authorities in the regulation of electric transmission will help establish market certainty and facilitate business decision making, ultimately resulting in more affordable, reliable and environmentally responsible energy.

**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, 2010.

**Chapter 79****TITLE 25 REVISIONS**

Original Senate File No. 15

AN ACT relating to involuntary commitments and emergency detentions; amending definitions as specified; specifying services that can be considered treatment; authorizing licensed psychologists to conduct examinations for the purpose of involuntary hospitalization proceedings; clarifying liability for costs of emergency detention; specifying responsibility for the transportation of a detainee, a patient and a discharged person under specified conditions; authorizing counties to establish a single point of responsibility for treatment of detainees; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 25-10-101(a)(ix) and (xiii), 25-10-110(e), 25-10-112(a)(ii), (iii), by creating a new paragraph (iv), (e) and by creating a new subsection (g) and 25-10-125 are amended to read:

**25-10-101. Definitions.**

(a) As used in this act:

(ix) "Mental illness" and "mentally ill" mean a physical, emotional, mental or behavioral disorder which causes a person to be dangerous to himself or others and which requires treatment, but do not include addiction to drugs or alcohol, drug or alcohol intoxication or developmental disabilities, except when one (1) or more of those conditions co-occurs as a secondary diagnosis with a mental illness;

(xiii) "Treatment" means diagnosis, evaluation, intervention, which may include psychiatric medication, therapy or prescribed care other than individual and group mental health counseling, illness management diversion services such as immediate linkages to mental health services in the community and discharge planning. Treatment shall begin at the time of detention, if the person knowingly and voluntarily consents, and shall continue throughout involuntary hospitalization. Treatment may be given without the consent of the detained person or his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others. "Treatment" does not include observation; or supervision; or discharge planning;

**25-10-110. Involuntary hospitalization proceedings.**

(e) The court shall appoint one (1) or more examiners to examine the proposed patient and to make a written report to the court of the findings as to the history and mental illness of the proposed patient. The court may order the proposed patient to appear for examination and if the proposed patient does not appear the court may compel his appearance. The



examination shall be held at a hospital, a medical facility, the home of the proposed patient or any other suitable place which will not have a harmful effect on his health. The examination shall be conducted no later than seven (7) days from the date of the notice. If the examination is conducted by an examiner other than a licensed physician, ~~or licensed~~ psychiatrist ~~or licensed psychologist~~, the court shall appoint a licensed physician, ~~or licensed psychiatrist or licensed psychologist~~ to review the findings of the examiner and conduct a further examination, if indicated, and to report to the court.

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

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

(ii) Proceedings for detention or involuntary hospitalization pursuant to W.S. 25-10-109 or 25-10-110. The costs of these proceedings include the cost of appointed counsel and examiners; ~~and~~

(iii) Clothing, if the person does not have and cannot afford to purchase adequate clothing; ~~and~~

(iv) Costs incurred under W.S. 25-10-125(b).

(e) When a person is detained under W.S. 25-10-109, the county in which the person resided shall be liable for costs of treatment for the first seventy-two (72) hours of detention, in addition to any Saturday, Sunday or legal holiday that falls within the seventy-two (72) hours. If the person remains in detention after the hearing pursuant to W.S. 25-10-109(k)(iii), the department shall directly, or under contract with local providers, provide ~~psychiatric treatment~~ for those conditions specified in paragraph (a)(i) of this section until the person is released from detention or involuntary commitment is ordered, subject to payment of costs as provided in this subsection or subsection (c) of this section.

(g) Each board of county commissioners may establish a single point of responsibility to identify, make referrals to, intervene and coordinate with community or regional resources prior to and after an emergency detention. The single point of responsibility may be assigned to a community mental health center, designated hospital or other entity that is able to provide treatment as defined under this act.

**25-10-125. Clothing and transportation upon discharge.**

(a) The department, pursuant to W.S. 25-10-112 shall insure that a patient discharged from the state's custody possesses suitable clothing and adequate means to insure his arrival at the home from which he was admitted or another place within the state, which is in the best interests of the state and of the patient.

(b) The county responsible for payment of costs pursuant to W.S. 25-10-112(a) shall insure that a patient discharged from emergency detention within seventy-two (72) hours, or upon expiration of emergency detention after seventy-two (72) hours without a court order for hospitalization under W.S. 25-10-110, possesses suitable clothing and adequate means to insure his arrival at the home from which he was admitted or another place, which is in the best interests of the county and of the patient.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

## Chapter 80

### DISPOSAL OF LIVESTOCK

Original House Bill No. 122

AN ACT relating to livestock; providing for the disposal of estrays, livestock and feral livestock; adding definitions; providing for the disposal of meat from slaughter 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. 11-24-101(a) by creating new paragraphs (iv) and (v) and by renumbering (iv) as (vi), 11-24-102, 11-24-108(c) through (f), 11-24-111, 11-24-112, 11-29-101(a) by creating new paragraphs (iv) and (v) and by renumbering (iv) as (vi), 11-29-110, 11-48-101(a) by creating new paragraphs (v) and (vi) and 11-48-102(c) and (e) are amended to read:

#### **11-24-101. Definitions.**

(a) As used in this act:

(iv) "Disposal" means to sell, send to slaughter or destroy the animal;

(v) "Livestock" means as defined in W.S. 23-1-102(a)(xvi);

~~(iv)~~(vi) "This act" means W.S. 11-24-101 through 11-24-115.

#### **11-24-102. Taking up estrays; generally.**

(a) No person shall take up and retain possession of an estray except in the county where he resides and is a freeholder, nor unless the animal is found on lands owned, leased, or controlled by him or his duly authorized agents. When any person takes up an estray he shall immediately notify an inspector who shall inspect or cause to be inspected the estray for brands

and other evidence of ownership and make a diligent effort to learn or determine ownership of the animal. The inspector may cause any stray to be held for not more than ten (10) days after the inspection ~~at a total expense of not more than fifty cents (\$.50) per day~~ to enable him to complete his investigation of ownership. If the stray is claimed by an owner, the bill for feed and care incurred by the inspector must be paid by the claimant. If the rightful owner cannot be found, or when found, refuses or fails to pay the charges for feed and care of the stray, the inspector shall order the stray ~~sent to the most feasible convenient public market designated by the inspector to be sold~~ be disposed of. Incurred charges for feed and care by the inspector and reasonable shipping and ~~sales~~ disposal expense shall be paid from the proceeds of ~~sale~~ the disposal. The net proceeds, if any, received from the sale-disposal of the stray after deduction of authorized expenses, shall be forwarded to the stray fund of the board or its agency. The board or agency shall hold the proceeds in a special fund known as stray fund until paid to the rightful owner of the stray or otherwise disposed of according to law.

(b) If the proceeds of ~~sale~~ the disposal of any stray are insufficient to pay all legitimate expenses, the ~~deficit~~ deficiency shall be paid by the board or its agency.

(c) The board may enter into agreements with licensed meat processing plants to process meat from livestock disposed of by slaughter. The processed meat shall be sold to:

(i) Wyoming state institutions or to nonprofit organizations for no more than the board's cost for disposal, processing and delivery; or

(ii) For profit entities at market cost for the processed meat.

**11-24-108. Stock at large or picketed on public highways; penalties for violations; impoundment and disposition; fees; proceeds from disposition thereof; removal of dead or injured animals.**

(c) Any sheriff, deputy sheriff, livestock brand inspector, or officer or trooper of the Wyoming highway patrol, after notification to the owner of livestock described in subsection (a) of this section, if known, shall within four (4) hours remove the livestock from the public highway, impound the same in the nearest convenient place where feed and water are available and immediately notify the owner, if known, of the action. If ownership is not known, the impounding officer shall report his action to an inspector. The inspector shall make a diligent effort to ascertain ownership of the impounded livestock, and for this purpose may hold the livestock not more than ten (10) days. If unable to determine ownership, the inspector shall ~~ship-dispose of~~ the impounded livestock, ~~to the nearest available market to be sold as estrays~~. Reasonable transportation and ~~sales~~ disposal expenses shall be paid from the proceeds of the ~~sale~~ disposal, ~~if any~~.

(d) A removal fee of not to exceed ten dollars (\$10.00) per head shall be allowed for the expense incurred in removing livestock from any public highway and an impounding fee of not to exceed ~~five dollars (\$5.00)~~ ten

dollars (\$10.00) per day per head shall be allowed the person responsible for feed and care of the livestock removed. The inspector is responsible for collection and payment to the rightful claimants of removal and impounding fees when impounded livestock is surrendered to the owner. Upon ~~shipment to a market disposal~~, the total amount of removal and impounding fees shall be made known to the selling agency at the market or slaughter plant by the inspector and shall constitute a first claim on the net proceeds of the livestock after shipping and sales disposal expenses have been paid, and shall be forwarded by the selling agency to the claimant.

(e) Should the proceeds of sale the disposition of any impounded animal be insufficient to pay all legitimate shipping and sales disposal expenses and the removal and impounding fees approved by the inspector, the deficit deficiency shall be paid by the board or its agency.

(f) The net proceeds, if any, from sale the disposition of the impounded livestock after deduction of removal, impounding, trucking and sale disposal expenses, shall be forwarded to the estray account of the board. The board shall hold the proceeds until paid to the rightful owner of the livestock or otherwise disposed of according to law.

#### **11-24-111. Disposition of proceeds; remission to board.**

All persons shipping estrays shall immediately remit to the livestock board the proceeds received for each and every estray sold disposed of, a receipt for which was given to an inspector. If any inspector sells an estray from this state, he shall immediately remit the proceeds to the livestock board.

#### **11-24-112. Deposition of proceeds; payment to owner on proof of ownership; unclaimed proceeds generally.**

If the lawful owner of any estray sold disposed of is found within one (1) year after sale the disposal of the estray, the net amount received from the sale less one dollar (\$1.00) for each estray, to be retained by the livestock board, disposal shall be paid to the owner upon his proving ownership to the satisfaction of the board or agency. If at the end of one (1) year the proceeds from the sale disposal of any estray remains unclaimed, the proceeds shall be disposed of as provided by law.

#### **11-29-101. Definitions.**

(a) As used in this act:

(iv) "Disposal" means as defined in W.S. 11-24-101(a)(iv);

(v) "Livestock" means as defined in W.S. 23-1-102(a)(xvi);

(iv)(vi) "This act" means W.S. 11-29-101 through 11-29-113.

#### **11-29-110. Livestock board; enforcement of liens; notice to owner.**

Any person entitled to a lien under this act may enforce the lien by ~~selling~~ disposing of the animals and other personal property upon which the lien is given, at public auction, upon giving written notice to the owner, if he is known, of the time and place of the ~~sale-disposal~~, at least five (5) days previous thereto, and by posting three (3) notices of the time and place of the ~~sale-disposal~~ in three (3) public places within the county at least five (5) days previous thereto. If the owner is not known, the notice shall be posted at least ten (10) days previous to the ~~sale-disposal~~.

**11-48-101. Definitions.**

(a) As used in this chapter:

(v) "Disposal" means as defined in W.S. 11-24-101(a)(iv);

(vi) "Livestock" means as defined in W.S. 23-1-102(a)(xvi).

**11-48-102. Disposition of feral livestock.**

(c) If the director or the state veterinarian determines that any feral livestock are damaging private or public property, including grass, cultivated crops or stored crops, or determines the feral livestock is on private or public property where the feral livestock are not authorized to be and that capturing the feral livestock is not feasible or is cost prohibitive, the director or the state veterinarian may order the ~~destruction-disposal~~ of the feral livestock.

(e) There shall be no right for any future indemnity or payment to the owner for the ~~destruction-disposition~~ of any feral livestock ~~destroyed~~ disposed of in accordance with this section. Should the owner of any feral livestock ~~destroyed-disposed~~ of in accordance with this section be subsequently identified, the board may seek reimbursement from the owner for all costs associated with the ~~destruction-disposal~~ and removal of the feral livestock.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 81****MEDICAL REVIEW PANEL**

Original House Bill No. 26

AN ACT relating to the administration of government; amending the time for a claimant to file an expert's statement; specifying the admissibility in court of proceedings filed with and decisions by the medical review panel; requiring that litigation results be reported to the panel; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1519(b), 9-2-1522(c) and 9-2-1523 by creating new subsections (c) and (d) are amended to read:

**9-2-1519. Claim review procedure; contents of claim; service of claim on provider; answer.**

(b) The claimant shall submit, within sixty (60) days following ~~the submission of the claim receipt of the health care provider's answer as required by subsection (e) of this section,~~ a statement prepared and signed by an expert in the specialty or subspecialty of medical practice at issue, setting forth the basis for the expert's belief that the conduct is believed to constitute a malpractice claim and the evidence currently available to support the expert's opinion.

**9-2-1522. Panel deliberations and decision; decision not binding.**

(c) The final decision shall be in writing and forwarded to the director who shall serve copies on the parties. The panel's decision is not binding upon any party. The decision of the panel and any ~~testimony, documents or materials submitted by the parties thereto may and incorporated into the decision of the panel shall~~ be admissible in whole or in part ~~solely for purposes of impeachment~~ in any subsequent trial of the matter, subject to the discretion of the trial court; ~~and~~ in accordance with the Wyoming Rules of Evidence.

**9-2-1523. Confidentiality of panel proceedings; privilege; proceedings and decision inadmissible; assessment of costs.**

(c) The claim, answer, decision and any other pleadings served under this act shall not be admissible in any subsequent civil action brought by the claimant against the health care provider for alleged malpractice.

(d) If the claimant files a complaint in court following a panel decision, the plaintiff shall submit to the panel a written statement of the outcome of the litigation within sixty (60) days of the final disposition of the litigation.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

## Chapter 82

### REVISOR'S BILL

Original House Bill No. 65

AN ACT relating to revision of inadvertent errors; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; correcting obsolete references; repealing fully executed provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-41-103(c)(iii)(B), 4-10-523(a)(intro), (vii) and (viii), 5-11-101(a)(vi), 6-2-301(a)(v), 6-2-318, 7-3-504(b), 7-19-201(a)(xvi), 9-1-207(d)(iv) and (v), 9-2-2104(a)(vii), 9-3-451(a)(i)(intro) and (B), 11-2-202(d), 12-1-101(a)(xxiv), 15-5-104, 15-7-103, 16-1-103(a)(ii), 17-16-202(b)(v)(intro), 17-16-203(a), 18-2-111, 18-2-112, 18-3-505(c), 18-3-507, 18-3-510(a), 18-3-513(b), 18-3-611(a), 18-5-105(a), 18-5-201, 18-5-202(b), 18-8-101(a)(intro), 30-5-110(e)(vi)(C) and (D), 34-1-142(c)(vi), 34-20-102, 35-11-1209(a)(intro) and (v), 39-11-109(c)(vii)(B), 40-4-101(a)(i), (c)(v) and (vi), 40-9-101(a)(intro), 40-9-105, 40-14-641(c)(iii), 40-20-113(a)(vii)(B)(intro) and (III), 40-23-124(c)(iii), 41-2-117(a)(i)(F), 41-3-115(s), 41-7-864 and 42-4-207(c)(ii) are amended to read:

**1-41-103. Self-insurance account; creation; authorized payments.**

(c) Expenditures shall be made out of the self-insurance account for the following claims which have been settled or reduced to final judgment:

(iii) Claims against a peace officer employed by the Wyoming state board of outfitters and professional guides, the University of Wyoming or a local government brought under the Wyoming Governmental Claims Act, provided:

(B) The indemnification for the judgment shall not exceed the limits provided by W.S. 1-39-118; and

**4-10-523. Qualified transfer affidavit.**

(a) A qualified transfer affidavit shall be in writing, sworn to by the settlor, and shall ~~state that~~ include each of the following statements:

(vii) The settlor does not contemplate the filing for relief under the provisions of the federal Bankruptcy Code; ~~and~~

(viii) The property transferred to the qualified spendthrift trust was not derived from any unlawful activities; ~~and~~

**5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.**

(a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the office of homeland security or his designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:

(vi) One (1) representative of the Wyoming peace officer's standards and training commission, appointed by the governor; ~~and~~

**6-2-301. Definitions.**

(a) As used in this article:

(v) "Sexual assault" means any act made criminal pursuant to W.S. 6-2-302 through ~~6-2-304~~ 6-2-319;

**6-2-318. Soliciting to engage in illicit sexual relations; penalty.**

Except under ~~circumstance~~ circumstances constituting sexual assault in the first, second or third degree as defined by W.S. 6-2-302 through 6-2-304, or sexual abuse of a minor in the first, second, third or fourth degree as defined by W.S. 6-2-314 through 6-2-317, anyone who has reached the age of majority and who solicits, procures or knowingly encourages anyone less than the age of fourteen (14) years, or a person purported to be less than the age of fourteen (14) years, to engage in sexual intrusion as defined in W.S. 6-2-301 is guilty of a felony, and upon conviction shall be imprisoned for a term of not more than five (5) years.

**7-3-504. Judgment against complainant; defects in complaint.**

(b) A proceeding to prevent an offense under this ~~section~~ article shall not be dismissed because of any informality or insufficiency of the complaint or other document in the proceeding. The complaint may be amended by the judge to conform to the evidence in the case.

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



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

(xvi) Mortgage lenders, mortgage brokers, mortgage loan originators and persons identified in W.S. ~~40-23-107(a)(iii)~~ 40-23-107(b)(i), as necessary to perform the background checks required by W.S. 40-14-642(c)(i), 40-23-103(a)(viii) and 40-23-125(c)(i);

**9-1-207. State planning coordinator; appointment; qualifications; term; removal; powers; duties.**

(d) The governor through the state planning coordinator shall:

(iv) Utilize state agency expertise on specific issues, solicit and coordinate appropriate agency comments on pending federal land issues; ~~and~~

(v) Review comments from individuals, interest and user groups and state agencies, as well as other sources of information and prepare, submit and advocate the state of Wyoming's official position to federal land use management issues; ~~and~~

**9-2-2104. Duties and powers of director of department.**

(a) The director shall:

(vii) Promulgate reasonable rules and regulations in compliance with the Wyoming Administrative Procedure Act, for the implementation of all state and federal welfare laws; ~~and~~

**9-3-451. Enforcement.**

(a) An action may be maintained by:

(i) A public employer, participant, beneficiary or fiduciary for any one (1) or more of the following purposes:

(B) For appropriate equitable relief for a breach of trust under W.S. 9-3-443; ~~or~~

**11-2-202. Powers and duties of director generally.**

(d) The director in collecting information necessary to perform duties of the department and its divisions, may request information from any agency of the state, a county, city, town or other political subdivision. An agency shall furnish information upon written request of the ~~commissioner~~ director. An owner, operator or manager of any manufacturing, mining or other business establishment operating in this state or other person having information necessary to carry out the purposes of this act shall

upon request of the director, furnish the information upon forms supplied by the board.

**12-1-101. Definitions.**

(a) As used in this title:

(xxiv) "This title" means W.S. 12-1-101 through ~~12-9-119~~ 12-10-101;

**15-5-104. Civil service commission; offices; clerk; preliminary expenses.**

The governing body shall furnish the ~~commissions~~ commission's necessary offices, office furniture, books, stationery, blanks, printing, heat, light and any other supplies. The city clerk is ex officio clerk of the commissions without extra compensation. Expenses incurred before the adoption of the next budget following the organization of any commission may be defrayed from any funds available or included in the next budget.

**15-7-103. Borrowing and issuance of bonds; recreational facilities.**

A city or town may borrow money and issue coupon bonds in an amount which, together with the municipal indebtedness, but not including sewerage, water supply and school bonds, ~~do~~ does not exceed four percent (4%) of the assessed valuation of the city or town to acquire, lease, purchase, equip, construct, develop, improve or enlarge public recreational facilities. The bonds shall be in the denomination of one hundred dollars (\$100.00), or multiples thereof and bear interest payable semiannually at a rate, at a place and in the manner the governing body provides. The bonds shall be in a serial form with last maturity not more than twenty (20) years after the date of issue and are redeemable at the option of the city or town at a time to be designated by the governing body as provided in W.S. 16-5-302.

**16-1-103. Definitions.**

(a) As used in this act:

(ii) "This act" means W.S. 16-1-102 through ~~16-1-109~~ 16-1-110.

**17-16-202. Articles of incorporation.**

(b) The articles of incorporation may set forth:

(v) A provision permitting or making obligatory indemnification of a director for liability (as defined in W.S. ~~17-16-850(a)(v)~~ 17-16-850(a)(iii)) to any person for any action taken, or failure to take any action, as a director, except liability for:

**17-16-203. Incorporation.**

(a) Unless a delayed effective date is specified, the corporate existence ~~begins~~ becomes effective when the articles of incorporation are filed.

**18-2-111. Judgment against county to be paid by tax levy; when execution to issue.**

Except as provided in W.S. 1-39-101 through ~~1-39-119~~ 1-39-121 when a judgment is rendered against the board of county commissioners or any county officer the judgment shall be paid by a tax levied for that purpose and when collected shall be paid by the county treasurer to the judgment creditor upon the delivery of a proper voucher. Execution may issue on the judgment if payment is not made within sixty (60) days after the time required for the payment of county taxes to the county treasurer.

**18-2-112. Contracts for human services.**

A county may contract for treatment and preventive services for the mentally ill, substance abuser and developmentally disabled as provided in W.S. 35-1-611 through ~~35-1-626~~ 35-1-627.

**18-3-505. Commissioners may authorize acceptance of negotiable paper in payment of fees; negotiable paper defined; no personal liability of county officers; date of payment; effect of dishonor; seizure.**

(c) As used in this section "negotiable paper" means money orders, checks and drafts, including, without limitation, sales drafts and checks and drafts signed by a holder of a lender credit card issued by a bank maintaining a revolving loan account as defined in W.S. 40-14-308, for lender credit card holders.

**18-3-507. Selection of chairman.**

The board of county commissioners shall at the first meeting after their election or appointment elect one (1) member chairman, who shall preside at all meetings, except in his absence ~~either~~ any of the other members may act as temporary chairman.

**18-3-510. Claims against county to be itemized and verified; penalty.**

(a) No claim against the county shall be allowed by the board of county commissioners unless it is properly dated and itemized and the value of each item specifically described, and when no specified fees are allowed by law, the date that such services were rendered and the time actually and necessarily devoted to the performance of any service. Each claim shall be

accompanied by an affidavit, stating that the claim is just and correct and that no part of the claim has been paid by the county or other person. The board of county commissioners may disallow any account, in whole or in part, when so rendered and verified, and may require further evidence of the truth and propriety of the claim. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-119~~ 1-39-121.

**18-3-513. Appeal on disallowance of claim.**

(b) When the appeal is perfected, the clerk of the board shall immediately give notice to the county attorney. The clerk shall make a brief return of the proceedings before the board with the decision properly certified and file the same together with the bond and all papers in the case in his possession with the clerk of the district court. The appeal shall be entered, tried and determined and costs awarded the same as appeals from circuit courts. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-119~~ 1-39-121.

**18-3-611. Sheriff's office employees; removal from office; hearings.**

(a) This section applies to sworn nonprobationary, full-time deputies of a sheriff's department which employs at least twenty (20) sworn, full-time deputies. Except as provided by subsection (d) of this section, this section does not apply to any member of the executive staff. As used in this subsection, "member of the executive staff" means a deputy whose primary duties consist of the management of the department or a subdivision thereof, who regularly exercises discretionary powers as they relate to the employment status of employees and who is directly supervised by the sheriff.

**18-5-105. Purpose of zoning; regulation of sanitary facilities; division of county into zones; building permits required.**

(a) The purpose of zoning is to conserve and promote the public health, safety and welfare of the citizens of the county. The board of county commissioners shall provide by resolution for the regulation of sanitary facilities for buildings and other structures. "Sanitary facilities" means domestic water supplies, sewage disposal, rodent and insect control and the storage, collection and disposal of garbage and refuse.

**18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns and mineral resources.**

To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of

use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through ~~18-5-207~~ 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town and no zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto.

**18-5-202. Planning and zoning commission; composition; residency requirements, terms and removal of members; vacancies; rules; record; meetings to be public; secretary; preparation and amendments; purpose; certifications and hearing; amendments.**

(b) The planning and zoning commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the county, and certify the plan to the board of county commissioners. Before certifying its plan or amendments thereto to the board the commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least thirty (30) days before the date of the hearing. Any person may petition the planning and zoning commission to amend any zoning plan adopted under the provisions of W.S. 18-5-201 through ~~18-5-207~~ 18-5-208.

**18-8-101. Definitions.**

(a) As used in W.S. 18-8-102 through ~~18-8-108~~ 18-8-109 the words:

**30-5-110. Agreements for waterflooding or other recovery operations, repressuring or pressure-maintenance operations, cycling or recycling operations; operation as a unit of 1 or more pools or parts thereof and pooling of interests in oil and gas therein; amendment of orders and agreements.**

(e) If after considering the application and hearing the evidence offered in connection therewith, the commission shall enter an order setting forth the following described findings and approving the proposed plan of unitization and proposed operating plan, if any, if the commission finds that:

(vi) In case there are owners who have not executed an operating agreement or agreed to the proposed operating plan covering the supervision, management and allocation of payment costs, that such proposed operating plan:

(C) If necessary, prescribes fair, reasonable and equitable terms and conditions as to time and rate of interest for carrying or otherwise financing any person who is unable to promptly meet his financial obligations in connection with the unit; ~~and~~

(D) Provides that each owner shall have a vote in the supervision and conduct of unit operations corresponding to the percentage of costs of unit operations chargeable against the interests of such person; and

**34-1-142. Instrument transferring title to real property; procedure; exceptions; confidentiality.**

(c) This section does not apply to:

(vi) An instrument the effect of which is to transfer the property to the same party; ~~or~~

**34-20-102. Condominium ownership recognized; fee simple estate in air space and common elements; inseparability.**

Condominium ownership of real property is recognized in this state. Whether created before or after the date of this ~~article~~ chapter, such ownership shall be deemed to consist of a separate fee simple estate in an individual air space unit of a multi-unit property together with an undivided fee simple interest in common elements. The separate estate of any condominium owner of an individual air space unit and his common ownership of such common elements as are appurtenant to his individual air space unit by the terms of the recorded declaration shall be inseparable for any period of condominium ownership that is prescribed by the said recorded declaration.

**35-11-1209. Contract eligibility.**

(a) The abandoned mine land division shall not issue a contract to any contractor if the United States department of interior, office of surface mining applicant violator system shows the contractor has any one (1) or more of the following:

(v) Bond forfeiture if the violation upon which the forfeiture was based has not been corrected; ~~or~~

**39-11-109. Taxpayer remedies.**

(c) Refunds. The following shall apply:

(vii) No applicant is entitled to a refund under this subsection unless the person has total household assets as defined by the department of health through rules and regulations of not to exceed twenty-five thousand dollars (\$25,000.00) per adult member of the household as adjusted annually by the state average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information. In determining assets, the following property is exempt:

(B) Household furnishings and personal belongings; ~~and~~

**40-4-101. What constitutes unfair discrimination; penalty; exceptions.**

(a) Any person, firm, corporation, foreign or domestic, or other entity doing business in the state of Wyoming and engaged in the production, manufacture, sale or distribution of any commodity in general use, shall not:

(i) Make, enter into, form or become a party to any plan, contract, agreement, consolidation, merger or combination of any kind whatsoever to prevent competition or to control or influence production or prices thereof; ~~or~~

(c) This chapter shall not:

(v) Prohibit the development, agreement on and use of standards designed to permit or encourage competition or interoperability among products or services, provided the standards do not include provisions fixing or colluding on the prices or colluding to prevent competition by limiting the availability of the products or services; ~~or~~

(vi) Prohibit any person, firm, corporation or other entity from entering into any agreement or contract with a customer which specifies the price charged, or the services furnished, to the customer, or which gives discounts or additional services to the customer for purchasing specified volumes or multiple products of the same or similar product or service; or

**40-9-101. Standard natural gas defined.**

(a) For the purpose of this ~~act~~chapter standard natural gas shall be considered to have an average standard of heating units of not less than one thousand (1,000) British thermal units per cubic foot of gas, ascertained and determined by the state chemist in accordance with standard conditions, to wit:

**40-9-105. Expense of tests charged to state university.**

Any and all expenses incurred by the state chemist in carrying out the provisions of this ~~act~~chapter shall be a charge against the University of Wyoming.

**40-14-641. Loan originator licensing; registration; rulemaking.**

(c) An individual is exempt from subsection (a) of this section if he is:

(iii) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that serves as ~~a seller's~~ the individual's residence;

**40-20-113. Definitions.**

(a) As used in this chapter:

(vii) "Equipment" means:

(B) Other machinery, equipment, implements or attachments used for or in connection with one (1) or more of the following purposes:

(III) Raising, feeding, tending to or harvesting products from, livestock or any related activity; ~~or~~

**40-23-124. Loan originator licensing; registration; rulemaking.**

(c) An individual is exempt from subsection (a) of this section if he is:

(iii) An individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that serves as ~~a seller's~~ the individual's residence;

**41-2-117. Wyoming water development commission; membership; removal; terms.**

(a) The Wyoming water development commission is created to consist of ten (10) members. The membership shall include:

(i) Nine (9) persons, two (2) shall be residents appointed from each water division of the state as defined in W.S. 41-3-501, at least one (1) will be a person having an adjudicated water right. One (1) resident of Wyoming shall be appointed at large and one (1) shall be an enrolled member of the Arapahoe or Shoshone Indian tribes who is resident on the Wind River Indian Reservation:

(F) If any member ceases to reside in or is absent from the division from which appointed for a continuous period of six (6) months or more, the governor shall declare his office vacant and shall appoint a successor from the same division for the unexpired term; ~~and~~

**41-3-115. Applications for use of water outside the state.**

(s) Nothing in this ~~act~~ section shall be construed to interfere with compacts, court decrees and treaty obligations.

**41-7-864. Rights and powers preserved.**

An irrigation district receiving the rights, power and authority of a public power district as aforesaid, shall not lose any of its rights and powers under and by virtue of the provisions of chapter 2, Session Laws of Wyoming, Special Session, 1920, as amended, codified and compiled in W.S. 41-7-101 through ~~41-7-603~~ 41-7-415, as now amended.



**42-4-207. Recovery of incorrect payments; recovery of correct payments; liens.**

(c) The department may file a pre-death lien upon real property of an individual for medical assistance correctly paid under this chapter to an individual:

(ii) With respect to whom the department of family services determines, after notice and opportunity for a hearing, cannot reasonably be expected to be discharged from the medical institution and to return home.

**Section 2.** W.S. 17-16-1006(a)(vi) is repealed.

**Section 3.**

(a) If 2010 Senate Enrolled Act 14, being original Senate File 12, is enacted into law, W.S. 36-8-501(b)(intro) shall be amended to read:

**36-8-501. Powers generally.**

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

(b) If 2010 Senate Enrolled Act 14, being original Senate File 12, is enacted into law, W.S. 36-8-1001(d)(viii) is repealed.

(c) This section shall not be effective if 2010 Senate Enrolled Act 14, being original Senate File 12, is not enacted into law.

**Section 4.**

(a) Notwithstanding section 3 of this act, if 2010 Senate Enrolled Act 9, being original Senate File 9, is enacted into law, then Section 2 of that act shall be amended to read:

**Section 2.**

(a) Except as provided in subsection (b) of this ~~act~~ section, this act is effective March 31, 2013.

(b) W.S. 14-4-117(a) and (c), created by section 1 of this act, is effective July 1, 2010.

**Section 5.** Except as provided in section 4 of this act, any other act adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

**Section 6.**

(a) Section 3 of this act is effective July 1, 2010, subject to the provisions of that section.

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

Approved March 9, 2010.

## Chapter 83

### REAL PROPERTY EASEMENTS

Original House Bill No. 94

AN ACT relating to easements; exempting options for easements from provision requiring certain specifications for easements; and providing for an effective date.

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

**Section 1.** W.S. 34-1-141 by creating a new subsection (e) is amended to read:

**34-1-141. Easements.**

(e) For purposes of this section options to obtain easements at a later date shall not be considered easements or agreements pursuant to subsections (b) and (c) of this section and shall be for a period not to exceed seven (7) years.

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

Approved March 9, 2010.

**Chapter 84****ELECTRICAL SAFETY AND FIRE PREVENTION-REVISIONS**

Original House Bill No. 15

AN ACT relating to electrical safety and fire prevention; providing authority for the chief electrical inspector to investigate electrocutions; clarifying duties of the department of electrical safety and fire prevention, the council on fire prevention and electrical safety in buildings and the electrical board; transferring rulemaking authority to the department of electrical safety and fire prevention; providing definitions; providing for amendment of plan reviews; providing for phased applications for plan reviews; amending projects requiring plan reviews; providing for suspension or restriction of licenses for failure to pay child support; providing for supremacy of the National Electrical Code; amending certain fees; specifying qualifications for local inspectors; providing for reversion of enforcement authority; modifying appeals process from local inspection authorities to the department; providing for reciprocal licenses; amending license fee revenue allocations; providing waiver of master or journeyman licensing requirement for installation, repair or maintenance of certain lawn sprinkler systems by persons who obtain a limited electrical contractor's license; and providing for an effective date.

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

**Section 1.** W.S. 35-9-131 is created to read:

**35-9-131. Investigation of electrocutions; powers of chief electrical inspector.**

(a) Except in cases where a federal agency has and asserts the right to control an investigation under applicable federal law or when an entity or activity involved is regulated by the Wyoming public service commission, the chief electrical inspector, or his designee, may investigate the cause, origin and circumstances of each incident of electrocution or serious injury from electrical contact occurring in the state. In cases where more than one (1) agency has investigative authority over the incident, all agencies shall work together to fully investigate.

(b) In performing the duties imposed by this section, the chief electrical inspector, or his designee, may:

(i) Enter and examine any property, building or premises where any incident occurred;

(ii) Enter any property, building or premises adjacent to that in which an incident occurred;

(iii) Take full control and custody of the buildings and premises until his examinations and investigations are completed; and

(iv) Take testimony under oath and cause the testimony to be reduced to writing. In taking testimony and performing an investigation, the chief

electrical inspector or his designee may:

- (A) Subpoena witnesses and compel their attendance before him;
  - (B) Cause to be produced papers he requires in the examination;  
and
  - (C) Administer oaths and affirmations to persons appearing as witnesses before him.
- (c) When the examination discloses that an incident involved criminal activity, the chief electrical inspector shall transmit a copy of the testimony to the district attorney for the county where the incident occurred.
- (d) As used in this section, "incident" means an event in which a person is seriously injured or killed as a result of transient electrical current from an electrical device or installation.

**Section 2.** W.S. 35-9-102(a)(i) and (ii), 35-9-103(c), 35-9-106(a)(i)(intro), (iv) and (b), 35-9-107(a)(ii) and (b)(iii), 35-9-108(b), (d), (n), (q)(ii), (iii), by creating a new subsection (s) and by amending and renumbering (s) as (t), 35-9-119 by creating new subsections (b) and (c), 35-9-120(a), (c)(intro), (ii), (e) and (f), 35-9-121(a), (c) through (e) and by creating a new subsection (f), 35-9-121.1(d)(ii), 35-9-123(a)(intro), (iv), (vi) and (vii) by creating a new subparagraph (G), 35-9-124(a)(i), (ii), (c), (d) and by creating a new subsection (g), 35-9-125(a) through (c), 35-9-126(a) through (d), 35-9-127 and 35-9-129(a)(intro) and (b) are amended to read:

### **35-9-102. Definitions.**

(a) As used in W.S. 35-9-101 through 35-9-130:

(i) "Apprentice electrician" means a person who has insufficient qualifications to be a journeyman electrician and is hired by a licensed electrical contractor to assist a licensed journeyman or master electrician. ~~From and after March 1, 1994, An~~ apprentice electrician must be registered with the department of fire prevention and electrical safety and must be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the ~~board~~ department that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor;

(ii) "Apprentice technician" means a person who has insufficient qualifications to be a low voltage or a limited technician and is hired by a licensed electrical contractor, low voltage contractor, or limited contractor to assist a licensed low voltage or limited technician. An apprentice technician must be registered with the department of fire prevention and electrical safety and must be enrolled in a training program as approved

by the ~~board~~ department;

**35-9-103. Divisions created; council and board created.**

(c) The board consists of five (5) members appointed by the governor for six (6) year terms. At least one (1) member and no more than two (2) members shall be journeymen electricians, at least one (1) and no more than two (2) shall be master electricians, and at least one (1) and no more than two (2) shall be electrical contractors. No two (2) members shall be employed by the same entity and serve on the board. Any member who becomes employed by the same entity as another member during his term of office shall be ineligible to continue as a member of the board. Vacancies shall be filled for the unexpired term. When new appointments are made, the board shall select a chairman, a vice chairman and a secretary. A quorum consists of three (3) members. The board shall meet at least twice each year.

**35-9-106. Powers and duties of council.**

(a) The council shall adopt rules and regulations to:

(i) Establish minimum fire standards not exceeding the standards prescribed by the International Fire Code, the International Building Code, the International Mechanical Code, the International Existing Building Code and the International Fuel Gas Code for:

(iv) Implement this ~~article~~ section.

(b) The council shall ~~investigate the conduct of the divisions, shall~~ have access to records of the divisions and may require written or oral information from any officer or employee of the department when conducting investigations pursuant to W.S. 35-9-108(p) and 35-9-117.

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

(a) The state fire marshal shall:

(ii) ~~Enforce~~ Adopt regulations promulgated by the in consultation with the board and council to implement this article, excluding the provisions of W.S. 35-9-106 and 35-9-124;

(b) The state fire marshal may:

(iii) Deputize a member of a fire department who is approved by the chief of his department, or a local building inspector approved by the local governmental entity, provided that the person is qualified to inspect, investigate and carry out orders for the state fire marshal under the rules adopted by the ~~council~~ department;

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

(b) If the state fire marshal does not notify the sender in writing of violations of the fire or electrical safety standards within twenty-one (21) working days of receiving the plans, they are approved as submitted. If code deficiencies are discovered through inspection by the fire marshal during the construction or remodeling of buildings, the plan and plan review shall be amended to bring the building into compliance with applicable codes.

(d) The department shall collect fees for plan reviews and other inspections except as provided in subsections (q) and (r) of this section, in the amount provided in the 1997 Uniform Building Code and adjusted for inflation as adopted by rule or regulation by the ~~council~~ department. Fees collected under this subsection shall be deposited into the general fund.

(n) After new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review or amended plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of compliance. If a newly constructed or remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(q) A plan review is:

(ii) Required for remodeling that costs less than ~~twenty-five thousand dollars (\$25,000.00)~~ forty thousand dollars (\$40,000.00) and affects a built-in fire protection system for the building, provided a fee of no more than fifty dollars (\$50.00) per hour shall be paid to the department for the review;

(iii) Required for remodeling that costs ~~twenty-five thousand dollars (\$25,000.00)~~ forty thousand dollars (\$40,000.00) or more, provided the department shall collect a fee pursuant to subsection (d) of this section.

(s) Plan reviews may be submitted in phases so that work may begin on the first phase of a project upon approval of the plans for that phase. Subsequent work may begin on each successive phase as plans are approved for each successive phase. Plans for fire alarm systems and fire sprinkler systems shall be submitted as successive phase plans after the initial plans are approved.

~~(s)(t)~~ Subsections (a) through ~~(r)~~ (s) shall not apply to remodeling that is exempt under subsection (q).

### **35-9-119. Duties of chief electrical inspector.**

(b) The chief electrical inspector may investigate electrocution incidents that occur in the state pursuant to W.S. 35-9-131.

(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the chief electrical inspector, the chief electrical inspector shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order.

**35-9-120. Minimum requirements for electrical installations; permits; inspections; fees.**

(a) The installation of electric equipment in or on buildings, mobile homes and premises shall be made subject to the applicable minimum requirements of the National Electrical Code. To the extent that any provision in the International Fire Code, the International Building Code, the International Mechanical Code, the International Existing Building Code and the International Fuel Gas Code conflicts with the standards prescribed by the National Electrical Code, the National Electrical Code shall control.

(c) For any requested electrical inspection conducted or electrical wiring permit issued by the chief electrical inspector or his deputy, a fee established by the ~~board~~department by rule shall be paid by the person or contractor making the request. The electrical wiring permit fee shall be waived for anyone requesting and paying for an electrical inspection. The fees established by the ~~board~~department shall not exceed the following:

(ii) ~~Effective July 1, 1993, Electrical wiring permit fees.....~~  
~~\$30.00~~ \$50.00

(e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible for the electrical installation has obtained an electrical wiring permit. A utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the ~~department of fire prevention and electrical safety~~ of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted local enforcement authority for electrical safety standards under W.S. 35-9-121 and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

(f) ~~Fifty percent (50%)~~ Sixty percent (60%) of the fees collected pursuant to subsection (c) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. ~~Fifty percent~~

~~(50%)~~ Forty percent (40%) of the fees collected pursuant to subsection (c) of this section shall be deposited in the general fund.

### **35-9-121. Local enforcement.**

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building, existing building standards or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following requirements and certification of inspectors:

(i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building, existing building standards or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the ~~council on fire prevention and electrical safety department~~;

(ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the ~~council on fire prevention and electrical safety department~~, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department ~~of fire prevention and electrical safety~~. It shall be the responsibility of the municipality or county to notify the department ~~of fire prevention and electrical safety~~ of the repeal of minimum standards in their jurisdiction;

(iii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials is required for any inspector employed or contracted after July 1, 2010 to enforce those codes for the municipality or county;

(iv) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a journeyman or master electrician is required;

(v) If a municipality or county that has been granted local enforcement authority under this subsection fails to maintain employment of an inspector holding any certification required by this subsection, enforcement authority shall revert to the department one hundred twenty (120) days after the last day the properly certified inspector has left the employment of the municipality or county. It shall be the responsibility of the municipality



or county to notify the department upon the termination of employment of any certified inspector required by this subsection.

(c) If a municipality or county has assumed enforcement authority for only one (1) or two (2) of the fire, building and electrical standards, the municipality or county shall deliver notice of any project plans submitted to the municipality or county for approval to the department, ~~of fire prevention and electrical safety.~~ The notice of the project shall be delivered within ten (10) days of receiving plans from the applicant.

(d) A municipality or county which has enforcement authority under this section ~~may~~ shall create its own appeals boards to determine the suitability of alternate materials and types of construction. The boards shall be appointed and removed by the governing body of the municipality or county, but the person making the decision upon which the appeal is based shall not be a member of the appeal board. ~~The council on fire prevention and electrical safety in buildings and the electrical board shall serve as appeals boards for a municipality or county that has not created an appeals board under this subsection.~~

(e) A decision rendered by the local municipal or county appeals board pursuant to subsection (d) of this section ~~regarding state owned or leased buildings~~ may be appealed to the council on fire prevention and electrical safety in buildings for a final decision. A decision of the council may be appealed to the appropriate district court.

(f) Any appeal to a local board under subsection (d) of this section or the council under subsection (e) of this section shall be heard within thirty (30) days of the request for appeal.

### **35-9-121.1. Health care facilities; jurisdiction; delegation; rules.**

(d) Upon written request from any county or municipality, the department of health shall delegate plan review and inspection responsibilities to the county or municipality that has personnel who are certified pursuant to the applicable code. The department of health shall transfer jurisdiction and authority by letter. The department of health shall notify the governing body of the municipality or county of the minimum standards and requirements under this section and W.S. 16-6-501 and 16-6-502. The following shall apply:

(ii) A municipality or county which has enforcement authority under this subsection ~~may~~ shall create its own appeals board to determine the suitability of alternate materials and types of construction. ~~If a municipality or county has not created an appeals board, the department of health shall establish an appeals board which includes representation from the department of health and the council.~~

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

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

(iv) Cable-TV, satellite-TV and telecommunications, including data and related services of cable-TV, satellite-TV and telecommunications providers including its contractors and subcontractors provided such contractors and subcontractors are limited to the installation of low voltage cable, A.M. or F.M. radio stations, television stations, ~~cable~~-phone services, ~~cable~~-internet services, data services and related services;

(vi) Buildings constructed by a school or community college district as part of an industrial arts curriculum, under the direct supervision of a qualified industrial arts instructor. The school or community college district shall have the installations inspected by the state electrical inspector's office or the ~~home rule local enforcement~~ authority, whichever has jurisdiction, to ensure compliance with W.S. 35-9-120;

(vii) Licensed low voltage electrical contractors employing licensed low voltage technicians or registered low voltage apprentice technicians who may install electrical equipment which falls under the scope of their low voltage license or registration. No low voltage contractor may work on electrical systems which exceed ninety (90) volts unless allowed pursuant to this subsection. The chief electrical inspector may issue a low voltage electrical contractor's license to contractors not qualified for an electrical contractor's license but qualified for their low voltage area of expertise for the installation, repair or remodel of:

(G) Lawn sprinkler systems under ninety (90) volts.

#### **35-9-124. Powers and duties of board; appeals.**

(a) The board shall:

(i) Adopt rules and regulations to implement ~~W.S. 35-9-122 through 35-9-130;~~ this section and to establish minimum standards for:

(A) Training requirements for all classes of electricians;

(B) Licensing requirements for all classes of electricians; and

(C) Reciprocal licenses for any journeyman electrician, master electrician, low voltage technician or limited technician license.

(ii) Regarding the installation of electrical equipment and electrical safety standards, hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from ~~rules and regulations of the council~~ the National Electrical Code.

(c) The board ~~shall~~may suspend or cancel the license of any licensee for ~~flagrant a repeated or serious~~ violation of this act or the rules and regulations of the board. A serious violation is any violation that poses a risk of injury or death to persons or is likely to result in property damage exceeding two thousand five hundred dollars (\$2,500.00). A repeated violation is one that occurs within two (2) years of any previously documented violation.

(d) ~~Except as provided by subsection (e) of this section, Any person whose application for a license is denied, who is otherwise disciplined or whose license is suspended, cancelled or refused by the board may appeal to the appropriate district court.~~

(g) The board may enter into and approve reciprocal license agreements with other states if such agreements conform with the conditions and minimum standards required under W.S. 35-9-126(d).

**35-9-125. Electrical contractor's, low voltage electrical contractor's and limited electrical contractor's licenses.**

(a) On or before July 1 of each year, an electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed master electrician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the electrical contractor in the state of Wyoming, and who is not the master electrician of record for, or employed by, any other electrical contractor. The electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(b) On or before July 1 of each year, a low voltage electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed low voltage technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the low voltage electrical contractor in the state of Wyoming, and who is not the low voltage technician of record for, or employed by, any other low voltage electrical contractor. The low voltage electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The low voltage electrical contractor's license fee shall be waived for any low voltage electrical contractor not employing additional low voltage technicians or low voltage apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(c) On or before July 1 of each year, a limited electrical contractor shall file with the chief electrical inspector a license application in writing for each of

his firms. The applicant shall be or actively employ in a full-time capacity a licensed limited technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the limited electrical contractor in the state of Wyoming, and who is not the limited technician of record for, or employed by, any other limited electrical contractor. The limited electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The limited electrical contractor's license fee shall be waived for any limited electrical contractor not employing additional limited technicians or limited apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

**35-9-126. Licensing of master electricians, journeymen electricians, low voltage technicians, limited technicians; temporary permits; reciprocal licenses; master electrician of record for only 1 electrical contractor; technician of record for only 1 low voltage or limited electrical contractor.**

(a) Applicants for master electrician, journeymen electrician, low voltage technician and limited technician licenses shall apply to the chief electrical inspector on a form furnished by the ~~board~~department and accompanied by the required examination fee. The form shall state the applicant's full name, his address, the extent of his experience and other information required by the ~~board~~department. An applicant who complies with the rules of the ~~board~~department, is qualified, successfully completes the examination and pays the required license fee shall be issued the proper license by the chief electrical inspector which bears the date of issue. A master license shall expire on July 1 in the third year following the year of issue. A journeyman license shall expire on January 1 in the third year following the year of issue. A low voltage technician license shall expire on July 1 in the third year following the year of issue. A limited technician license shall expire on July 1 in the third year following the year of issue. Credit for time spent in any electrical school shall be given to master electricians, journeyman electricians, low voltage technicians or limited technicians for time spent in classes up to a total of two (2) years, or four thousand (4,000) hours, on the work experience requirements.

(b) Each master electrician, journeyman electrician, low voltage technician or limited technician licensed under this act may renew his license by paying fifty percent (50%) of the proper license fee to the state of Wyoming. Master and journeymen electricians shall provide proof of attendance at not less than sixteen (16) hours of training in the National Electric Code or in advances in the electrical industry meeting criteria established by the ~~board~~department on or before the date his license expires. At least eight (8) of the required sixteen (16) hours of training shall specifically cover the National Electrical Code. An electrician or technician who applies for renewal of his expired license within forty-five (45) days after its expiration and is otherwise entitled to renewal of his license shall have his license renewed by paying an additional fee of fifty dollars (\$50.00).

(c) The ~~board~~ department shall issue temporary permits to engage in the work of a journeyman electrician, low voltage technician or limited technician to a person who applies, furnishes satisfactory evidence of experience to qualify for the examination and pays the required fee. Temporary permits shall continue in effect not longer than one hundred fifty (150) days and may be revoked by the ~~board~~ department at any time.

(d) The ~~board~~ department may issue a reciprocal license to any applicant for a journeyman electrician, master electrician, low voltage technician or limited technician license if the applicant has obtained an out-of-state or foreign license through an examination which is equal to or exceeds the Wyoming journeyman electrician's, master electrician's, low voltage technician's or limited technician's examination.

### **35-9-127. Apprentice electricians and apprentice technicians.**

(a) An electrical contractor may employ apprentice electricians to assist a licensed journeyman or master electrician. From and after March 1, 1994, apprentice electricians shall be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the ~~board~~ department that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor. The ~~board~~ department may monitor the apprenticeship programs and receive necessary progress reports. For purposes of determining whether a program provides equivalent training the ~~board~~ department shall consider and apply the current bureau of apprenticeship and training standards. Apprentice electricians shall register with the department of ~~fire prevention and electrical safety~~ and update the registration yearly as required by the ~~board~~ department. The electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice electrician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed journeyman or master electrician shall supervise each apprentice electrician. A licensed journeyman or master electrician shall not supervise more than two (2) apprentice electricians at the same time.

(b) A low voltage or limited electrical contractor may employ apprentice technicians to assist a licensed technician. Apprentice technicians shall be enrolled in a program of training as approved by the ~~board~~ department. Apprentice technicians shall register with the department of ~~fire prevention and electrical safety~~ and update the registration yearly as required by the ~~board~~ department. The low voltage or limited electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice technician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed technician shall supervise each apprentice technician. A licensed technician shall not supervise more than one (1) apprentice technician at the same time.

### **35-9-129. Fees.**

(a) The fees for licenses, work permits, examinations and apprentice registrations shall be determined by the ~~board~~department but shall not exceed:

(b) ~~Fifty percent (50%)~~Sixty percent (60%) of the fees collected pursuant to subsection (a) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. ~~Fifty percent (50%)~~Forty percent (40%) of the fees collected pursuant to subsection (a) of this section shall be deposited in the general fund.

**Section 3.** W.S. 35-9-106(a)(iii) and (e) and 35-9-124(e) are repealed.

**Section 4.** This act is effective July 1, 2010.

Approved March 9, 2010.

## Chapter 85

### WYOMING RETIREMENT PLAN CONTRIBUTIONS-2

Original Senate File No. 72

AN ACT relating to the Wyoming retirement system; increasing employee and employer contributions; providing for contribution rates by employers and employees; repealing obsolete and inconsistent language; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1022(a)(xi)(F)(IV), 9-3-412(a), (b) and (c) and 9-3-413 are amended to read:

#### **9-2-1022. Duties of department performed through human resources division.**

(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(xi) Promulgate reasonable rules:

(F) Necessary to administer a program whereby at-will contract employees may be utilized by agencies to meet programmatic needs. These rules shall be structured so that:

(IV) Notwithstanding subdivision (III) of this subparagraph, if the employment contract so provides, an at-will, year-round, full-time brand

inspection contract employee authorized to carry out the duties specified by W.S. 11-20-201 may be eligible for membership in the state employees' and officials' group insurance plan in accordance with W.S. 9-3-207, and the state retirement system under W.S. 9-3-412, provided the employee pays the total premium or total contribution required, or the portion of the premium or contribution, if any, the employment contract directs the employee to pay and the employee's wages under the contract are reported on an Internal Revenue Service Form W-2 Wage and Tax Statement. Subject to the limitations of W.S. 9-3-412(c), the Wyoming livestock board shall have sole discretion to determine the amount of the total premium or contribution to be paid by the employee and the amount to be paid by the board, if any. The amounts shall be stated in the employment contract. The time limitations provided in subdivision (V) of this subparagraph shall not apply to any employee under this subdivision;

**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 and firefighter members, shall pay into the account ~~five and fifty-seven hundredths percent (5.57%)~~ 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.

(b) ~~From and after July 1, 1983 and~~ Except as provided by W.S. 9-2-1022(a)(xi)(F)(III) or (IV), in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h) the contributions required by subsection (a) of this section shall be paid by the employer for state employee members and may be paid by the employer for member employees of political subdivisions of this state, ~~in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h). Unless otherwise specified by contract, Any contract employee authorized to participate in the state retirement system under W.S. 9-2-1022(a)(xi)(F)(III) shall pay the entire member contribution and the entire employer contribution under W.S. 9-3-413. From and after July 1, 2007 and~~ For the contributions as provided by W.S. 9-2-1022(a)(xi)(F)(IV), the contributions required by subsection (a) of this section may be paid by the Wyoming livestock board for state employee members in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, section 414(h). The amounts shall be stated in the employment contract.

(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:

(i) No salary reduction, offset or combination thereof shall exceed the percentage amount actually deducted from a member's salary for contributions to the Wyoming retirement system; ~~as of July 1, 1983; and~~

(ii) Except as provided in paragraphs (iii) and (iv) of this subsection, any employer may pay any amount of a member's share of retirement contributions without a salary reduction, offset or combination thereof;

(iii) For state employee members five and fifty-seven hundredths percent (5.57%) 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%) 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 employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to ~~five and sixty-eight hundredths percent (5.68%)~~ seven and twelve hundredths percent (7.12%), of the salary paid to each of its members covered under this article, ~~and may on a monthly basis, pay into the account any amount of the members' share of retirement contributions.~~ 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 rate of eight percent (8%) per annum. 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 the following amounts:

(i) Ten million five hundred seventy thousand eight hundred thirty dollars (\$10,570,830.00) from the general fund;

(ii) Three million two hundred eight thousand seven hundred forty-six dollars (\$3,208,746.00) from the general fund; and

(iii) 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 the increase in employer contribution rate required by W.S. 9-3-413 as amended by this act for the period specified in subsection (c) of this section.

(b) There is appropriated twenty-three million four hundred ninety-five thousand dollars (\$23,495,000.00) from the school foundation program account to the state auditor.

(c) The appropriations under paragraphs (a)(i) and (iii) of this section shall only be expended for the purpose of providing each state agency's increased employer contribution required by W.S. 9-3-413 as amended by this act, for the 2011-2012 fiscal biennium. The appropriation under paragraph (a)(ii) of this section shall only be expended for the purpose of providing the University of Wyoming and community college increased employer contribution under W.S. 21-19-101 through 21-19-106 corresponding to the increased employer contribution under W.S. 9-3-413 as amended by this act, for the 2011-2012 fiscal biennium. 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.

(d) 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 2011-2012 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 administration and information to be necessary to meet the provisions of this act.

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

appropriations under this section shall revert as provided by law on June 30, 2012. These appropriations shall not be included in the state auditor's 2013-2014 standard biennial budget request.

(f) As used in this section "state agency" includes each community college and any state executive, legislative or judicial department, board, commission or other agency or instrumentality of the state, including the University of Wyoming.

**Section 3.** This act is effective September 1, 2010.

Approved March 9, 2010.

## Chapter 86

### HEALTH INSURANCE-INTERSTATE PURCHASE

Original House Bill No. 128

AN ACT relating to health insurance; authorizing the sale in Wyoming of health insurance by out-of-state insurers as specified; providing for more limited regulation of policies; providing for oversight by the insurance commissioner; providing for cooperation by the insurance commissioner with other states with consistent insurance laws to allow multi-state sales without duplicate regulation; specifying legislative intent to pursue a multi-state consortium to enter into reciprocal agreements to reduce health insurance costs through removal of duplicative regulation; granting rulemaking authority; and providing for an effective date.

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

**Section 1.** The legislature recognizes the need of individuals seeking medical and surgical health insurance coverage in this state to have the opportunity to choose among competitive medical and surgical health insurance plans that are affordable and flexible. Therefore, the legislature seeks to increase the competitive availability of medical and surgical health insurance coverage by allowing insurers authorized to engage in the business of insurance in this state who are also authorized to engage in the business of insurance in selected other states to issue individual medical and surgical health policies in Wyoming based upon their policy approval in the other selected states. In addition, the legislature seeks to initiate cooperation of like-minded states to create a multi-state consortium with reciprocity agreements for approval, offer, sale, rating, including medical underwriting, renewal and issuance of individual medical and surgical health insurance policies. By creating a consortium of states with reciprocity agreements, the larger population of several states with a single approval for sale in multiple states will be attractive to insurers to develop and rapidly introduce lower cost effective products to Wyoming residents.

**Section 2.** W.S. 26-18-201 through 26-18-208 are created to read:

ARTICLE 2  
MULTI-STATE COOPERATION

**26-18-201. Definitions.**

(a) As used in this article:

(i) “Comprehensive individual medical and surgical insurance policy” shall have the same meaning as “health benefit plan” as that term is defined in W.S. 26-19-302(a)(xii), including, at a minimum, comprehensive major medical coverage for medical and surgical benefits;

(ii) “Health insurance,” “health benefit plan” and “health benefit policy” mean a health benefit plan as defined by W.S. 26-19-302(a)(xii);

(iii) “High deductible health plan” means accident and sickness insurance plans sold or maintained under the applicable provisions of section 223 of the Internal Revenue Code;

(iv) “Primary state” means the state designated by the issuer as the state whose covered laws shall govern the health insurance issuer in the sale of health insurance coverage;

(v) “Secondary state” means any state that is not the primary state.

**26-18-202. Sale of medical and surgical insurance policies approved in identified other states.**

In accordance with the provisions of this article, the commissioner shall identify at least five (5) states with insurance laws sufficiently consistent with Wyoming laws. The commissioner may approve for sale in Wyoming selected comprehensive individual medical and surgical insurance policies that have been approved for issuance in those other states where the insurer is authorized to engage in the business of insurance so long as the insurer is also authorized to engage in the business of insurance in this state and provided that the policy meets the requirements set forth in this article. High deductible health plans that meet national standards for comprehensive medical and surgical coverage may be among the policies automatically approved in Wyoming if approved in the states identified as acceptable by the commissioner.

**26-18-203. Approval of policies.**

A policy approved and issued pursuant to this article shall be treated as if it were issued by an insurer domiciled in Wyoming regardless of the insurer’s actual domiciliary.

**26-18-204. Financial requirements; continuing compliance.**

(a) Any insurer selling an insurance policy pursuant to this article, and any plan approved under this article, shall satisfy actuarial standards and insurer solvency requirements set forth by the National Association of Insurance Commissioners (NAIC) and adopted by regulation promulgated by the commissioner or as otherwise prescribed by regulation promulgated by the commissioner so long as the regulation is not inconsistent with NAIC standards.

(b) Any policy sold in Wyoming under the coverage and administrative laws and regulations of another state that are not covered by a guarantee association or similar association of that state shall be protected under the Wyoming Life and Health Insurance Guaranty Association Act under Chapter 42 of this title.

(c) The commissioner shall have the authority to determine whether an insurer satisfies the standards required by this section and shall not approve a policy or plan that he finds not in compliance with this section. The commissioner shall have the authority to determine whether the policies sold pursuant to this article continue to satisfy the requirements set forth in this section in the same manner as he does with an individual accident and sickness insurance policy approved pursuant to this code. The commissioner shall have the authority to suspend or revoke new sales of out-of-state policies if the laws and regulations of those states are determined to egregiously harm Wyoming residents. Upon suspension or revocation, the issuers of the out-of-state policies shall be required to notify in writing all affected Wyoming policyholders of the suspension or revocation determination by the commissioner.

**26-18-205. Multi-state consortium; reciprocity requirements.**

(a) The commissioner shall explore with other insurance commissioners the creation of a consortium of like-minded states that could establish rules of reciprocity for the approval of comprehensive individual medical and surgical health insurance policies among the participating states.

(b) The commissioner shall solicit the thoughts and report a consensus, where one exists, of the other commissioners interested in creating a consortium of like minded states in establishing rules of reciprocity for the approval of health insurance policies. Issues to be considered include but are not limited to:

(i) Whether the consortium should involve only high deductible individual policies, all comprehensive individual medical and surgical health insurance policies, both of these types of individual policies plus small group policies or all health insurance policies;

(ii) Whether insurers should be free to price differently among consortium states dependent on local health care costs and market conditions;

(iii) Whether a policy approved in a primary state shall be automatically available in all secondary states of the consortium, or available at the option of the insurer;

(iv) In areas where an associated preferred provider network is absent, whether sale of policies should be prohibited, disclaimers should be required or the sale of policies should be regulated only by market forces and conditions;

(v) The adequacy for a multi-state consortium of existing state laws on insurer financial solvency, guarantee funds and imposition and collection of premium taxes;

(vi) The authority of a secondary state to deal with customer complaints concerning a multi-state policy;

(vii) Whether and when an insurer selling a policy approved in a primary state must notify the commissioner of a secondary state that the insurer is marketing the policy in the secondary state;

(viii) Whether secondary state insurers, in order to sell competitive policies, may match any less restrictive primary state rules governing policies sold in the secondary state, and whether disclaimers to warn potential customers shall be required on policies and promotional materials in the secondary state;

(ix) Whether any of the issues identified in this subsection require the enactment of uniform laws in the consortium states;

(x) Estimated savings to customers from policy approval only in the primary state and from uniform or less restrictive policies across the consortium states;

(xi) Other issues deemed appropriate by the commissioners to implement a multi-state consortium.

(c) The commissioner shall make an initial proposal that Wyoming recommends the rules of approval for reciprocity should include terms and conditions to protect customers similar to the following:

(i) An issuer, with respect to a particular policy, may only designate one (1) state as its primary state with respect to all coverage it offers using that policy. An issuer may not change the designated primary state with respect to individual health insurance coverage once the policy is

issued; provided, however, that a change in designation may be made upon renewal of the policy with approval of the policyholder. With respect to the designated primary state, the issuer shall be licensed and approved to be doing business in that state;

(ii) In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary state, the issuer shall be licensed and approved to be doing business in that secondary state; and

(iii) The covered laws of the primary state shall apply to individual health insurance coverage offered by a health insurance issuer in the primary state and policies sold in any secondary state. The coverage and issuer shall comply with these terms and conditions with respect to the offering of coverage in Wyoming.

(d) Except as provided in this section, a health insurance issuer with respect to its offer, sale, rating (including medical underwriting), benefit payment requirements, renewal and issuance of comprehensive individual medical and surgical health insurance coverage in Wyoming is exempt from any covered laws of Wyoming as the secondary state and any rules, regulations, agreements or orders sought or issued by the commissioner under or related to the covered laws to the extent that the laws would:

(i) Make unlawful or regulate, directly or indirectly, the operation of the health insurance issuer operating in Wyoming as a secondary state, except that the commissioner may require an issuer:

(A) To pay on a nondiscriminatory basis applicable premium and other taxes, including high risk pool assessments and other assessments which are levied on insurers and surplus lines insurers, brokers or policyholders under the laws of Wyoming;

(B) To register with and designate the commissioner as its agent solely for the purpose of receiving service of legal documents or process;

(C) To submit to examinations of its financial condition in accordance with the policies and regulations established through the national association of insurance commissioners for accreditation of states to perform these examinations;

(D) To comply with an injunction issued by a court of competent jurisdiction, upon a petition by the commissioner acting pursuant to chapters 28 of this code, chapter 48 of this code or W.S. 26-34-122 or 26-34-123;

(E) To participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the state is required to belong;

(F) To comply with any state law regarding fraud and abuse, except that if the state seeks an injunction regarding the conduct described in this subparagraph, the injunction shall be obtained from a court of competent jurisdiction;

(G) To comply with any state law regarding unfair claims settlement practices; and

(H) To comply with the applicable requirements for external review procedures with respect to coverage offered in the state.

(ii) Discriminate against the issuer issuing insurance in both the primary state and in any secondary state.

(e) Nothing in this section shall be construed to prohibit a health insurance issuer:

(i) From terminating or discontinuing coverage or a class of coverage in accordance with the laws of the primary state;

(ii) From reinstating lapsed coverage; or

(iii) From retroactively adjusting the rates charged an insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

(f) A health insurance issuer may not offer for sale individual health insurance coverage in Wyoming unless that coverage is currently offered for sale in the primary state.

(g) A person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage shall obtain a license from Wyoming, with commissions or other compensation subject to the provisions of the laws of Wyoming, except that Wyoming may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

(h) Each health insurance issuer issuing individual health insurance coverage in both primary and secondary states shall submit to the insurance commissioner of each state in which it intends to offer the coverage before it may offer individual health insurance coverage in the state:

(i) A copy of the plan of operation or feasibility study or any similar statement of the policy being offered and its coverage which shall include the name of its primary state and its principal place of business;

(ii) Written notice of any change in its designation of its primary

state; and

(iii) Written notice from the issuer of the issuer's compliance with all the laws of the primary state.

(j) Nothing in this section shall be construed to affect the authority of any federal or state court to enjoin the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for that insurance.

(k) Out-of-state companies offering health benefit plans under this article shall be subject to regulation by the commissioner with regard to enforcement of the contractual benefits under the health benefit plan, including the requirements regarding prompt payment of claims for benefits pursuant to W.S. 26-13-124 and 26-15-124.

**26-18-206. Rules and regulations.**

(a) The commissioner shall draft rules and regulations necessary to implement this article but shall be under no obligation to draft rules and regulations until after March 15, 2011. The commissioner may adopt the rules provided they are consistent with the requirements of W.S. 26-18-206.

(b) Any dispute resolution mechanism or provision for notice and hearing in this title shall apply to insurers issuing and delivering plans pursuant to this article.

**26-18-207. Conflict with other code provisions.**

If the provisions of this article conflict with any other provision of this code, the provisions of this article shall control.

**26-18-208. Authorization date.**

No policy shall be issued or delivered for issuance in this state pursuant to the provisions of this article before July 1, 2011.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.



**Chapter 87****CRIMES AND OFFENSES-RESTRICTIONS FOR ADULT SEX OFFENDERS**

Original House Bill No. 83

AN ACT relating to crimes and offenses; prohibiting adult sex offenders from access to school properties and events as specified; providing exceptions; providing penalties; providing definitions; amending a definition; and providing for an effective date.

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

**Section 1.** W.S. 6-2-320 is created to read:

**6-2-320. Prohibited access to school facilities by adult sex offenders; exceptions; penalties; definitions.**

(a) Except as provided in subsection (b) of this section, no person who is eighteen (18) years of age or older who is required to register as a sex offender pursuant to W.S. 7-19-302 shall:

(i) Be upon or remain on the premises of any school building or school grounds in this state, or upon other properties owned or leased by a school when the registered offender has reason to believe children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity;

(ii) Knowingly loiter on a public way within one thousand (1,000) feet from the property line of school grounds in this state, including other properties owned or leased by a school when children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity;

(iii) Be in any vehicle owned or leased by a school to transport students to or from school or a school related activity when children under the age of eighteen (18) years are present in the vehicle;

(iv) Reside within one thousand (1,000) feet of the property on which a school is located, measured from the nearest point of the exterior wall of the registered offender's dwelling unit to the school's property line, except that this paragraph shall not apply if the registered offender's residence was established prior to July 1, 2010.

(b) The provisions of paragraphs (a)(i) and (ii) shall not apply to the extent the registered offender:

(i) Is a student in attendance at the school;

(ii) Is attending an academic conference or other scheduled extracurricular school event with school officials present when the registered offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event;

(iii) Resides at a state licensed or certified facility for incarceration, health or convalescent care that is within one thousand (1,000) feet from the property on which a school is located;

(iv) Is dropping off or picking up a child and the registered offender is the child's parent or legal guardian;

(v) Is temporarily on school grounds during school hours for the purpose of making a mail, food or other delivery;

(vi) Is exercising his right to vote in a public election;

(vii) Is taking delivery of his mail through an official post office located on school grounds;

(viii) Has written permission from the school principal, vice-principal, or person with equivalent authority, to be on the school grounds or upon other property that is used by a school; or

(ix) Stays at a homeless shelter or resides at a recovery facility that is within one thousand (1,000) feet from the property on which a school is located if such shelter or facility has been approved for sex offenders by the sheriff or police chief.

(c) Any person who violates the provisions of subsection (a) of this section is guilty of a misdemeanor and upon conviction, shall be punished by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(d) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities or on district properties.

(e) As used in this section:

(i) "Extracurricular event" means any school sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours, including academic, artistic, athletic or recreational activities;

(ii) "Registered offender" means a person who is eighteen (18) years of age or older who is required to register as a sex offender pursuant to W.S. 7-19-302.

**Section 2.** W.S. 6-2-301(a)(ix) is amended to read:

**6-2-301. Definitions.**

(a) As used in this article:

(ix) "This article" means W.S. 6-2-301 through ~~6-2-319~~ 6-2-320.

**Section 3.** This act is effective July 1, 2010.

Approved March 9, 2010.

## Chapter 88

### TELEPHONE SOLICITATIONS-CELL PHONES

Original Senate File No. 57

AN ACT relating to consumer protection; requiring the public service commission to make a determination and report; prohibiting unsolicited telephone calls to cell phones with unpublished telephone numbers; and providing for an effective date.

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

**Section 1.** W.S. 37-2-132 is created to read:

**37-2-132. Determination of telephone prefixes; report to national do-not-call list.**

The public service commission may determine which prefixes or telephone numbers are used in Wyoming primarily for cellular telephone service by determining prefixes or telephone numbers or by utilizing information available from the North American numbering plan administrator, the national pooling administrator, the local number portability administrator or any suitable least cost alternative as determined by the commission. The commission shall report these prefixes and telephone numbers to the national do-not-call list.

**Section 2.** W.S. 40-12-301(a) by creating a new paragraph (xi) and by renumbering (xi) as (xii) and 40-12-302 by creating a new subsection (e) are amended to read:

**40-12-301. Definitions.**

(a) As used in this article:

(xi) "Unpublished cellular telephone number" means a cellular

telephone number:

(A) That has not been requested by the subscriber to be published in any telephone directory or any list of telephone service subscribers; and

(B) Whose prefix or telephone number has been determined by the office of the public service commission to be primarily for cellular telephone service.

~~(xi)~~(xii) "Unsolicited telephonic sales call" means a telephonic sales call other than a call made:

(A) In response to an express request of the person called;

(B) Primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of the call;

(C) To any person with whom the telephone solicitor had an established business relationship; or

(D) By a telephone solicitor or merchant making less than two hundred twenty-five (225) unsolicited calls per year.

**40-12-302. Telephone solicitations.**

(e) No telephone solicitor or merchant shall willfully make or cause to be made any unsolicited telephonic sales call to any unpublished cellular telephone number.

**Section 3.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 89****ESTABLISHMENT OF HIGHWAYS**

Original Senate File No. 40

AN ACT relating to establishment of highways; exempting certain agricultural roads on public lands from procedure required to establish highways; and providing for an effective date.

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

**Section 1.** W.S. 24-1-101(a) is amended to read:

**24-1-101. Public highways defined and established; creation by adverse possession.**

(a) On and after January 1, 1924, all roads within this state shall be highways, which have been or may be declared by law to be state or county highways. It shall be the duty of the several boards of county commissioners, within their respective counties, prior to said date, to determine what, if any, such roads now or heretofore traveled but not heretofore officially established and recorded, are necessary or important for the public use as permanent roads, and to cause such roads to be recorded, or if need be laid out, established and recorded, and all roads recorded as aforesaid, shall be highways. No other roads, except roads located on federal public lands prior to October, 1976 which provide access for a private residence or agricultural operation shall be highways upon acceptance by the board of county commissioners of the county where the road is located shall be highways unless and until lawfully established as such by official authority. Except, nothing contained herein shall be construed as preventing the creation or establishment of a public highway right-of-way with reference to state and county highways under the common-law doctrines of adverse possession or prescription either prior to or subsequent to the enactment hereof. If any such board shall resolve the creation or establishment of a public highway right-of-way based upon the common-law doctrines of adverse possession or prescription, it shall, following the filing of a plat and accurate survey required in accordance with the terms and provisions of W.S. 24-3-109, proceed with the publication of the proposed road for three (3) successive weeks in three (3) successive issues of some official newspaper published in the county, if any such there be, and if no newspaper be published therein, such notice shall be posted in at least three (3) public places along the line of the proposed road, which notice shall be exclusive of all other notices and may be in the following form:

To all whom it may concern: The board of county commissioners of .... county has resolved the creation and establishment of a public highway right-of-way under the common-law doctrine of prescription in that the road was constructed or substantially maintained by the (either the state or county) for general public use for a period of (ten years or longer) said road commencing at .... in .... county, Wyoming, running thence (here describe in general terms the points and courses thereof), and terminating at ....

All objections thereto must be filed in writing with the county clerk of said county before noon on the ... day of ... A.D., ..., or such road will be established without reference to such objections.

.....  
County Clerk

.....  
Dated ... A.D.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 90**

**SCHOOL FINANCE-STUDENT ENRICHMENT INSTRUCTION**

Original Senate File No. 42

AN ACT relating to school finance; establishing and funding the supplemental assistance program for student enrichment instruction; establishing assistance criteria and imposing duties upon the department of education; imposing reporting requirements; providing an appropriation; and providing for an effective date.

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

**Section 1.**

(a) For the 2010-2011 school year only, the department of education may provide financial assistance to school districts which is in addition to amounts available under the education resource block grant model. Supplemental assistance under this section shall augment district resources available for provision of student enrichment instruction, shall be limited to enrichment instruction provided during summer sessions beyond the required school year under W.S. 21-13-307(a)(ii) or occurring on days other than regular school days as specified in W.S. 21-13-334(c). The program shall also be limited to programs complying with program requirements and criteria established by rule and regulation of the department. The department may provide technical assistance to districts in supplemental assistance application under this section and in program development and implementation, focusing on program curriculum, instruction, assessment and accountability.

(b) Each school district may apply to the department of education for supplemental assistance under this section on or before April 15, 2010. Application shall be on a form and in a manner prescribed by the department

and at minimum, shall include:

(i) A description of program content including enrichment learning strategies to be employed;

(ii) Evidence that proposed enrichment learning strategies included in the instructional program are research-based;

(iii) Documentation of the use of any national sources for discovering, establishing and implementing research-based instructional practices;

(iv) A plan for evaluating participating student progress and analyzing the effectiveness of the enrichment instruction program.

(c) On or before May 15, 2010, application review by the department shall be completed and selected districts shall be notified of any estimated assistance allocation to be made available to the district for the applicable school session. Supplemental assistance allocations shall be determined from among all applications filed with the department based upon the extent to which the applicant district program complies with the following criteria:

(i) Research-based, quality instructional opportunities provided for students to meet or exceed state and local academic program standards through academic enrichment supporting student learning and development, which reinforce and complement regular academic programs;

(ii) Linkage of program components to academic standards;

(iii) Learning opportunities and activities available under the program are clearly distinguishable and different from district programs offered during the regular school day or during the regular school year;

(iv) Evaluation instruments and processes to be implemented and established for determining program effectiveness.

(d) Determinations of supplemental assistance distributions under this section shall be in addition to and not considered in determining the school foundation program amount under W.S. 21-13-309. Assistance shall be available to recipient districts during the school session for which application is made, and shall be distributed periodically by the department on a payment schedule established by the department and the recipient district as necessary to reimburse the district for incurred program costs, provided the total amount reimbursed to that district does not exceed the total amount established by the department as that district's portion of the total legislative appropriation for the applicable school session.

(e) On or before October 1, 2010, each recipient district that received

funding under this act for a summer program beyond the required school year under W.S. 21-13-307(a)(ii), and on or before May 1, 2011, each recipient district that received funding under this act for a program occurring on days other than regular school days as specified in W.S. 21-13-334(c), shall report to the department of education on expenditures of amounts distributed under this section together with additional information required by the department on enrichment strategies employed by the district, the impact of the program on student performance and an evaluation of the effectiveness of the enrichment strategies employed by the recipient district. If the recipient district received prior student enrichment assistance from the department pursuant to previous legislative enactment and funding, the report shall include an analysis and evaluation of program impact on student performance and enrichment strategies over the combined period of time the district operated the program using state funds specific to this program. The department shall compile the information reported by districts under this subsection, and report to the joint education interim committee, together with program recommendations.

**Section 2.** For the period beginning on the effective date of this section and ending June 30, 2011, four hundred fifty thousand dollars (\$450,000.00) is appropriated from the public school foundation program account to the department of education to be expended as necessary to implement section 1 of this act.

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

Approved March 9, 2010.

## Chapter 91

### FEDERAL NATURAL RESOURCES POLICY ACCOUNT

Original Senate File No. 31

AN ACT relating to the federal natural resource policy account; providing for participation in the formulation, preparation and implementation of environmental impact statements; providing for assistance in data collection and analysis; providing priority for expenditure of funds; and providing for an effective date.

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

**Section 1.** W.S. 9-4-218(a)(ii) by creating a new subparagraph (D) and by renumbering (D) and (E) as (E) and (F), by creating a new paragraph (vi) and by creating a new subsection (c) is amended to read:



**9-4-218. Federal natural resource policy account created; purposes.**

(a) There is created an account known as the “federal natural resource policy account.” Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection in response to federal land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. The governor may expend funds from the federal natural resource policy account for:

(ii) Participation of the state, a state agency or a county as a cooperating agency in accordance with regulations promulgated by the federal council on environmental quality. Participation may include:

(D) Assisting the state, a state agency or counties in collecting, compiling, analyzing and distributing economic impact data related to federal natural resource policy formation and participation in policy development;

~~(D)~~(E) Making staff support available at the lead agency’s request to enhance Wyoming’s interdisciplinary capability; and

~~(E)~~(F) Expenditure of state or county funds.

(vi) Participation in the formulation, preparation and implementation of environmental impact statements and associated records of decision and other federal management decisions.

(c) In the expenditure of funds from the federal natural resources policy account pursuant to this section, preference shall be given to those funding requests that enhance the ability of a county to participate in federal natural resource policy matters.

**Section 2.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 92****LIENS**

Original Senate File No. 25

AN ACT relating to liens; reorganizing lien statutes as specified; generally amending and clarifying the process for filing liens; specifying time limits for filing forms; amending substantive rights under lien provisions; conforming statutes; authorizing attorney fees and costs as specified; amending definitions; and providing for an effective date.

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

**Section 1.** W.S. 29-1-103 and 29-1-104, 29-1-312 through 29-1-314, 29-1-401 through 29-1-407, 29-1-501, 29-1-601, 29-2-112, 29-2-113, 29-9-101, 29-9-102 and 29-10-101 through 29-10-106 are created to read:

ARTICLE 1  
GENERAL PROVISIONS

**29-1-103. Short title.**

W.S. 29-1-103 through 29-10-106 shall be known and may be cited as the “Revised Wyoming Statutory Lien Act”.

**29-1-104. Other lien statutes and legal processes not affected by this act.**

(a) Unless other statutes relating to liens specifically provide that the procedures specified in chapter 1, 2, 9 or 10 of this act apply, this act is supplemental to and does not supersede any other lien statutes contained in chapters 3 through 8 of this act nor other lien statutes nor other statutes relating in any way to liens currently existing related to other types of property or other subject matters.

(b) Nothing in this act shall affect or abridge:

(i) A right of setoff;

(ii) The right to file legal action based on equitable principles, including unjust enrichment, quantum meruit and other equitable doctrines; or

(iii) The right to enforce a lien otherwise created by contract.

**29-1-312. Lien statement to be filed; contents; notice; fee.**

(a) In order to have a perfected lien pursuant to this act, a lien claimant shall file with the county clerk a lien statement verifying the accuracy of the lien and the allegations set forth in the lien statement, sworn to and

acknowledged by the lien claimant or his authorized representative before a notarial officer. The county clerk shall record and index the lien statement by date, names of claimant and property owner, and legal description of the property.

(b) The lien statement shall contain as appropriate the following information:

(i) The name and address of the lien claimant;

(ii) The amount claimed to be due and owing;

(iii) The name and address of the record owner against whose property the lien is filed;

(iv) An itemized list setting forth and describing materials delivered or work performed;

(v) The name of the person whom the lien claimant alleges is contractually responsible to pay the debt secured by the lien;

(vi) The date when labor was last performed or services were last rendered or the date of substantial completion of the project;

(vii) The legal description of the property where the materials were furnished or upon which the work was performed; and

(viii) A copy of the contract, if available, or a summary of the lien claimant's contract together with a statement of the location where a copy of the contract, if written, can be obtained.

(c) Notice shall be sent by the lien claimant to the last record owner or his agent in the case of a real property lien within five (5) days after the lien statement is filed. The notice shall be in substantially the same format and contain the same information as the form of notice specified in W.S. 29-10-103. The notice forms shall be made available and may be obtained at the county clerk's office of each county.

(d) As a fee for recording a lien statement, the county clerk shall collect from the lien claimant the same fee as provided by W.S. 18-3-402(a)(xvi)(P). An irregularity in the lien statement may provide a valid defense for a party defending against the lien. The county clerk shall nevertheless file a lien statement at the date and time received by the county clerk, regardless of any irregularity, illegible language or other reason.

(e) The recording fee under this section may be assessed as costs in any action to foreclose the lien.

(f) The lien statement shall be in substantially the same format and contain the same information as the form specified in W.S. 29-10-104. The lien statement forms shall be made available and may be obtained at the county clerk's office of each county.

**29-1-313. Notice of satisfaction to be filed.**

(a) Whenever any debt which is secured by a lien pursuant to this act is paid and satisfied, the lien claimant shall file notice of satisfaction of the lien in the office of the county clerk of any county in which the lien is filed and the lien claimant shall send the record owner a copy of the notice of satisfaction within five (5) days. The county clerk shall record and index the notice of satisfaction of the lien. The notice of satisfaction shall be acknowledged, but may be signed by the lien claimant or the attorney for the lien claimant.

(b) The notice of satisfaction shall be in substantially the same format and contain the same information as the notice of satisfaction form in W.S. 29-10-106. The notice of satisfaction forms shall be made available and may be obtained at the county clerk's office of each county.

**29-1-314. Liability for failure to file a notice of satisfaction.**

In addition to any actual damages, any lien claimant refusing or neglecting to file the notice of satisfaction as provided in W.S. 29-1-313 within thirty (30) days after payment, and after having received by certified or registered mail a request in writing to file the notice of satisfaction, is liable for damages of not less than one-tenth of one percent (.10%) of the original principal amount of the debt per day from the date the lien claimant receives the written request to file a notice of satisfaction, until the lien claimant files a notice of satisfaction. The damages authorized by this section shall not exceed one hundred dollars (\$100.00) per day.

ARTICLE 4  
ACTIONS TO FORECLOSE LIENS

**29-1-401. Jurisdiction of circuit and district court; Rules of Civil Procedure applicable in foreclosure action; attorney fees.**

(a) All actions to foreclose a lien perfected under this act are quasi in rem proceedings and shall be commenced by filing a complaint in either the district court or, when required under W.S. 5-9-128(a)(vi), in the circuit court, in any county in which the property subject to the lien is located.

(b) In any action to foreclose a lien the Wyoming Rules of Civil Procedure shall govern.

(c) In the event an action is filed to foreclose a lien pursuant to this act, the

prevailing party shall be entitled to recover from the nonprevailing party all costs and expenses reasonably associated with the action, including but not limited to reasonable attorney fees.

(d) Nothing in this section shall be construed to require a lien claimant to enforce his lien under this article if another method of enforcement is available under this act.

**29-1-402. Priority of liens.**

(a) Except as provided in this section, the liens provided by this act shall be on an equal footing without reference to the date of the filing of the lien statement.

(b) Any lien perfected in compliance with this act attaches to the real property, fixtures, materials, machinery or supplies furnished and improvements made in preference to any subsequent lien, security interest or mortgage under any other provision of law which has been perfected upon real or personal property, including a leasehold interest, against which the lien is claimed.

(c) Any lien, security interest or mortgage which has been perfected upon real or personal property or upon a leasehold interest prior to the commencement of any construction work or repair of the premises or property, except as provided by chapter 7 of this act, or W.S. 29-8-102 relating to liens for the production of farm products under contracts executed, entered into, renewed or substantively amended on or after July 1, 2001, shall have priority.

(d) Where a sale is ordered by the court on foreclosure of any lien provided by this act and the proceeds from the sale are insufficient to discharge in full all of the liens, the proceeds shall be prorated among the several lien claimants according to the amounts of their respective claims.

**29-1-403. Work or materials furnished considered done under same contract; exceptions.**

All work performed or materials furnished by a lien claimant shall be considered as having been done under the same contract unless more than one hundred eighty (180) days elapse from the date of the performance of any work or the furnishing of any materials and the date when work or materials are next performed or furnished by the lien claimant.

**29-1-404. Notice of foreclosure to prior perfected lienholders; effect of failure to notify.**

The holder of any prior perfected lien upon the real property is entitled to notice in suits to foreclose the lien. A foreclosure proceeding shall not be

rendered invalid by failure to give the notice required by this section.

**29-1-405. Remedies not exclusive.**

The remedies provided by this act are not exclusive.

**29-1-406. Filing and recording fees.**

The county clerk shall be paid the same fees as provided by W.S. 18-3-402 for recording all papers under this act.

**29-1-407. Consent to jurisdiction and venue.**

By contracting to perform work or furnish materials on a project located in Wyoming, each contractor, subcontractor and materialman who asserts a lien submits to the laws of Wyoming and the jurisdiction of the district and circuit courts in the county in which the project is situated with respect to all lien claims, regardless of whether the lien claimant is a resident of Wyoming and regardless of whether the contract contains a contrary choice of law or venue provision. Venue for any mediation or arbitration of lien claims shall be proper only in the county in which the project is located, unless the parties agree otherwise.

ARTICLE 5  
SUBSTITUTE SECURITY FOR LIENS

**29-1-501. Substitute security to satisfy lien; filing and effect thereof; action upon security.**

(a) Any lien created pursuant to this act filed against any real or personal property is satisfied if the owner of the property, contractor or subcontractor has deposited with the court having jurisdiction over the lien claim a corporate surety bond, letter of credit, cash or cash equivalent of established value approved by the court having jurisdiction over the lien claim in the county where the lien was filed in an amount equal to one and one-half (1½) times the amount of the lien.

(b) The security shall guarantee that if the lien claimant is finally adjudged to be entitled to recover upon the lien, the principal or his sureties, jointly and severally, in the case of a bond, or the issuer of a letter of credit shall pay the lien claimant the amount of the judgment for at least the amount for which the lien was filed plus costs and attorneys' fees.

(c) The security may be deposited any time prior to entry of a final judgment in an action to foreclose the lien.

(d) The security shall be deposited with the clerk of the court having jurisdiction over the lien claim in the county where the lien was filed.

(e) Upon depositing the security and entry of an order of the court accepting the security, the lien against the property shall be forthwith discharged and released in full, and the security deposited pursuant to this section shall be substituted. The clerk of court shall issue a notice of satisfaction of lien which the owner or lien claimant may file in the office of the county clerk where the lien was filed which shall show that the lien has been satisfied.

(f) A lien claimant whose lien has been satisfied by the substitution of the security pursuant to subsection (e) of this section may bring an action upon the security. The action shall be commenced in the court in which the security was deposited under subsection (d) of this section.

## ARTICLE 6 FALSE OR FRIVOLOUS LIENS

### **29-1-601. False or frivolous liens; damages; penalties.**

(a) Any claim of lien against a federal, state or local official or employee based on the performance or nonperformance of that official's or employee's duties shall be invalid unless accompanied by a specific order from a court of competent jurisdiction authorizing the filing of the lien or unless a specific statute authorizes the filing of the lien.

(b) Any person whose real or personal property is subject to a recorded claim of lien who believes the claim of lien is invalid under subsection (a) of this section, was forged, or that the lien claimant knew at the time of filing that the lien was groundless, contained a material misstatement or false claim, may petition the court having jurisdiction over the lien of the county in which the claim of lien has been recorded for the relief provided in this subsection. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or his attorney setting forth a concise statement of the facts upon which the motion is based. The clerk of court shall assign a case number to the petition and obtain from the petitioner a filing fee of thirty-five dollars (\$35.00). Upon the filing of the petition the following shall apply:

(i) The court may enter its order, which may be granted ex parte, directing the lien claimant to appear before the court at a time no earlier than six (6) nor later than fifteen (15) days following the date of service of the petition, and order the lien claimant to show cause, if any, why the relief provided in this subsection should not be granted;

(ii) The order shall clearly state that if the lien claimant fails to appear at the time and place noted, the claim of lien shall be stricken and released, and that the lien claimant shall be ordered to pay damages of at least one thousand dollars (\$1,000.00) or actual damages, whichever is greater, and

the costs incurred by the petitioner, including reasonable attorneys' fees;

(iii) The order and petition shall be served upon the lien claimant by personal service, or, where the court determines that service by mail or other comparable method of delivery is likely to give actual notice, the court may order that service be made by mailing or delivering copies of the petition and order to the lien claimant at his last known address or any other address determined by the court to be appropriate. Two (2) copies shall be sent, one (1) by ordinary first class mail and the other by a form of mail or other delivery method requiring a signed receipt showing when and to whom it was delivered. The envelopes shall bear the return address of the sender;

(iv) If, following a hearing on the matter the court determines that the claim of lien is invalid under subsection (a) of this section, was forged or that the lien claimant knew at the time of filing that the lien was groundless or contained a material misstatement or false claim, the court shall issue an order striking and releasing the claim of lien and awarding damages of one thousand dollars (\$1,000.00) or actual damages, whichever is greater, costs and reasonable attorneys' fees to the petitioner to be paid by the lien claimant;

(v) If the court determines that the claim of lien is valid, the court shall issue an order so stating and shall award costs and reasonable attorneys' fees to the lien claimant to be paid by the petitioner.

(c) Any person who offers to have recorded or filed a forged or groundless lien in violation of this section with the intent to threaten, harass or intimidate a public official or employee in the performance or nonperformance of his official duties is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

#### **29-2-112. Preliminary notices.**

(a) With respect to perfecting the right to file a construction lien under this chapter, the following preliminary notice requirements shall apply:

(i) The contractor, subcontractor and materialman shall send written notice to the record owner or his agent, of the right to assert a lien against the property for which services or materials are provided if the contractor, subcontractor or materialman is not paid, and the right of the owner or contractor to obtain a lien waiver upon payment for services or materials. Each subcontractor and materialman shall provide a copy of the written notice to the contractor for which the subcontractor or materialman is providing services or materials;

(ii) Any notice required under this section shall be sent:



(A) By the contractor prior to receiving any payment from owner, including advances;

(B) By the subcontractor or materialman within thirty (30) days after first providing services or materials to the construction project.

(iii) Failure to send the notice required under this section within the time specified shall bar the right of a contractor, subcontractor or materialman to assert a lien;

(iv) The notice required under this section shall be in substantially the same format and contain the same information as the notice contained in W.S. 29-10-101. The form shall be made available and may be obtained at the county clerk's office of each county.

**29-2-113. Identity of record owner or his agent provided.**

The contractor shall provide to subcontractors and materialmen at the time of contracting with them the name and address of the record owner and his agent, if applicable, and legal description of the site of the project on which work will be performed or materials furnished.

CHAPTER 9  
MISCELLANEOUS LIENS

**29-9-101. Lien of state on realty of debtor.**

The amount of every account audited, adjusted and found due to the state including penalties and interest is a lien upon the real property of the person charged with the debt. The lien shall be in effect from the time suit commences for the recovery of the debt.

**29-9-102. Lien of attorneys on papers and monies of clients.**

(a) For professional services performed on behalf of a client, an attorney shall have a lien for compensation due him from the time of giving notice of the lien. The attorney's lien attaches upon:

(i) Any papers or money of his client which have come into his possession;

(ii) Money due his client and in the possession of an adverse party.

(b) Notice as required by subsection (a) of this section to be given to any person against whom the lien is asserted shall be given by certified mail, return receipt requested.

CHAPTER 10  
FORMS

**29-10-101. Preliminary notice of right to lien; lien waiver form.**

(a) Preliminary notice of right to a lien shall be sent to the record owner of the property against which the lien may be filed and shall be completed in substantially the following form:

Note to Lien Claimant: This form, if filled out correctly and sent within the time periods specified in W.S. 29-2-112, constitutes prima facie evidence that you have provided the content of the notice required by W.S. 29-2-112(a)(i). If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

NOTICE TO OWNER

The undersigned party is providing work or materials to the property described below. Failure of payment due and owing to a contractor, subcontractor or materialman for work performed or materials provided to the project located on the property can result in the filing of a lien against the property. To avoid this result, when paying for labor and materials you may ask the contractor, subcontractor or materialman for "lien waivers" from all persons supplying materials or services. Failure to secure lien waivers may result in your paying for labor and materials twice. A form of lien waiver is attached to this notice.

Name, address and telephone number of contractor, subcontractor or materialman, and contact person:

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MATERIALS PROVIDED OR WORK PERFORMED:

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PROPERTY DESCRIPTION:

ADDRESS:

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LEGAL DESCRIPTION:

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SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

(b) The form for waiver of a lien shall be completed in substantially the following form:

Note to lien claimant: Signing this form has legal implications. If you have any questions regarding how to complete this form or whether it has been properly completed, you should consult an attorney.

**LIEN WAIVER**

TO: \_\_\_\_\_

PROJECT: \_\_\_\_\_

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

PAYMENT: \$ \_\_\_\_\_

In consideration of the PAYMENT received to date, the undersigned does hereby waive, release, and relinquish any and all claim and/or right of lien against the project and the real property improvements thereto for labor and/or materials furnished for use in construction of the project; provided however, the undersigned reserves all claims and/or rights of lien as to monies withheld as retainage in the amount of \$ \_\_\_\_\_, and any labor and/or materials hereafter furnished for which payment has not yet been made. The undersigned has not been paid the sum of \$ \_\_\_\_\_

for work performed and/or materials provided under contract on this project and retains the right to file a lien against the property and pursue any and all actions to recover the full amount due, including any and all equitable claims. The undersigned acknowledges receipt of payment for work performed or materials provided and acknowledges that this waiver may be relied upon by the owner even if the undersigned accepts payment in uncertified funds and such payment is subsequently dishonored or revoked, in which case this lien waiver shall remain in full force and effect. The foregoing waiver shall not apply, however, if payment tendered by the owner is dishonored or revoked.

By: \_\_\_\_\_  
subcontractor/materialman/employee

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ (name of person) as lien claimant or \_\_\_\_\_ (title, position or type of authority granted by lien claimant) of \_\_\_\_\_ (lien claimant).

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

**29-10-102. Form for notice of intention to file lien.**

(a) Notice of intention to file a lien shall be sent to the record owner of the property against which the lien may be filed, sent to the lien claimant and shall be completed in substantially the following form:

Note to lien claimant: This form, if filled out correctly and sent within the time periods specified in W.S. 29-2-107 constitutes prima facie evidence that you have provided the contents of the notice required by W.S. 29-2-107(a). If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: \_\_\_\_\_

Record owner or agent of owner (note: If there is more than one (1) owner, use a form for each owner)

Date: \_\_\_\_\_, 20\_\_

Re: Notice of Intention to File Lien

You are hereby notified pursuant to W.S. 29-2-107 that \_\_\_\_\_ (hereinafter the "lien claimant") intends to file a lien against your property.

The amount of the lien claim is \$\_\_\_\_\_. This amount is due from \_\_\_\_\_ (person/entity whose actions have caused a lien to be filed) pursuant to a contract with the lien claimant under which the lien claimant performed work or supplied materials for the work.

If we are unable to resolve this matter within thirty (30) days from the date of this notice, the lien claimant intends to file the lien statement asserting a lien against your property.

cc: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**29-10-103. Form of notice of filing lien.**

(a) Notice of filing a lien shall be sent to the record owner of the property against which the lien shall be filed and shall be completed in substantially the following form:

Note to lien claimant: This form, if filled out correctly and sent within the time periods specified in W.S. 29-2-107 constitutes prima facie evidence that you have provided the content of the notice required by W.S. 29-1-312(c). If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: \_\_\_\_\_

Record owner or agent of owner (note: If there is more than one (1) owner, use a form for each owner)

Date: \_\_\_\_\_, 20\_\_

Re: Notice of Filing Lien

This letter shall serve as notice to you pursuant to W.S. 29-1-312 that \_\_\_\_\_ (hereinafter the "lien claimant") has filed a lien against your property.

cc: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**29-10-104. Form for lien statement.**

(a) The lien statement shall be filed with the county clerk's office in the county where the property against which the lien is filed is located and shall be completed in substantially the following form:

Note to lien claimant: This form, if filled out correctly and filed with the county clerk's office within the time periods specified in W.S. 29-2-106 constitutes prima facie evidence that you have provided the content of the lien statement required by W.S. 29-1-312(b) and (f). If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

**LIEN STATEMENT**

Pursuant to the provisions of W.S. 29-1-312 relating to lien statements, the undersigned hereby files this lien statement and swears as follows:

1. Name and address of lien claimant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The amount claimed to be due and owing: \$\_\_\_\_\_, plus pre-judgment interest at a rate of \_\_\_\_% (if applicable), and attorneys' fees and costs incurred by lien claimant in the collection of this amount.

3. The names and addresses of the persons against whose properties the lien is filed include:

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4. An itemized list setting forth and describing the work performed or materials furnished by the lien claimant:

The amounts due and owing from \_\_\_\_\_ for the work performed and/or materials provided are set forth in the actual invoices, or if no invoices exist, then a summary, attached hereto as Exhibit "A".

5. The name of the persons whom the lien claimant asserts is/are obligated to pay the debt secured by the lien:

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6. The lien claimant last performed work, or furnished materials, for which the lien claimant asserts a lien on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

7. The legal description of the real property where the lien claimant performed work or furnished materials is set forth in Exhibit “B”, attached hereto.

8. A true and accurate copy of the written contract, if available, under which the lien claimant performed work or furnished materials is attached hereto as Exhibit “C”. If the contract was oral or is too extensive, the parties to the contract and contract terms are described below:

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A copy of the written contract, if applicable, is located at the following address:

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COUNTY OF \_\_\_\_\_ ) ss.  
\_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, subscribed and sworn to before me personally appeared \_\_\_\_\_ (name of signatory), to me personally known, who has read the foregoing Lien Statement and knows the contents thereof and the facts are true to the best of his/her knowledge, and being by me duly sworn, did state that the lien statement to be the free act and deed of the lien claimant.

Witness my hand and official seal.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

**29-10-105. Form for notice of substantial completion of the project.**

(a) The form for notice of substantial completion of the project may be filed with the county clerk in the county where the project is located in accordance with W.S. 29-2-106(c). After the notice has been duly recorded, the record owner shall send a copy of the notice to all contractors, subcontractors and materialmen who provided the record owner with preliminary notice pursuant to W.S. 29-2-112 within five (5) days after recording the notice under this section. The form shall be completed in substantially the following form:

**(In bold face type) This notice creates a presumption under W.S. 29-2-106(c) that the period for filing a lien shall begin to run on the date the notice was recorded. If the recipient of the notice has not been paid in full, any lien to be filed on the property to secure full payment shall be filed by contractors within one hundred fifty (150) days of the date the notice was recorded and within one hundred twenty (120) days the notice was recorded for materialmen.**

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_ ) ss.  
COUNTY OF \_\_\_\_\_ )

**NOTICE OF SUBSTANTIAL COMPLETION OF THE PROJECT**

Pursuant to the provisions of W.S. 29-2-106(c), the undersigned hereby files its notice of substantial completion of the project, filed with the Clerk of \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

commencing at Page \_\_\_\_\_ of Book \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name of record owner: \_\_\_\_\_

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Note to Notarial Officer: If the record owner is a legal entity formed under Title 17 of the Wyoming Statutes or other applicable law, use the first jurat. If the record owner is an individual or sole proprietor, use the second jurat.

(Alternative 1:)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, subscribed and sworn to before me personally appeared \_\_\_\_\_ (name of signatory), to me personally known, who has read the foregoing Notice of Substantial Completion of the Project and knows the contents thereof and the facts are true to the best of his/her knowledge, and being by me duly sworn, did state that he/she is the \_\_\_\_\_ (title, position or type of authority granted by record owner) of \_\_\_\_\_ (record owner) and that this Notice of Substantial Completion of the Project was signed and sealed on behalf of the record owner by authority granted to the signatory by the record owner.

Witness my hand and official seal.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

(Alternative 2:)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, subscribed and sworn to before me personally appeared \_\_\_\_\_ (name of signatory), to me personally known, who has read the foregoing Notice of Substantial Completion of the Project and knows the contents thereof and the facts are true to the best of his/her knowledge, and being by me duly sworn, did state that the Notice of Substantial Completion of the Project to be the free act and deed of the record owner.

Witness my hand and official seal.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

**29-10-106. Form for notice of satisfaction of lien.**

(a) The form for notice of satisfaction of a lien shall be filed with the county clerk’s office in the county where the property against which the lien was filed is located, sent to the record owner and shall be completed in substantially the following form:

Note to lien claimant: This form, if filled out correctly and filed with the county clerk’s office within the time period specified in W.S. 29-1-314 constitutes prima facie evidence that you have fulfilled your obligation to file a notice of satisfaction of the lien required by W.S. 29-1-313 and 29-1-314. If you have any questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

**NOTICE OF SATISFACTION OF LIEN**

Pursuant to the provisions of W.S. 29-1-313, the undersigned hereby files its notice of satisfaction of lien statement and hereby releases its lien(s), filed with the Clerk of \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, commencing at Page \_\_\_\_ of Book \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name of lien claimant: \_\_\_\_\_

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Note to Notarial Officer: If the lien claimant is a legal entity formed under Title 17 of the Wyoming Statutes or other applicable law, use the first jurat. If the lien claimant is an individual or sole proprietor, use the second jurat.

(Alternative 1:)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subscribed and sworn to before me personally appeared \_\_\_\_\_ (name of signatory), to me personally known, who has read the foregoing Notice of Satisfaction of Lien and knows the contents thereof and the facts are true to the best of his/her knowledge, and being by me duly sworn, did state that he/she is the \_\_\_\_\_ (title, position or type of authority granted by lien claimant) of \_\_\_\_\_ (lien claimant) and that this Notice of Satisfaction of Lien was signed and sealed on behalf of the lien claimant by authority granted to the signatory by the lien claimant.

Witness my hand and official seal.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

(Alternative 2:)

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subscribed and sworn to before me personally appeared \_\_\_\_\_ (name of signatory), to me personally known, who has read the foregoing Notice of Satisfaction of Lien and knows the contents thereof and the facts are true to the best of his/her knowledge, and being by me duly sworn, did state that the Notice of Satisfaction of Lien to be the free act and deed of the lien

claimant.

Witness my hand and official seal.

\_\_\_\_\_  
Notarial officer

My Commission Expires:

Seal:

**Section 2.** W.S. 5-9-128(a)(vi)(C), 29-1-201(a)(intro), (iv), (v)(intro), (vi), by creating new paragraphs (viii) through (xiii), (b)(intro) and (i), 29-2-101(a), (c) and by creating a new subsection (e), 29-2-103, 29-2-105(a)(intro), 29-2-106, 29-2-107, 29-2-108, 29-4-102, 29-5-103(b)(intro), 29-7-103(a), 29-8-102(a), 41-5-111(d) and 42-4-202(b)(intro) are amended to read:

**5-9-128. Civil jurisdiction.**

(a) Each circuit court has exclusive original civil jurisdiction within the boundaries of the state for:

(vi) Actions to foreclose and enforce the following statutory liens only, when the amount claimed on the lien does not exceed seven thousand dollars (\$7,000.00) exclusive of court costs:

(C) Liens for labor and services as provided by W.S. 29-5-101 through 29-5-106 and 29-7-101 through ~~29-7-202~~ 29-7-301; and

**29-1-201. Definitions; agency relationships presumed.**

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

(iv) "Lien claimant" means any person who claims a lien under this ~~title act~~ pursuant to a contract for improvement of property entered into by an owner of the property;

(v) "Owner" ~~as used in this act~~ means:

(vi) "Subcontractor" ~~or "materialman"~~ means a person, other than a contractor performing work ~~or furnishing materials to an owner or for~~ a contractor or subcontractor under contract;

(viii) "Material" means:

(A) Component parts incorporated into the project; and

(B) Equipment and machinery, whether or not incorporated into the project.

(ix) "Materialman" means a person other than a contractor who furnishes material to, but does not perform work for, an owner, a contractor or subcontractor under contract;

(x) "Property" means real property, personal property, or both;

(xi) "Real property" means all interests in real property, including but not limited to, the fee estate, leasehold interests, easements and rights of way;

(xii) "Send" or "sent" means, in connection with any writing or written notice, to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument to an address specified thereon or otherwise agreed, or if no address is specified, to any address reasonable under the circumstances. The foregoing method of delivery includes delivery by any commercial carrier that requests and maintains a receipt for delivery of written documents and also includes an electronic record as set forth in the Uniform Electronic Transactions Act if the sender and recipient have previously communicated by electronic means. In the event any writing is transmitted by mail with the United States postal service, such writing shall be mailed by certified mail, return receipt requested, or by mail delivery requiring a receipt for delivery. The time a writing is deemed to have been sent is the time at which the writing is deposited in the mail or delivered for transmission by any other means and, in the case of an electronic record, the time of sending is as specified in W.S. 40-21-115;

(xiii) "Written" or "writing" means printing, typewriting or any other intentional reduction to tangible form, including an electronic record created, generated, sent, communicated, received or restored by electronic means;

(xiv) "This act" means W.S. 29-1-103 through 29-10-106.

(b) Only the following agency relationships are presumed in this ~~title act~~:

(i) If any spouse enters into a contract for the performance of any work or the furnishing of any materials for the benefit of the property of the other spouse for which a lien is provided by this ~~title act~~, the spouse contracting for the work shall be presumed to be the agent of the spouse owning the property;

**29-2-101. Persons entitled to liens; extent of lien on realty; exceptions.**

(a) ~~Except as provided in W.S. 29-2-111, Every person contractor, subcontractor or materialman performing any work on or furnishing any~~

materials ~~or plans~~ for any building or any improvement upon ~~land-real property~~ shall have for his work done or plans or materials furnished a lien upon the building or improvements, and upon the ~~land-real property~~ of the owner on which they are situated to the extent of one (1) acre. If the improvements cover more than one (1) acre the lien shall extend to all the additional ~~land-real property~~ covered thereby.

(c) Notwithstanding subsection (a) of this section if the ~~land-real property~~ subject to a lien is located in any city, town or subdivision the lien shall extend to the entire lot upon which the building or improvement is located.

(e) The lien under this section shall extend to the owner's real property and easements to the extent necessary to provide legal access by a roadway for ingress and egress to the building, improvements or real property subject to the lien, not to exceed forty (40) feet in width to the nearest easement, public road or highway.

### **29-2-103. Right of judicial sale and removal of improvements.**

Any ~~person-lien claimant~~ enforcing the lien ~~provided by this chapter~~ may have the building, ~~or improvements and real property~~ sold under execution. However, if any party establishes that the ~~land-real property~~, after removal of the improvement, would be in the same or similar condition as prior to the performance of the work for which the lien is claimed, the court may authorize the removal of the improvement. In addition to attorneys' fees and costs, the party-lien claimant foreclosing the lien may be entitled to reasonable costs for removing any improvement or for restoring the property to its original condition.

### **29-2-105. Lien for improvements placed by tenant authorized by landlord.**

(a) Notwithstanding the definition of "owner", if a tenant places any improvements either within or on the outside of any building or on the ~~land-real property~~ on which the building stands, the person doing any work or furnishing any material for the purpose of the improvement shall have a lien upon the landlord's and the tenant's interest in the building and land real property as provided by this chapter if:

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

(a) ~~Every~~ Except as provided in subsection (c) of this section, any contractor asserting a lien under this chapter shall file his lien statement within one hundred twenty (120) one hundred fifty (150) days and every other person asserting a lien under this chapter shall file within ninety (90) one hundred twenty (120) days:

(i) Of the earlier of:



(A) After the last day when work was performed or materials furnished under contract;~~or~~

~~(ii)(B) From the date the of substantial completion of the project on which work was substantially completed or substantial completion of the contract to furnish performed or materials, whichever is earlier were furnished under contract; or~~

~~(iii)(i) With respect to an employee or a subcontractor, after the last day he performed work at the direction of his employer or the contractor or other person authorized to provide direction.~~

(b) No contract made between the record owner and the contractor shall be construed to affect or restrict the right of any subcontractor, journeyman or ~~worker~~ materialman to file a lien.

(c) The record owner may record a notice of substantial completion of the project in the records of the county clerk in the county where the project is located. If a notice of substantial completion of the project is recorded under this subsection, the date the notice is recorded shall be presumed to be the date of substantial completion of the project. After the notice has been duly recorded, the record owner shall send a copy of the notice within five (5) days to all contractors, subcontractors and materialmen who provided the record owner with preliminary notice pursuant to W.S. 29-2-112. The notice shall not extend the date by which a lien statement shall be filed as may otherwise be provided in this section. The time to file a lien statement by any contractor, subcontractor or materialman shall not be affected if the record owner fails to send the notice of substantial completion of the project.

(d) The notice of substantial completion of the project shall refer to this section, provide the date of substantial completion of the project on the notice and state in bold face type: “This notice creates a rebuttable presumption that the period for filing a lien shall begin to run as of the date the notice was recorded. If the recipient of the notice has not been paid in full, any lien to be filed on the property to secure full payment shall be filed by contractors within one hundred fifty (150) days of the date the notice was recorded and within one hundred twenty (120) days of the date the notice was recorded for materialmen.”

~~(e)(e)~~ Any party to a contract for which a lien may be filed may agree to an extension of the time within which the lien may be filed. The time agreed upon may not exceed twice the time within which the lien would have to be filed in accordance with subsection (a) of this section. The agreement shall be acknowledged before a notarial officer, and signed by the owner, the contractor and any other parties to the contract before it is valid. The agreement shall be filed with and recorded by the county clerk

in the manner provided by W.S. ~~29-1-301~~29-1-312 for a lien statement. The lien rights of persons not signing the agreement are not affected by it.

~~(d)~~(f) A cooperative utility claiming a lien under W.S. 29-2-101(d) shall file its lien statement within one hundred eighty (180) days after the first date the provisions of W.S. 29-2-101(d)(i) and (ii) were met. The cooperative utility and its member may agree to an extension of the time in which the lien may be filed, but the agreement may not exceed a total time for filing the lien statement beyond three hundred sixty (360) days. Any agreement for an extension under this subsection shall otherwise comply with the requirements of subsection ~~(c)~~(e) of this section.

#### **29-2-107. Notice of intention to file lien.**

(a) Before filing a lien pursuant to this chapter every person a lien claimant shall give ten (10) days send written notice to the record owner or his agent in writing of any claim against real property, a building or an improvement or for materials furnished stating the amount of any claim and from whom it is due. The notice shall be sent no later than twenty (20) days prior to filing a lien statement.

(b) The notice under this section shall be in substantially the same format and contain the same information as the notice form specified in W.S. 29-10-102. The notice forms shall be made available and may be obtained at the county clerk's office of each county.

#### **29-2-108. Duty of contractor to defend action; liability of contractor to owner.**

The contractor shall, at his own expense, defend any action brought by his employee, subcontractors hired by the contractor, their employees or by any suppliers of materials provided under contract in accordance with this chapter, ~~at his own expense~~. During the pendency of the action the owner or his agent may withhold from the contractor the amount of money for which a lien is filed. If judgment is rendered against the owner or his property on the lien foreclosure, he may deduct from any amount due to the contractor the amount of the judgment and costs. If the owner has paid the contractor in full he may recover from the contractor any amount paid by the owner for which the contractor was originally liable.

#### **29-4-102. Filing of lien statement; enforcement.**

Any person entitled may file a lien statement as provided by W.S. ~~29-1-101~~29-1-103 through ~~29-1-308~~29-1-314 and 29-2-101 through ~~29-2-109~~29-2-113 and may enforce his lien in the same manner.

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

(b) In addition to the requirements of W.S. ~~29-1-301(a)~~29-1-312(a) this

statement shall contain:

**29-7-103. Lien statement; additional contents; county clerk to note lien on certificate of title.**

(a) A lien statement under W.S. 29-7-101 through 29-7-106 shall provide in addition to the requirements of W.S. ~~29-1-301(b)~~ 29-1-312(b) whether the lien claimant was in possession of the property at the time the lien statement was filed or the owner consented to the filing of the lien. Notwithstanding W.S. ~~29-1-301(a)~~ 29-1-312(a), a feeder's lien created pursuant to W.S. 29-7-101(a)(ii) shall be filed in the office of the secretary of state together with any applicable filing fees.

**29-8-102. Producer's liens.**

(a) W.S. ~~29-1-101~~ 29-1-103 through 29-7-301 shall not apply to liens filed under this act.

**41-5-111. Irrigation facility modification and maintenance.**

(d) In order to have a perfected lien, a lien claimant shall file with the county clerk a lien statement that conforms to the requirements of W.S. ~~29-1-301~~ 29-1-312, and shall notify the last known record owner as provided in W.S. ~~29-1-301~~ 29-1-312. The county clerk shall ~~file-record~~ and index the statement as provided in W.S. ~~29-1-301~~ 29-1-312. When so perfected, the lien may be enforced in the same manner as provided in W.S. 29-4-101 and 29-4-102 and is subject to the limitation in W.S. 29-2-109.

**42-4-202. Third party liability; authority; enforcement; notice; costs.**

(b) The department may perfect and enforce its lien by following the procedures set forth in W.S. ~~29-1-301 and 29-1-302~~ 29-1-312 and 29-1-313, and its verified lien statement shall be filed with the appropriate clerk in the county of financial responsibility. The verified lien statement shall contain the following:

**Section 3.** W.S. 29-1-101 and 29-1-102, 29-1-301 through 29-1-311, 29-2-110 and 29-2-111 are repealed.

**Section 4.** The provisions of this act shall apply to all projects commenced on or after July 1, 2011. Any projects commenced prior to July 1, 2011, shall be governed by the lien procedures in title 29 that existed prior to July 1, 2011.

**Section 5.** This act is effective July 1, 2011.

Approved March 9, 2010.

**Chapter 93****POST SECONDARY EDUCATION OPTIONS PROGRAM**

Original Senate File No. 39

AN ACT relating to the Wyoming post secondary education options program; requiring agreements and mandating compliance with statutory requirements; imposing reporting requirements and granting rulemaking authority; providing for development of policy and guidelines on program components; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 21-20-201(a), (e) and (h) is amended to read:

**21-20-201. Agreement between districts and post secondary education institutions required; student participation; credits; financial arrangements; transportation; accessibility; required annual reporting.**

(a) To provide a post secondary education enrollment options program under this section, a Wyoming school district board of trustees and a Wyoming community college district board of trustees or the University of Wyoming may shall enter into an agreement to establish a postsecondary education enrollment options program whereby students resident of the participating district may attend ~~postsecondary~~ post secondary education programs offered by the university or a participating community college. Effective for the 2011-2012 school year and each school year thereafter, the post secondary education enrollment options agreement shall comply with minimum educational standards defined by the commission in consultation with the department of education, community colleges and the University of Wyoming, including post secondary education enrollment options provided by means of distance education. Additional student eligibility requirements for program participation shall be based upon criteria established by the university or the community college in collaboration with the department of education, which address the high school grade level, uniform prior curricula requirements, academic achievement levels and national examination performance indicators.

(e) A student participating in the program shall be counted within the average daily membership of the resident school district as defined under W.S. 21-13-101(a)(i) and concurrently by the participating higher education institution for its full-time equivalent enrollment count. Effective September 1, 2012 and each September 1 thereafter, any school district or institution participating in an enrollment options program agreement under this section, including any board of cooperative educational services established under W.S. 21-20-104 and involved in the program, shall file a report with the community college commission on student participation and completion and on revenues and expenditures attributable to program activities for the immediately preceding school year. The report shall be based upon policy and guidelines developed by the statewide discussions conducted

pursuant to section 2 of 2010 Senate File 39 as enacted into law. Not later than October 1 of each school year, the commission shall report to the joint education interim committee, the community colleges, the department of education and the University of Wyoming on statewide program revenues, expenditures and student participation and completion.

(h) Each school district board of trustees shall in conjunction with the University of Wyoming, community college district boards of trustees or other ~~postsecondary~~ post secondary education institutions accredited by recognized and accepted accrediting agencies, make ~~postsecondary~~ post secondary education options programs pursuant to this section reasonably accessible to eligible students.

## **Section 2.**

(a) The community college commission shall conduct discussions to develop consensus on state seamless K-12 and post secondary education programs with relevant stakeholders. For purposes of this section, relevant stakeholders include representatives from the Wyoming community college commission, the seven (7) community colleges and the University of Wyoming, including administrators, faculty and board members, the department of education, school districts including administrators, teachers and counselors, and representatives of students and parents. Results of this discussion shall be used for developing state policy and guidelines for programs:

(i) Bridging high school and post secondary education through concurrent and dual enrollment;

(ii) Providing high school students an opportunity to earn at least twelve (12) college credits in addition to coursework meeting high school graduation requirements;

(iii) Complying with criteria developed by the commission based upon consensus discussions, which prescribe statewide processes, procedures and required components for:

(A) Determining program participation through statewide uniform eligibility requirements;

(B) Establishing and maintaining quality of courses offered through dual and concurrent enrollment programs;

(C) Assuring a technological infrastructure and delivery methods through dual and concurrent enrollment following nationally established best practices;

(D) Assembling required articulation agreements between high schools and post secondary institutions pursuant to W.S. 21-20-201;

(E) Communication mechanisms established for participating students and parents;

- (F) Student support services;
  - (G) Parameters governing the use of weighted grades;
  - (H) Establishing common student performance standards and expectations and establishing measures of student outcomes;
  - (J) Course transferability between participating districts and post secondary institutions;
  - (K) Data reporting and collection instruments and requirements providing the basis for program monitoring and evaluation;
  - (M) Reporting and accountability of funding sources available to districts and post secondary education institutions for program provision.
- (b) A major component of state policy development under subsection (a) of this section shall include the establishment and maintenance of a data system compiling student enrollment, completion and outcome information for high school and post secondary education dual and concurrent enrollment programs. Efforts shall be coordinated with the transcript center within the department of education, and the longitudinal data collection effort under the Hathaway student scholarship program pursuant to 2008 Wyoming session laws, chapter 95, section 901.
- (c) In undertaking the consensus discussions and state policy development required under subsection (a) of this section, the community college commission shall give consideration to the role provided by distance education in developing criteria for providing access to dual and concurrent enrollment courses. For this purpose, the commission shall coordinate efforts with the university, community colleges and the Wyoming switchboard network administered by the department of education.
- (d) The community college commission may contract with appropriate persons and organizations to conduct the consensus discussions required under subsection (a) of this section and to assist with work necessary to establish policies and processes addressing issues identified in paragraphs (a)(i) through (iii) of this section. Progress on consensus discussions and policy development shall be periodically reported to the joint education interim committee, culminating in a final report to the committee to be submitted on or before January 1, 2011, which shall be comprised of policy recommendations on issues identified in this section, together with necessary enabling legislation. Broad public involvement shall be documented within the report, which shall serve as a basis for development of uniform policy on dual and concurrent enrollment programs.
- (e) One hundred fifty thousand dollars (\$150,000.00) is appropriated from the school foundation program account to the community college commission for the period commencing upon the effective date of this section, and ending June 30, 2011. The commission shall expend monies appropriated under this section to conduct consensus discussions and to develop policy and

processes specified under this section. The commission may use monies appropriated under this section to contract with appropriate persons and organizations as authorized under subsection (d) of this section.

**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, 2010.

## Chapter 94

### LIMITED LIABILITY COMPANIES-REVISIONS

Original Senate File No. 18

AN ACT relating to limited liability companies; generally updating and modifying statutes to comply with the revised uniform limited liability company act in part and with exceptions and changes; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 17-25-110, 17-25-111, 17-29-101 through 17-29-113, 17-29-201 through 17-29-210, 17-29-301 through 17-29-304, 17-29-401 through 17-29-410, 17-29-501 through 17-29-504, 17-29-601 through 17-29-603, 17-29-701 through 17-29-708, 17-29-901 through 17-29-906, 17-29-1001 through 17-29-1015 and 17-29-1101 through 17-29-1105 are created to read:

#### **17-25-110. Sharing of profits and losses; distributions.**

(a) A close limited liability company may divide and allocate the profits and losses of its business among the members and transferees of the company upon the basis provided in the operating agreement. If the operating agreement does not so provide, profits and losses shall be allocated on the basis of the value of contributions to the company by each member and transferee to the extent they have been received by the company and have not been returned.

(b) Distributions by a close limited liability company before its dissolution and winding up may be made among the members and transferees of the company upon the basis provided in the operating agreement. If the operating agreement does not so provide, distributions shall be made on the basis of the value of contributions to the company by each member and transferee to the extent they have been received by the company and have not been returned.

**17-25-111. Transferability of interest.**

All interests in a close limited liability company, including transferable interests, shall only be transferred as provided in the operating agreement. If the operating agreement does not so provide, no transfer of a close limited liability company interest, including a transferable interest, shall be made without the consent of all members of the company.

CHAPTER 29  
WYOMING LIMITED LIABILITY COMPANY ACT

ARTICLE 1  
GENERAL PROVISIONS

**17-29-101. Short title.**

This chapter may be cited as the “Wyoming Limited Liability Company Act”.

**17-29-102. Definitions.**

(a) As used in this chapter:

(i) “Articles of organization” means the articles required by W.S. 17-29-201(b). The term includes the articles as amended or restated;

(ii) “Contribution” means any benefit provided by a person to a limited liability company:

(A) In order to become a member upon formation of the company and in accordance with an agreement between or among the persons that have agreed to become the initial members of the company;

(B) In order to become a member after formation of the company and in accordance with an agreement between the person and the company;  
or

(C) In the person’s capacity as a member and in accordance with the operating agreement or an agreement between the member and the company.

(iii) “Debtor in bankruptcy” means a person that is the subject of:

(A) An order for relief under Title 11 of the United States Code or a successor statute of general application; or

(B) A comparable order under federal, state or foreign law governing insolvency.



(iv) “Designated office” means:

(A) The office of a registered agent that a limited liability company is required to designate and maintain under W.S. 17-28-101; or

(B) The principal office of a foreign limited liability company.

(v) “Distribution”, except as otherwise provided in W.S. 17-29-405(g), means a transfer of money or other property from a limited liability company to another person on account of a transferable interest;

(vi) “Effective” with respect to a record required or permitted to be delivered to the secretary of state for filing under this article, means effective under W.S. 17-29-205(c);

(vii) “Foreign limited liability company” means an unincorporated entity formed under the law of a jurisdiction other than this state and denominated by that law as a limited liability company or which appears to the secretary of state to possess characteristics sufficiently similar to those of a limited liability company organized under this chapter;

(viii) “Limited liability company”, except in the phrase “foreign limited liability company”, means an entity formed under this chapter;

(ix) “Low profit limited liability company” means a limited liability company that has set forth in its articles of organization a business purpose that satisfies, and which limited liability company is at all times operated to satisfy, each of the following requirements:

(A) The entity significantly furthers the accomplishment of one (1) or more charitable or educational purposes within the meaning of section 170(c)(2)(B) of the Internal Revenue Code and would not have been formed but for the entity’s relationship to the accomplishment of charitable or educational purposes;

(B) No significant purpose of the entity is the production of income or the appreciation of property provided, however, that the fact that an entity produces significant income or capital appreciation shall not, in the absence of other factors, be conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and

(C) No purpose of the entity is to accomplish one (1) or more political or legislative purposes within the meaning of section 170(c)(2)(D) of the Internal Revenue Code.

(x) “Manager” means a person that under the operating agreement of a manager-managed limited liability company is responsible, alone or

in concert with others, for performing the management functions stated in W.S. 17-29-407(c);

(xi) “Manager-managed limited liability company” means a limited liability company that qualifies under W.S. 17-29-407(a);

(xii) “Member” means a person that has become a member of a limited liability company under W.S. 17-29-401 and has not dissociated under W.S. 17-29-602;

(xiii) “Member-managed limited liability company” means a limited liability company that is not a manager-managed limited liability company;

(xiv) “Operating agreement” means the agreement, whether or not referred to as an operating agreement and whether oral, in a record, implied or in any combination thereof, of all the members of a limited liability company, including a sole member, concerning the matters described in W.S. 17-29-110(a). The term includes the agreement as amended or restated;

(xv) “Organizer” means a person that acts under W.S. 17-29-201 to form a limited liability company;

(xvi) “Person” means as defined by W.S. 8-1-102(a)(vi);

(xvii) “Principal office” means the principal executive office of a limited liability company or foreign limited liability company, whether or not the office is located in this state;

(xviii) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(xix) “Sign” or “signature” includes any manual, facsimile, conformed or electronic signature;

(xx) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States;

(xxi) “Transfer” includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, gift or transfer by operation of law;

(xxii) “Transferable interest” means the right, as originally associated with a person’s capacity as a member, to receive distributions from a limited liability company in accordance with the operating agreement, whether

or not the person remains a member or continues to own any part of the right;

(xxiii) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a member.

**17-29-103. Knowledge; notice.**

(a) A person knows a fact when the person:

(i) Has actual knowledge of it; or

(ii) Is deemed to know it under paragraph (d)(i) of this section or law other than this chapter.

(b) A person has notice of a fact when the person:

(i) Has reason to know the fact from all of the facts known to the person at the time in question; or

(ii) Is deemed to have notice of the fact under paragraph (d)(ii) of this section.

(c) A person notifies another of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not the other person knows the fact.

(d) A person that is not a member is deemed:

(i) To know of a limitation on authority to transfer real property as provided in W.S. 17-29-302(g); and

(ii) To have notice of a limited liability company's:

(A) Dissolution, ninety (90) days after articles of dissolution under W.S. 17-29-702(b)(ii)(A) and the limitation on the member's or manager's authority as a result of the statement of dissolution becomes effective;

(B) Reserved; and

(C) Merger, conversion, continuance, transfer or domestication, ninety (90) days after articles of merger, conversion, continuance, transfer or domestication under article 10 of this chapter become effective.

**17-29-104. Nature, purpose and duration of limited liability company.**

(a) A limited liability company is an entity distinct from its members.

(b) A limited liability company may have any lawful purpose, regardless of whether for profit.

(c) A limited liability company has perpetual duration.

(d) Limited liability companies may be organized under this chapter for any lawful purpose, except for the purpose of acting as a financial institution as described by W.S. 13-1-101(a)(ix) or acting as an insurer as defined in W.S. 26-1-102(a)(xvi).

(e) Nothing in this chapter shall be interpreted as precluding an individual whose occupation requires licensure under Wyoming law from forming a limited liability company if the applicable licensing statutes do not prohibit it and the licensing body does not prohibit it by rule or regulation adopted consistent with the appropriate licensing statute. No limited liability company may offer professional services or practice a profession except by and through its licensed members or licensed employees, each of whom shall retain his professional license in good standing and shall remain as fully liable and responsible for his professional activities, and subject to all rules, regulations, standards and requirements pertaining thereto, as though practicing individually rather than in a limited liability company.

**17-29-105. Powers.**

A limited liability company has the capacity to sue and be sued in its own name and the power to do all things necessary or convenient to carry on its activities.

**17-29-106. Governing law.**

(a) The law of this state governs:

(i) The internal affairs of a limited liability company; and

(ii) The liability of a member as member and a manager as manager for the debts, obligations or other liabilities of a limited liability company.

**17-29-107. Supplemental principles of law.**

Unless displaced by particular provisions of this chapter, the principles of law and equity supplement this chapter.

**17-29-108. Name.**

(a) The words "limited liability company," or its abbreviations "LLC" or "L.L.C.," "limited company," or its abbreviations "LC" or "L.C.," "Ltd. liability company," "Ltd. liability co." or "limited liability co." shall be included in

the name of every limited liability company formed under the provisions of this act except the name of a low profit limited liability company, as defined in W.S. 17-29-102(a)(ix) shall contain the abbreviations "L3C," "l3c," "low profit ltd. liability company," "low profit ltd. liability co." or "low profit limited liability co.". In addition, the limited liability company name may not:

(i) Contain a word or phrase which indicates or implies that it is organized for a purpose other than one (1) or more of the purposes contained in its articles of organization;

(ii) Be the same as, or deceptively similar to, any trademark or service mark registered in this state and shall be distinguishable upon the records of the secretary of state from other business names as provided in W.S. 17-16-401;

(iii) Contain a word or phrase which indicates or implies that it is organized under the Wyoming Business Corporation Act, the Wyoming Statutory Close Corporation Supplement or the Nonprofit Corporation Act.

(b) Nothing in this article shall prohibit the use of a tradename in accordance with applicable law.

#### **17-29-109. Reservation of name.**

(a) A person may reserve the exclusive use of the name of a limited liability company, including a fictitious or assumed name for a foreign limited liability company whose name is not available, by delivering an application to the secretary of state for filing. The application must state the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name for which application has been made is available, it shall be reserved for the applicant's exclusive use for a one hundred twenty (120) day period.

(b) The owner of a name reserved for a limited liability company may transfer the reservation to another person by delivering to the secretary of state for filing a signed notice of the transfer which states the name and address of the transferee.

#### **17-29-110. Operating agreement; scope, function and limitations.**

(a) Except as otherwise provided in subsections (b) and (c) of this section, the operating agreement governs all of the following:

(i) Relations among the members as members and between the members and the limited liability company;

(ii) The rights and duties under this chapter of a person in the capacity of manager;

(iii) The activities of the company and the conduct of those activities;

(iv) The means and conditions for amending the operating agreement;

(v) Management rights and voting rights of members;

(vi) Transferability of membership interests;

(vii) Distributions to members prior to dissolution;

(viii) All other aspects of the management of the limited liability company.

(b) To the extent the operating agreement does not otherwise provide for a matter described in subsection (a) of this section, this chapter governs the matter.

(c) An operating agreement shall not:

(i) Vary a limited liability company's capacity under W.S. 17-29-105 to sue and be sued in its own name;

(ii) Vary the law applicable under W.S. 17-29-106;

(iii) Vary the power of the court under W.S. 17-29-204;

(iv) Reserved;

(v) Eliminate the contractual obligation of good faith and fair dealing under W.S. 17-29-409(d);

(vi) Unreasonably restrict the duties and rights stated in W.S. 17-29-410;

(vii) Vary the power of a court to decree dissolution in the circumstances specified in W.S. 17-29-701(a)(iv) and (v);

(viii) Vary the requirement to wind up a limited liability company's business as specified in W.S. 17-29-702(a) and (b)(i);

(ix) Unreasonably restrict the right of a member to maintain an action under article 9 of this chapter;

(x) Reserved; or

(xi) Reserved.

**17-29-111. Operating agreement; effect on limited liability company and persons becoming members; preformation agreement.**

(a) A limited liability company is bound by and may enforce the operating agreement, whether or not the company has itself manifested assent to the operating agreement.

(b) A person that becomes a member of a limited liability company is deemed to assent to the operating agreement.

(c) Two (2) or more persons intending to become the initial members of a limited liability company may make an agreement providing that upon the formation of the company the agreement will become the operating agreement. One (1) person intending to become the initial member of a limited liability company may assent to terms providing that upon the formation of the company the terms will become the operating agreement.

**17-29-112. Operating agreement; effect on third parties and relationship to records effective on behalf of limited liability company.**

(a) An operating agreement may specify that its amendment requires the approval of a person that is not a party to the operating agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

(b) The obligations of a limited liability company and its members to a person in the person's capacity as a transferee or dissociated member are governed by the operating agreement. An amendment to the operating agreement made after a person becomes a transferee or dissociated member is effective with regard to any debt, obligation or other liability of the limited liability company or its members to the person in the person's capacity as a transferee or dissociated member.

(c) If a record that has been delivered by a limited liability company to the secretary of state for filing and has become effective under this chapter contains a provision that would be ineffective under W.S. 17-29-110(c) if contained in the operating agreement, the provision is likewise ineffective in the record.

(d) Subject to subsection (c) of this section, if a record that has been delivered by a limited liability company to the secretary of state for filing and has become effective under this chapter conflicts with a provision of the operating agreement:

(i) The operating agreement prevails as to members, dissociated members, transferees and managers; and

(ii) The record prevails as to other persons to the extent they reasonably rely on the record.

**17-29-113. Registered office and registered agent to be maintained.**

(a) Each limited liability company shall have and continuously maintain in this state:

(i) A registered office as provided in W.S. 17-28-101 through 17-28-111;

(ii) A registered agent as provided in W.S. 17-28-101 through 17-28-111.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all limited liability companies.

ARTICLE 2

FORMATION, ARTICLES OF ORGANIZATION AND OTHER FILINGS

**17-29-201. Formation of limited liability company; articles of organization.**

(a) One (1) or more persons may act as organizers to form a limited liability company by signing and delivering to the secretary of state for filing articles of organization.

(b) Articles of organization shall state:

(i) The name of the limited liability company, which must comply with W.S. 17-29-108;

(ii) The street address of the limited liability company's initial registered office and the name of its initial registered agent at that office; and

(iii) Reserved.

(c) The articles of organization shall be accompanied by a written consent to appointment signed by the registered agent.

(d) Subject to W.S. 17-29-112(c), articles of organization may also contain statements as to matters other than those required by subsection (b) of this section. However, a statement in articles of organization is not effective as



a statement of authority.

(e) The following rules apply:

(i) A limited liability company is formed when the articles of organization become effective, unless the articles state a delayed effective date pursuant to W.S. 17-29-205(c);

(ii) If the articles state a delayed effective date, a limited liability company is not formed if, before the articles take effect, a statement of cancellation is signed and delivered to the secretary of state for filing and the secretary of state files the articles;

(iii) Subject to any delayed effective date and except in a proceeding by this state to dissolve a limited liability company, the filing of the articles of organization by the secretary of state is conclusive proof that the organizer satisfied all conditions to the formation of a limited liability company.

**17-29-202. Amendment or restatement of articles of organization.**

(a) Articles of organization may be amended or restated at any time. Articles of organization shall be amended when:

(i) There is a change in the name of the limited liability company;

(ii) There is a false or erroneous statement in the articles of organization.

(b) To amend its articles of organization, a limited liability company must deliver to the secretary of state for filing an amendment stating:

(i) The name of the company;

(ii) The date of filing of its articles of organization; and

(iii) The changes the amendment makes to the articles as most recently amended or restated.

(c) To restate its articles of organization, a limited liability company shall deliver to the secretary of state for filing a restatement, designated as such in its heading, stating:

(i) In the heading or an introductory paragraph, the company's present name and the date of the filing of the company's initial articles of organization; and

(ii) The changes the restatement makes to the articles as most recently

amended or restated.

(d) Subject to W.S. 17-29-112(c) and 17-29-205(c), an amendment to or restatement of articles of organization is effective when delivered for filing with the secretary of state.

(e) If a member of a member-managed limited liability company, or a manager of a manager-managed limited liability company, knows that any information in filed articles of organization was inaccurate when the articles were filed or has become inaccurate owing to changed circumstances, the member or manager shall promptly:

(i) Cause the articles to be amended; or

(ii) If appropriate, deliver to the secretary of state for filing a statement of correction under W.S. 17-28-102 or a statement of correction under W.S. 17-29-206.

**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:

(i) Except as otherwise provided in paragraphs (ii) through (iv) of this subsection, a record signed on behalf of a limited liability company shall be signed by a person authorized by the company;

(ii) A limited liability company's initial articles of organization shall be signed by at least one (1) person acting as an organizer;

(iii) Reserved;

(iv) A record filed on behalf of a dissolved limited liability company that has no members shall be signed by the person winding up the company's activities under W.S. 17-29-702(c) or a person appointed under W.S. 17-29-702(d) to wind up those activities;

(v) A statement of cancellation under W.S. 17-29-201(d)(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;

(vi) A statement of denial by a person under W.S. 17-29-303 shall be signed by that person; and

(vii) Any other record shall be signed by the person on whose behalf the record is delivered to the secretary of state.

(b) Any record filed under this chapter may be signed by an agent.

**17-29-204. Signing and filing pursuant to judicial order.**

(a) If a person required by this chapter to sign a record or deliver a record to the secretary of state for filing under this chapter does not do so, any other person that is aggrieved may petition the appropriate court to order:

(i) The person to sign the record;

(ii) The person to deliver the record to the secretary of state for filing;  
or

(iii) The secretary of state to file the record unsigned.

(b) If a petitioner under subsection (a) of this section is not the limited liability company or foreign limited liability company to which the record pertains, the petitioner shall make the company a party to the action.

**17-29-205. Delivery to and filing of records by secretary of state; effective time and date.**

(a) A record authorized or required to be delivered to the secretary of state for filing under this chapter shall be captioned to describe the record's purpose, be in a medium permitted by the secretary of state, and be delivered to the secretary of state. If the filing fees have been paid, unless the secretary of state determines that a record does not comply with the filing requirements of this chapter, the secretary of state shall file the record and:

(i) For a statement of denial under W.S. 17-29-303, send a copy of the filed statement and a receipt for the fees to the person on whose behalf the statement was delivered for filing and to the limited liability company; and

(ii) For all other records, send a copy of the filed record and a receipt for the fees to the person on whose behalf the record was filed.

(b) Upon request and payment of the requisite fee, the secretary of state shall send to the requester a certified copy of a requested record.

(c) Except as otherwise provided in W.S. 17-28-103 and 17-29-206, a record delivered to the secretary of state for filing under this article shall be effective as provided in W.S. 17-16-123.

**17-29-206. Correcting filed record.**

(a) A limited liability company or foreign limited liability company may deliver to the secretary of state for filing a statement of correction to correct a record previously delivered by the company to the secretary of state and filed by the secretary of state, if at the time of filing the record contained inaccurate information or was defectively signed.

(b) A statement of correction under subsection (a) of this section may not state a delayed effective date and shall:

(i) Describe the record to be corrected, including its filing date, or attach a copy of the record as filed;

(ii) Specify the inaccurate information and the reason it is inaccurate or the manner in which the signing was defective; and

(iii) Correct the defective signature or inaccurate information.

(c) When filed by the secretary of state, a statement of correction under subsection (a) of this section is effective retroactively as of the effective date of the record the statement corrects, but the statement is effective when filed:

(i) For the purposes of W.S. 17-29-103(d); and

(ii) As to persons that previously relied on the uncorrected record and would be adversely affected by the retroactive effect.

**17-29-207. Liability for inaccurate information in filed record.**

(a) If a record delivered to the secretary of state for filing under this chapter and filed by the secretary of state contains inaccurate information, a person that suffers a loss by reliance on the information may recover damages for the loss from:

(i) A person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be inaccurate at the time the record was signed; and

(ii) Subject to subsection (b) of this section, a member of a member-managed limited liability company or the manager of a manager-managed limited liability company, if:

(A) The record was delivered for filing on behalf of the company; and

(B) The member or manager had notice of the inaccuracy for a reasonably sufficient time before the information was relied upon so that,

before the reliance, the member or manager reasonably could have:

(I) Effected an amendment under W.S. 17-29-202;

(II) Filed a petition under W.S. 17-29-204; or

(III) Delivered to the secretary of state for filing a statement of correction under W.S. 17-28-102 or a statement of correction under W.S. 17-29-206.

(b) To the extent that the operating agreement of a member-managed limited liability company expressly relieves a member of responsibility for maintaining the accuracy of information contained in records delivered on behalf of the company to the secretary of state for filing under this chapter and imposes that responsibility on one (1) or more other members, the liability stated in paragraph (a)(ii) of this section applies to those other members and not to the member that the operating agreement relieves of the responsibility.

(c) An individual who signs a record authorized or required to be filed under this chapter affirms under penalty of perjury that the information stated in the record is accurate.

**17-29-208. Certificate of existence or authorization.**

(a) The secretary of state, upon request and payment of the requisite fee, shall furnish to any person a certificate of existence for a limited liability company if the records filed in the office of the secretary of state show that the company has been formed under W.S. 17-29-201 and the secretary of state has not filed articles of dissolution pertaining to the company. A certificate of existence shall state:

(i) The company's name;

(ii) That the company was duly formed under the laws of this state and the date of formation;

(iii) Whether all fees, taxes and penalties due under this chapter or other law to the secretary of state have been paid;

(iv) Whether the company's most recent annual report required by W.S. 17-29-209 has been filed by the secretary of state;

(v) Whether the secretary of state has administratively dissolved the company;

(vi) Whether the company has delivered to the secretary of state for filing articles of dissolution;

(vii) Reserved; and

(viii) Other facts of record in the office of the secretary of state which are specified by the person requesting the certificate.

(b) Subject to any qualification stated in the certificate, a certificate of existence or certificate of authorization issued by the secretary of state is conclusive evidence that the limited liability company is in existence.

**17-29-209. Annual report for secretary of state.**

(a) Every limited liability company organized under the laws of this state and every foreign limited liability company which obtains the right to transact and carry on business within this state shall file with the secretary of state on or before the first day of the month of organization of every year a certification, under the penalty of perjury, by its treasurer or other fiscal agent setting forth its capital, property and assets located and employed in the state of Wyoming. The statement shall give the address of its principal office. On or before the first day of the month of organization of every year the limited liability company or foreign limited liability company shall pay to the secretary of state in addition to all other statutory taxes and fees a license fee based upon the sum of its capital, property and assets reported, of fifty dollars (\$50.00) or two-tenths of one mill on the dollar (\$.0002), whichever is greater.

(b) The provisions of subsection (a) of this section shall be modified as follows:

(i) Any limited liability company or foreign limited liability company engaged in the public calling of carrying goods, passengers or information interstate is not required to comply with the provisions of subsection (a) of this section except to the extent of capital, property and assets used in intrastate business in this state;

(ii) The value of all mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposit, is or shall be produced is deemed equivalent to the assessed value of the gross product thereof, for the previous year;

(iii) The assessed value of any property shall be its actual value.

(c) Financial information in the annual report shall be current as of the end of the limited liability company's or foreign limited liability company's fiscal year immediately preceding the date the annual report is executed on behalf of the company. All other information in the annual report shall be current as of the date the annual report is executed on behalf of the company.

(d) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign limited liability company in writing and return the report to it for correction.

(e) Every limited liability company or foreign limited liability company registered or authorized to do business in the state of Wyoming shall preserve for three (3) years at its principal place of business, suitable records and books as may be necessary to determine the amount of fee for which it is liable under this section. All records and books shall be available for examination by the secretary of state or his designee during regular business hours except as arranged by mutual consent.

**17-29-210. Fees; annual fee.**

(a) The secretary of state shall charge and collect fees from limited liability companies and foreign limited liability companies for:

(i) Filing the original articles of organization or issuing a certificate of authority for a foreign limited liability company, one hundred dollars (\$100.00);

(ii) For amending the articles of organization, a filing fee of fifty dollars (\$50.00);

(iii) An annual fee accompanying the report required in W.S. 17-29-209, due and payable on or before the date of the filing under W.S. 17-29-209;

(iv) Filing, service and copying fees for those services provided by his office for which a fee is not otherwise established. A fee shall not exceed the cost of providing the service.

(b) Except for articles of organization, any document to be filed with the secretary of state shall be signed by the member, members, manager, managers or other authorized individual as set forth in the operating agreement. A person signing a document, including the articles of organization, he knows is false in any material respect with intent that the document be delivered to the secretary of state for filing under this act is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than six (6) months, or both.

(c) Any foreign limited liability company transacting business in this state without qualifying is subject to the penalties provided by W.S. 17-16-1502(d).

ARTICLE 3

RELATIONS OF MEMBERS AND MANAGERS  
TO PERSONS DEALING WITH LIMITED LIABILITY COMPANY

**17-29-301. No agency power of member as member.**

(a) A member is not an agent of a limited liability company solely by reason of being a member.

(b) A person's status as a member does not prevent or restrict law other than this chapter from imposing liability on a limited liability company because of the person's conduct.

**17-29-302. Statement of authority.**

(a) A limited liability company may deliver to the secretary of state for filing a statement of authority. The statement:

(i) Shall include the name of the company and the street and mailing addresses of its designated office;

(ii) With respect to any position that exists in or with respect to the company, may state the authority, or limitations on the authority, of all persons holding the position to:

(A) Execute an instrument transferring real property held in the name of the company; or

(B) Enter into other transactions on behalf of, or otherwise act for or bind, the company; and

(iii) May state the authority, or limitations on the authority, of a specific person to:

(A) Execute an instrument transferring real property held in the name of the company; or

(B) Enter into other transactions on behalf of, or otherwise act for or bind, the company.

(b) To amend or cancel a statement of authority filed by the secretary of state under W.S. 17-29-205(a), a limited liability company shall deliver to the secretary of state for filing an amendment or cancellation stating:

(i) The name of the company;

(ii) The street and mailing addresses of the company's designated office;



(iii) The caption of the statement being amended or cancelled and the date the statement being affected became effective; and

(iv) The contents of the amendment or a declaration that the statement being affected is cancelled.

(c) A statement of authority affects only the power of a person to bind a limited liability company to persons that are not members.

(d) Subject to subsection (c) of this section and W.S. 17-29-103(d) and except as otherwise provided in subsections (f), (g) and (h) of this section, a limitation on the authority of a person or a position contained in an effective statement of authority is not by itself evidence of knowledge or notice of the limitation by any person.

(e) Subject to subsection (c) of this section, a grant of authority not pertaining to transfers of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that when the person gives value:

(i) The person has knowledge to the contrary;

(ii) The statement has been cancelled or restrictively amended under subsection (b) of this section; or

(iii) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

(f) Subject to subsection (c) of this section, an effective statement of authority that grants authority to transfer real property held in the name of the limited liability company and that is recorded by certified copy in the office for recording transfers of the real property is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value:

(i) The statement has been cancelled or restrictively amended under subsection (b) of this section and a certified copy of the cancellation or restrictive amendment has been recorded in the office for recording transfers of the real property; or

(ii) A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective and a certified copy of the later effective statement is recorded in the office for recording transfers of the real property.

(g) Subject to subsection (c) of this section, if a certified copy of an effective

statement containing a limitation on the authority to transfer real property held in the name of a limited liability company is recorded in the office for recording transfers of that real property, all persons are deemed to know of the limitation.

(h) Subject to subsection (j) of this section, an effective statement of dissolution or termination is a cancellation of any filed statement of authority for the purposes of subsection (f) of this section and is a limitation on authority for the purposes of subsection (g) of this section.

(j) After a statement of dissolution becomes effective, a limited liability company may deliver to the secretary of state for filing and, if appropriate, may record a statement of authority that is designated as a post dissolution statement of authority. The statement operates as provided in subsections (f) and (g) of this section.

(k) Unless earlier cancelled, an effective statement of authority is cancelled by operation of law five (5) years after the date on which the statement, or its most recent amendment, becomes effective. This cancellation operates without need for any recording under subsection (f) or (g) of this section.

(m) An effective statement of denial operates as a restrictive amendment under this section and may be recorded by certified copy for the purposes of paragraph (f)(i) of this section.

**17-29-303. Statement of denial.**

(a) A person named in a filed statement of authority granting that person authority may deliver to the secretary of state for filing a statement of denial that:

(i) Provides the name of the limited liability company and the caption of the statement of authority to which the statement of denial pertains; and

(ii) Denies the grant of authority.

**17-29-304. Liability of members and managers.**

(a) The debts, obligations or other liabilities of a limited liability company, whether arising in contract, tort or otherwise:

(i) Are solely the debts, obligations or other liabilities of the company; and

(ii) Do not become the debts, obligations or other liabilities of a member or manager solely by reason of the member acting as a member or manager acting as a manager.

(b) The failure of a limited liability company to observe any particular formalities relating to the exercise of its powers or management of its activities is not a ground for imposing liability on the members or managers for the debts, obligations or other liabilities of the company.

ARTICLE 4  
RELATIONS OF MEMBERS TO EACH OTHER AND TO THE LIMITED  
LIABILITY COMPANY

**17-29-401. Becoming a member.**

(a) If a limited liability company is to have only one (1) member upon formation, the person becomes a member as determined by that person and the organizer of the company. That person and the organizer may be, but need not be, different persons. If different, the organizer acts on behalf of the initial member.

(b) If a limited liability company is to have more than one (1) member upon formation, those persons become members as agreed by them. The organizer acts on behalf of the persons in forming the company and may be, but need not be, one of the persons.

(c) Reserved.

(d) After formation of a limited liability company, a person becomes a member:

(i) As provided in the operating agreement;

(ii) As the result of a transaction effective under article 10 of this chapter;

(iii) With the consent of all the members; or

(vi) If, within ninety (90) consecutive days after the company ceases to have any members:

(A) The last person to have been a member, or the legal representative of that person, designates a person to become a member; and

(B) The designated person consents to become a member.

(e) A person may become a member without acquiring a transferable interest and without making or being obligated to make a contribution to the limited liability company.

**17-29-402. Form of contribution.**

A contribution may consist of tangible or intangible property or other benefit to a limited liability company, including money, services performed, promissory notes, other agreements to contribute money or property and contracts for services to be performed.

**17-29-403. Liability for contributions.**

A person's obligation to make a contribution to a limited liability company is not excused by the person's death, disability or other inability to perform personally. If a person does not make a required contribution, the person or the person's estate is obligated to contribute money equal to the value of the part of the contribution which has not been made, at the option of the company.

**17-29-404. Sharing of and right to distributions before dissolution.**

(a) Any distributions made by a limited liability company before its dissolution and winding up shall be in equal shares among members and dissociated members, except:

(i) To the extent otherwise provided in a written or verbal operating agreement as set forth in W.S. 17-29-110;

(ii) To the extent necessary to comply with any transfer effective under W.S. 17-29-502 and any charging order in effect under W.S. 17-29-503; or

(iii) To the extent otherwise represented by the company through an authorized representative in tax filings with the Internal Revenue Service in which the status elected by the company is not timely disputed by any member.

(b) A person has a right to a distribution before the dissolution and winding up of a limited liability company only if the company decides to make an interim distribution. A person's dissociation does not entitle the person to a distribution.

(c) A person does not have a right to demand or receive a distribution from a limited liability company in any form other than money. Except as otherwise provided in W.S. 17-29-708(c), a limited liability company may distribute an asset in kind if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

(d) If a member or transferee becomes entitled to receive a distribution, the member or transferee has the status of, and is entitled to all remedies available to, a creditor of the limited liability company with respect to the distribution.

**17-29-405. Limitations on distribution.**

(a) A limited liability company shall not make a distribution if after the distribution:

(i) The company would not be able to pay its debts as they become due in the ordinary course of the company's activities; or

(ii) The company's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the company were to be dissolved, wound up and terminated at the time of the distribution, to satisfy the preferential rights upon dissolution, winding up and termination of members whose preferential rights are superior to those of persons receiving the distribution.

(b) A limited liability company may base a determination that a distribution is not prohibited under subsection (a) of this section on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable under the circumstances.

(c) Except as otherwise provided in subsection (f) of this section, the effect of a distribution under subsection (a) of this section is measured:

(i) In the case of a distribution by purchase, redemption or other acquisition of a transferable interest in the company, as of the date money or other property is transferred or debt incurred by the company; and

(ii) In all other cases, as of the date:

(A) The distribution is authorized, if the payment occurs within one hundred twenty (120) days after that date; or

(B) The payment is made, if the payment occurs more than one hundred twenty (120) days after the distribution is authorized.

(d) Except as otherwise expressly agreed in writing, a limited liability company's indebtedness to a member incurred by reason of a distribution made in accordance with this section is at parity with the company's indebtedness to its general, unsecured creditors.

(e) A limited liability company's indebtedness, including indebtedness issued in connection with or as part of a distribution, is not a liability for purposes of subsection (a) of this section if the terms of the indebtedness provide that payment of principal and interest are made only to the extent that a distribution could be made to members under this section.

(f) If indebtedness is issued as a distribution, each payment of principal or interest on the indebtedness is treated as a distribution, the effect of which is measured on the date the payment is made.

(g) In subsection (a) of this section, "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.

**17-29-406. Liability for improper distributions.**

(a) Except as otherwise provided in subsection (b) of this section, if a member of a member-managed limited liability company or manager of a manager-managed limited liability company consents to a distribution made in violation of W.S. 17-29-405 and in consenting to the distribution fails to comply with W.S. 17-29-409, the member or manager is personally liable to the company for the amount of the distribution that exceeds the amount that could have been distributed without the violation of W.S. 17-29-405.

(b) To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of the authority and responsibility to consent to distributions and imposes that authority and responsibility on one (1) or more other members, the liability stated in subsection (a) of this section applies to the other members and not the member that the operating agreement relieves of authority and responsibility.

(c) A person that receives a distribution knowing that the distribution to that person was made in violation of W.S. 17-29-405 is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under W.S. 17-29-405.

(d) A person against which an action is commenced because the person is liable under subsection (a) of this section may:

(i) Implead any other person that is subject to liability under subsection (a) of this section and seek to compel contribution from the person; and

(ii) Implead any person that received a distribution in violation of subsection (c) of this section and seek to compel contribution from the person in the amount the person received in violation of subsection (c) of this section.

(e) An action under this section is barred if not commenced within two (2) years after the distribution.

**17-29-407. Management of limited liability company.**

(a) A limited liability company is a member-managed limited liability company unless the articles of organization or the operating agreement:

(i) Expressly provides that:

(A) The company is or will be “manager-managed”;

(B) The company is or will be “managed by managers”; or

(C) Management of the company is or will be “vested in managers”;

or

(ii) Includes words of similar import.

(b) In a member-managed limited liability company, unless the articles of organization or the operating agreement provide otherwise, the following rules apply:

(i) The management and conduct of the company are vested in the members;

(ii) Each member has equal rights in the management and conduct of the company’s activities except to the extent otherwise represented by the company through an authorized representative in tax filings with the Internal Revenue Service in which the status elected by the company is not timely disputed by any member;

(iii) A difference arising among members as to a matter in the ordinary course of the activities of the company may be decided by a majority of the members;

(iv) An act outside the ordinary course of the activities of the company may be undertaken only with the consent of all members;

(v) The operating agreement may be amended only with the consent of all members.

(c) In a manager-managed limited liability company, unless the articles of organization or the operating agreement provide otherwise, the following rules apply:

(i) Except as otherwise expressly provided in this chapter, any matter relating to the activities of the company is decided exclusively by the managers;

(ii) Each manager has equal rights in the management and conduct

of the activities of the company;

(iii) A difference arising among managers as to a matter in the ordinary course of the activities of the company may be decided by a majority of the managers;

(iv) The consent of all members is required to:

(A) Sell, lease, exchange or otherwise dispose of all, or substantially all, of the company's property, with or without the good will, outside the ordinary course of the company's activities;

(B) Approve a merger, conversion, continuance, transfer or domestication under article 10 of this chapter;

(C) Undertake any other act outside the ordinary course of the company's activities; and

(D) Amend the operating agreement.

(v) A manager may be chosen at any time by the consent of a majority of the members and remains a manager until a successor has been chosen, unless the manager at an earlier time resigns, is removed or dies, or, in the case of a manager that is not an individual, terminates. A manager may be removed at any time by the consent of a majority of the members without notice or cause;

(vi) A person need not be a member to be a manager, but the dissociation of a member that is also a manager removes the person as a manager. If a person that is both a manager and a member ceases to be a manager, that cessation does not by itself dissociate the person as a member;

(vii) A person's ceasing to be a manager does not discharge any debt, obligation or other liability to the limited liability company or members which the person incurred while a manager.

(d) An action requiring the consent of members under this article may be taken without a meeting, and a member may appoint a proxy or other agent to consent or otherwise act for the member by signing an appointing record, personally or by the member's agent.

(e) The dissolution of a limited liability company does not affect the applicability of this section. However, a person that wrongfully causes dissolution of the company loses the right to participate in management as a member and a manager.

(f) This article does not entitle a member to remuneration for services performed for a member-managed limited liability company, except for



reasonable compensation for services rendered in winding up the activities of the company.

**17-29-408. Indemnification and insurance.**

(a) A limited liability company shall reimburse for any payment made and indemnify for any debt, obligation or other liability incurred by a member of a member-managed company or the manager of a manager-managed company in the course of the member's or manager's activities on behalf of the company, if, in making the payment or incurring the debt, obligation or other liability, the member or manager complied with the duties stated in W.S. 17-29-405 and 17-29-409.

(b) A limited liability company may purchase and maintain insurance on behalf of a member or manager of the company against liability asserted against or incurred by the member or manager in that capacity or arising from that status.

**17-29-409. Standards of conduct for members and managers.**

(a) A member of a member-managed limited liability company owes to the company and, subject to W.S. 17-29-901(b), the other members the fiduciary duties of loyalty and care stated in subsections (b) and (c).

(b) The duty of loyalty of a member in a member-managed limited liability company includes the duties:

(i) To account to the company and to hold as trustee for it any property, profit or benefit derived by the member:

(A) In the conduct or winding up of the company's activities;

(B) From a use by the member of the company's property; or

(C) From the appropriation of a limited liability company opportunity;

(ii) To refrain from dealing with the company in the conduct or winding up of the company's activities as or on behalf of a person having an interest adverse to the company; and

(iii) To refrain from competing with the company in the conduct of the company's activities before the dissolution of the company.

(c) Subject to the business judgment rule, the duty of care of a member of a member-managed limited liability company in the conduct and winding up of the company's activities is to act with the care that a person in a like position would reasonably exercise under similar circumstances and in a

manner the member reasonably believes to be in the best interests or at least not opposed to the best interests of the company. In discharging this duty, a member may rely in good faith upon opinions, reports, statements or other information provided by another person that the member reasonably believes is a competent and reliable source for the information.

(d) A member in a member-managed limited liability company or a manager-managed limited liability company shall discharge the duties under this chapter or under the operating agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing.

(e) It is a defense to a claim under paragraph (b)(ii) of this section and any comparable claim in equity or at common law that the transaction was fair to or at least not opposed to the limited liability company.

(f) All of the members of a member-managed limited liability company or a manager-managed limited liability company may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty.

(g) In a manager-managed limited liability company, the following rules apply:

(i) Subsections (a), (b), (c) and (e) of this section apply to the manager or managers and not the members;

(ii) The duty stated under paragraph (b)(iii) of this section continues until winding up is completed;

(iii) Subsection (d) of this section applies to the members and managers;

(iv) Subsection (f) of this section applies only to the members;

(v) A member does not have any fiduciary duty to the company or to any other member solely by reason of being a member.

**17-29-410. Right of members, managers and dissociated members to information.**

(a) In a member-managed limited liability company, the following rules apply:

(i) On reasonable notice, a member may inspect and copy during regular business hours, at a reasonable location specified by the company, any record maintained by the company regarding the company's activities, financial condition and other circumstances, to the extent the information is

material to the member's rights and duties under the operating agreement or this chapter;

(ii) The company shall furnish to each member:

(A) On demand, any information concerning the company's activities, financial condition and other circumstances which the company knows and is material to the proper exercise of the member's rights and duties under the operating agreement or this chapter, except to the extent the company can establish that it reasonably believes the member already knows the information; and

(B) On demand, any other information concerning the company's activities, financial condition and other circumstances, except to the extent the demand or information demanded is unreasonable or otherwise improper under the circumstances.

(iii) The duty to furnish information under paragraph (ii) of this subsection also applies to each member to the extent the member knows any of the information described in paragraph (ii) of this subsection.

(b) In a manager-managed limited liability company, the following rules apply:

(i) The informational rights stated in subsection (a) of this section and the duty stated in paragraph (a)(iii) of this section apply to the managers and not the members;

(ii) During regular business hours and at a reasonable location specified by the company, a member may obtain from the company and inspect and copy full information regarding the activities, financial condition and other circumstances of the company as is just and reasonable if:

(A) The member seeks the information for a purpose material to the member's interest as a member;

(B) The member makes a demand in a record received by the company, describing with reasonable particularity the information sought and the purpose for seeking the information; and

(C) The information sought is directly connected to the member's purpose.

(iii) Within ten (10) days after receiving a demand pursuant to subparagraph (ii)(B) of this subsection, the company shall in a record inform the member that made the demand:

(A) Of the information that the company will provide in response to

the demand and when and where the company will provide the information; and

(B) If the company declines to provide any demanded information, the company's reasons for declining.

(iv) Whenever this chapter or an operating agreement provides for a member to give or withhold consent to a matter, before the consent is given or withheld, the company shall, upon demand, provide the member with all information that is known to the company and is material to the member's decision.

(c) On ten (10) days' demand made in a record received by a limited liability company, a dissociated member may have access to information to which the person was entitled while a member if the information pertains to the period during which the person was a member, the person seeks the information in good faith and the person satisfies the requirements imposed on a member by paragraph (b)(ii) of this section. The company shall respond to a demand made pursuant to this subsection in the manner provided in paragraph (b)(iii) of this section.

(d) A limited liability company may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.

(e) A member or dissociated member may exercise rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the operating agreement or under subsection (g) of this section applies both to the agent or legal representative and the member or dissociated member.

(f) The rights under this section do not extend to a person as transferee.

(g) In addition to any restriction or condition stated in its operating agreement, a limited liability company, as a matter within the ordinary course of its activities, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the company has the burden of proving reasonableness.

ARTICLE 5  
TRANSFERABLE INTERESTS AND RIGHTS OF TRANSFEREES  
AND CREDITORS

**17-29-501. Nature of transferable interest.**

A transferable interest is personal property.

**17-29-502. Transfer of transferable interest.**

(a) A transfer, in whole or in part, of a transferable interest:

(i) Is permissible;

(ii) Except as otherwise provided in this chapter, does not by itself cause a member's dissociation or a dissolution and winding up of the limited liability company's activities; and

(iii) Subject to W.S. 17-29-504, does not entitle the transferee to:

(A) Participate in the management or conduct of the company's activities; or

(B) Except as otherwise provided in subsection (c) of this section, have access to records or other information concerning the company's activities.

(b) A transferee has the right to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled.

(c) In a dissolution and winding up of a limited liability company, a transferee is entitled to an account of the company's transactions only from the date of dissolution.

(d) A transferable interest may be evidenced by a certificate of the interest issued by the limited liability company in a record, and, subject to this section, the interest represented by the certificate may be transferred by a transfer of the certificate.

(e) A limited liability company need not give effect to a transferee's rights under this section until the company has notice of the transfer.

(f) A transfer of a transferable interest in violation of a restriction on transfer contained in the operating agreement is ineffective as to a person having notice of the restriction at the time of transfer.

(g) Except as otherwise provided in W.S. 17-29-602(a)(iv)(B), when a member transfers a transferable interest, the transferor retains the rights of a member other than the interest in distributions transferred and retains all duties and obligations of a member.

(h) When a member transfers a transferable interest to a person that becomes a member with respect to the transferred interest, the transferee is liable for the member's obligations under W.S. 17-29-403 and 17-29-406(c)

known to the transferee when the transferee becomes a member.

**17-29-503. Charging order.**

(a) On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. A charging order requires the limited liability company to pay over to the person to which the charging order was issued any distribution that would otherwise be paid to the judgment debtor.

(b) Reserved.

(c) Reserved.

(d) The member or transferee whose transferable interest is subject to a charging order under subsection (a) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

(e) A limited liability company or one (1) or more members whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

(f) This article does not deprive any member or transferee of the benefit of any exemption laws applicable to the member's or transferee's transferable interest.

(g) This section provides the exclusive remedy by which a person seeking to enforce a judgment against a judgment debtor, including any judgment debtor who may be the sole member, dissociated member or transferee, may, in the capacity of the judgment creditor, satisfy the judgment from the judgment debtor's transferable interest or from the assets of the limited liability company. Other remedies, including foreclosure on the judgment debtor's limited liability interest and a court order for directions, accounts and inquiries that the judgment debtor might have made are not available to the judgment creditor attempting to satisfy a judgment out of the judgment debtor's interest in the limited liability company and may not be ordered by the court.

**17-29-504. Power of personal representative of deceased member.**

If a member dies, the deceased member's personal representative or other legal representative may exercise the rights of a transferee provided in W.S. 17-29-502(c) and, for the purposes of settling the estate, the rights of

a current member under W.S. 17-29-410.

ARTICLE 6  
MEMBER'S DISSOCIATION

**17-29-601. Member's power to dissociate; wrongful dissociation.**

(a) A person has the power to dissociate as a member at any time, rightfully or wrongfully, by withdrawing as a member by express will under W.S. 17-29-602(a)(i).

(b) A person's dissociation from a limited liability company is wrongful only if the dissociation:

(i) Is in breach of an express provision of the operating agreement;  
or

(ii) Occurs before the termination of the company and:

(A) The person is expelled as a member by judicial order under W.S. 17-29-602(a)(v); or

(B) The person is dissociated under W.S. 17-29-602(a)(vii)(A) by becoming a debtor in bankruptcy.

(c) A person that wrongfully dissociates as a member is liable to the limited liability company and, subject to W.S. 17-29-901, to the other members for damages caused by the dissociation. The liability is in addition to any other debt, obligation or other liability of the member to the company or the other members.

**17-29-602. Events causing dissociation.**

(a) A person is dissociated as a member from a limited liability company when:

(i) The company has notice of the person's express will to withdraw as a member, but, if the person specified a withdrawal date later than the date the company had notice, on that later date;

(ii) An event stated in the operating agreement as causing the person's dissociation occurs;

(iii) The person is expelled as a member pursuant to the operating agreement;

(iv) The person is expelled as a member by the unanimous consent of the other members if:

(A) It is unlawful to carry on the company's activities with the person as a member;

(B) There has been a transfer of all of the person's transferable interest in the company, other than:

(I) A transfer for security purposes; or

(II) A charging order in effect under W.S. 17-29-503.

(C) The person is an entity as defined in W.S. 17-16-140(a)(xiii) and, within ninety (90) days after the company notifies the person that it will be expelled as a member because the person has filed articles of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, the articles of dissolution has not been revoked or its charter or right to conduct business has not been reinstated; or

(D) The person is some other entity not described in subparagraph (C) of this paragraph that has been dissolved and whose business is being wound up.

(v) On application by the company, the person is expelled as a member by judicial order because the person:

(A) Has engaged, or is engaging, in wrongful conduct that has adversely and materially affected, or will adversely and materially affect, the company's activities;

(B) Has willfully or persistently committed, or is willfully and persistently committing, a material breach of the operating agreement or the person's duties or obligations under W.S. 17-29-409; or

(C) Has engaged in, or is engaging in, conduct relating to the company's activities which makes it not reasonably practicable to carry on the activities with the person as a member.

(vi) In the case of a person who is an individual:

(A) The person dies; or

(B) In a member-managed limited liability company:

(I) A guardian or general conservator for the person is appointed;  
or

(II) There is a judicial order that the person has otherwise become



incapable of performing the person's duties as a member under this chapter or the operating agreement.

(vii) In a member-managed limited liability company, the person:

(A) Becomes a debtor in bankruptcy;

(B) Executes an assignment for the benefit of creditors; or

(C) Seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the person or of all or substantially all of the person's property.

(viii) In the case of a person that is a trust or is acting as a member by virtue of being a trustee of a trust, the trust's entire transferable interest in the company is distributed;

(ix) In the case of a person that is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire transferable interest in the company is distributed;

(x) In the case of a member that is not an individual, partnership, limited liability company, corporation, trust or estate, the termination of the member;

(xi) The company participates in a merger under article 10 of this chapter, if:

(A) The company is not the surviving entity; or

(B) Otherwise as a result of the merger, the person ceases to be a member.

(xii) The company participates in a conversion under article 10 of this chapter;

(xiii) The company participates in a continuance, transfer or domestication under article 10 of this chapter, if, as a result of the continuance, transfer or domestication, the person ceases to be a member; or

(xiv) The company terminates.

**17-29-603. Effect of person's dissociation as member.**

(a) When a person is dissociated as a member of a limited liability company:

(i) The person's right to participate as a member in the management and conduct of the company's activities terminates;

(ii) If the company is member-managed, the person's fiduciary duties as a member end with regard to matters arising and events occurring after the person's dissociation; and

(iii) Subject to W.S. 17-29-504 and article 10 of this chapter, any transferable interest owned by the person immediately before dissociation in the person's capacity as a member is owned by the person solely as a transferee.

(b) A person's dissociation as a member of a limited liability company does not of itself discharge the person from any debt, obligation or other liability to the company or the other members which the person incurred while a member.

## ARTICLE 7 DISSOLUTION AND WINDING UP

### **17-29-701. Events causing dissolution.**

(a) A limited liability company is dissolved, and its activities must be wound up, upon the occurrence of any of the following:

(i) An event or circumstance that the operating agreement or articles of organization states causes dissolution;

(ii) The consent of all the members;

(iii) The passage of ninety (90) consecutive days during which the company has no members;

(iv) On application by a member, the entry of a court order dissolving the company on the grounds that:

(A) The conduct of all or substantially all of the company's activities is unlawful; or

(B) It is not reasonably practicable to carry on the company's activities in conformity with the articles of organization and the operating agreement; or

(v) On application by a member or dissociated member, the entry of a court order dissolving the company on the grounds that the managers or those members in control of the company:

(A) Have acted, are acting, or will act in a manner that is illegal or

fraudulent; or

(B) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant.

(b) In a proceeding brought under paragraph (a)(v) of this section, the court may order a remedy other than dissolution.

**17-29-702. Winding up.**

(a) A dissolved limited liability company shall wind up its activities and the company continues after dissolution only for the purpose of winding up.

(b) In winding up its activities, a limited liability company:

(i) Shall discharge the company's debts, obligations, or other liabilities, settle and close the company's activities and marshal and distribute the assets of the company; and

(ii) May:

(A) Deliver to the secretary of state for filing articles of dissolution stating the name of the company and that the company is dissolved;

(B) Preserve the company activities and property as a going concern for a reasonable time;

(C) Prosecute and defend actions and proceedings, whether civil, criminal or administrative;

(D) Transfer the company's property;

(E) Settle disputes by mediation or arbitration;

(F) Reserved; and

(G) Perform other acts necessary or appropriate to the winding up.

(c) If a dissolved limited liability company has no members, the legal representative of the last person to have been a member may wind up the activities of the company. If the person does so, the person has the powers of a sole manager under W.S. 17-29-407(c) and is deemed to be a manager for the purposes of W.S. 17-29-304(a)(ii).

(d) If the legal representative under subsection (c) of this section declines or fails to wind up the company's activities, a person may be appointed to do so by the consent of transferees owning a majority of the rights to receive

distributions as transferees at the time the consent is to be effective. A person appointed under this subsection:

(i) Has the powers of a sole manager under W.S. 17-29-407(c) and is deemed to be a manager for the purposes of W.S. 17-29-304(a)(ii); and

(ii) Shall promptly deliver to the secretary of state for filing an amendment to the company's articles of organization to:

(A) State that the company has no members;

(B) State that the person has been appointed pursuant to this subsection to wind up the company; and

(C) Provide the street and mailing addresses of the person.

(e) A court may order judicial supervision of the winding up of a dissolved limited liability company, including the appointment of a person to wind up the company's activities:

(i) On application of a member, if the applicant establishes good cause;

(ii) On the application of a transferee, if:

(A) The company does not have any members;

(B) The legal representative of the last person to have been a member declines or fails to wind up the company's activities; and

(C) Within a reasonable time following the dissolution a person has not been appointed pursuant to subsection (c) of this section; or

(iii) In connection with a proceeding under W.S. 17-29-701(a)(iv) or (v).

**17-29-703. Known claims against dissolved limited liability company.**

(a) Except as otherwise provided in subsection (d) of this section, a dissolved limited liability company may give notice of a known claim under subsection (b) of this section, which has the effect as provided in subsection (c) of this section.

(b) A dissolved limited liability company may in a record notify its known claimants of the dissolution. The notice shall:

(i) Specify the information required to be included in a claim;

(ii) Provide a mailing address to which the claim is to be sent;

(iii) State the deadline for receipt of the claim, which may not be less than one hundred twenty (120) days after the date the notice is received by the claimant; and

(iv) State that the claim will be barred if not received by the deadline.

(c) A claim against a dissolved limited liability company is barred if the requirements of subsection (b) of this section are met and:

(i) The claim is not received by the specified deadline; or

(ii) If the claim is timely received but rejected by the company:

(A) The company causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the company to enforce the claim within ninety (90) days after the claimant receives the notice; and

(B) The claimant does not commence the required action within the ninety (90) days.

(d) This section does not apply to a claim based on an event occurring after the effective date of dissolution or a liability that on that date is contingent.

**17-29-704. Other claims against dissolved limited liability company.**

(a) A dissolved limited liability company may publish notice of its dissolution and request persons having claims against the company to present them in accordance with the notice.

(b) The notice authorized by subsection (a) of this section shall:

(i) Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited liability company's principal office is located or, if it has none in this state, in the county in which the company's designated office is or was last located;

(ii) Describe the information required to be contained in a claim and provide a mailing address to which the claim is to be sent; and

(iii) State that a claim against the company is barred unless an action to enforce the claim is commenced within three (3) years after publication

of the notice.

(c) If a dissolved limited liability company publishes a notice in accordance with subsection (b) of this section, unless the claimant commences an action to enforce the claim against the company within three (3) years after the publication date of the notice, the claim of each of the following claimants is barred:

(i) A claimant that did not receive notice in a record under W.S. 17-29-703;

(ii) A claimant whose claim was timely sent to the company but not acted on; and

(iii) A claimant whose claim is contingent at, or based on an event occurring after, the effective date of dissolution.

(d) A claim not barred under this section or W.S. 17-29-703(c) may be enforced:

(i) Against a dissolved limited liability company, to the extent of its undistributed assets; and

(ii) If assets of the company have been distributed after dissolution, against a member or transferee to the extent of that person's proportionate share of the claim or of the assets distributed to the member or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph does not exceed the total amount of assets distributed to the person after dissolution.

**17-29-705. Administrative forfeiture of authority and articles of organization.**

(a) If any limited liability company's registered agent has filed its resignation with the secretary of state and the limited liability company has not replaced its registered agent and registered office it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall mail by certified mail a notice of its failure to comply with aforesaid provisions. Unless compliance is made within sixty (60) days of the delivery of notice, the limited liability company shall be deemed defunct and to have forfeited its articles of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its articles of organization or certificate of authority, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state

by rule, together with a penalty of two hundred fifty dollars (\$250.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The limited liability company shall retain its registered name during the two (2) year reinstatement period under this section.

(b) If any limited liability company has failed to pay the fee required by W.S. 17-29-210 it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof. The forfeiture shall be made effective in the following manner. The secretary of state shall provide notice to the limited liability company at its last known mailing address by first class mail. Unless compliance is made within sixty (60) days of the date of notice the limited liability company shall be deemed defunct and to have forfeited its articles of organization or certificate of authority acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its articles of organization or certificate of authority, be revived and reinstated by paying the amount of the delinquent fees. When the reinstatement is effective, it relates back to and takes effect as of the effective date deemed defunct pursuant to this subsection and the limited liability company resumes carrying on its business as if it had never been deemed defunct.

(c) A limited liability company shall be deemed to be transacting business within this state without authority, to have forfeited any franchises, rights or privileges acquired under the laws thereof and shall be deemed defunct and to have forfeited its articles of organization or certificate of authority acquired under the laws of this state, and the forfeiture shall be made effective in the manner provided in subsection (a) of this section, if:

(i) A member of the limited liability company signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(ii) The limited liability company has failed to respond to a valid and enforceable subpoena; or

(iii) It is in the public interest and the limited liability company or any of its members:

(A) Failed to provide records to the registered agent as required in this chapter;

(B) Has provided fraudulent information or has failed to correct false information upon request of the secretary of state on any filing with the secretary of state under this chapter; or

(C) Cannot be served by either the registered agent or by mail by the secretary of state acting as the agent for process.

(d) The secretary of state may classify a limited liability company as delinquent awaiting forfeiture of its articles of organization or certificate of authority at the time the secretary of state mails the notice required under subsections (a) through (c) of this section to the limited liability company.

(e) In addition to the other provisions of this section, if any low profit limited liability company has ceased to meet the definition of a low profit limited liability company as provided in W.S. 17-29-102(a)(ix) and has failed for thirty (30) days after ceasing to meet the definition to file an amendment to its articles of organization with the secretary of state amending its name to conform with the requirements of W.S. 17-29-108, it shall be deemed to be transacting business in this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the same manner as provided in subsection (a) of this section. The reinstatement provisions and fees provided in subsection (a) of this section shall apply.

**17-29-706. Reserved.**

**17-29-707. Reserved.**

**17-29-708. Distribution of assets in winding up limited liability company's activities.**

(a) In winding up its activities, a limited liability company shall apply its assets to discharge its obligations to creditors, including members that are creditors.

(b) After a limited liability company complies with subsection (a) of this section, any surplus shall be distributed in the following order, subject to any charging order in effect under W.S. 17-29-503:

(i) To each person owning a transferable interest that reflects contributions made by a member and not previously returned, an amount equal to the value of the unreturned contributions; and

(ii) In equal shares among members and dissociated members, except:

(A) To the extent otherwise provided in a written or verbal operating agreement as set forth in W.S. 17-29-110;

(B) To the extent necessary to comply with any transfer effective under W.S. 17-29-502; or

(C) To the extent otherwise represented by the company through an authorized representative in tax filings with the Internal Revenue Service in which the status elected by the company is not timely disputed by any



member.

(c) If a limited liability company does not have sufficient surplus to comply with paragraph (b)(i) of this section, any surplus shall be distributed among the owners of transferable interests in proportion to the value of their respective unreturned contributions.

(d) All distributions made under subsections (b) and (c) of this section shall be paid in money.

ARTICLE 8  
RESERVED

ARTICLE 9  
ACTIONS BY MEMBERS

**17-29-901. Direct action by member.**

(a) Subject to subsection (b) of this section, a member may maintain a direct action against another member, a manager or the limited liability company to enforce the member's rights and otherwise protect the member's interests, including rights and interests under the operating agreement or this chapter or arising independently of the membership relationship.

(b) A member maintaining a direct action under this section shall plead and prove an actual or threatened injury that is not solely the result of an injury suffered or threatened to be suffered by the limited liability company.

**17-29-902. Derivative action.**

(a) A member may maintain a derivative action to enforce a right of a limited liability company if:

(i) The member first makes a demand on the other members in a member-managed limited liability company, or the managers of a manager-managed limited liability company, requesting that they cause the company to bring an action to enforce the right, and the managers or other members do not bring the action within a reasonable time; or

(ii) A demand under paragraph (i) of this subsection would be futile.

**17-29-903. Proper plaintiff.**

(a) Except as otherwise provided in subsection (b) of this section, a derivative action under W.S. 17-29-902 may be maintained only by a person that is a member at the time the action is commenced and remains a member while the action continues.

(b) If the sole plaintiff in a derivative action dies while the action is pending, the court may permit another member of the limited liability company to be substituted as plaintiff.

**17-29-904. Pleading.**

(a) In a derivative action under W.S. 17-29-902, the complaint shall state with particularity:

(i) The date and content of plaintiff's demand and the response to the demand by the managers or other members; or

(ii) If a demand has not been made, the reasons a demand under W.S. 17-29-902(a)(i) would be futile.

**17-29-905. Special litigation committee.**

(a) If a limited liability company is named as or made a party in a derivative proceeding, the company may appoint a special litigation committee to investigate the claims asserted in the proceeding and determine whether pursuing the action is in the best interests of the company. If the company appoints a special litigation committee, on motion by the committee made in the name of the company, except for good cause shown, the court shall stay discovery for the time reasonably necessary to permit the committee to make its investigation. This subsection does not prevent the court from enforcing a person's right to information under W.S. 17-29-410 or, for good cause shown, granting extraordinary relief in the form of a temporary restraining order or preliminary injunction.

(b) A special litigation committee may be composed of one (1) or more disinterested and independent individuals, who may be members.

(c) A special litigation committee may be appointed:

(i) In a member-managed limited liability company:

(A) By the consent of a majority of the members not named as defendants or plaintiffs in the proceeding; and

(B) If all members are named as defendants or plaintiffs in the proceeding, by a majority of the members named as defendants; or

(ii) In a manager-managed limited liability company:

(A) By a majority of the managers not named as defendants or plaintiffs in the proceeding; and

(B) If all managers are named as defendants or plaintiffs in the proceeding, by a majority of the managers named as defendants.

(d) After appropriate investigation, a special litigation committee may determine that it is in the best interests of the limited liability company that the proceeding:

- (i) Continue under the control of the plaintiff;
- (ii) Continue under the control of the committee;
- (iii) Be settled on terms approved by the committee; or
- (iv) Be dismissed.

(e) After making a determination under subsection (d) of this section, a special litigation committee shall file with the court a statement of its determination and its report supporting its determination, giving notice to the plaintiff. The court shall determine whether the members of the committee were disinterested and independent and whether the committee conducted its investigation and made its recommendation in good faith, independently and with reasonable care, with the committee having the burden of proof. If the court finds that the members of the committee were disinterested and independent and that the committee acted in good faith, independently and with reasonable care, the court shall enforce the determination of the committee. Otherwise, the court shall dissolve the stay of discovery entered under subsection (a) of this section and allow the action to proceed under the direction of the plaintiff.

**17-29-906. Proceeds and expenses.**

(a) Except as otherwise provided in subsection (b) of this section:

(i) Any proceeds or other benefits of a derivative action under W.S. 17-29-902, whether by judgment, compromise or settlement, belong to the limited liability company and not to the plaintiff; and

(ii) If the plaintiff receives any proceeds, the plaintiff shall remit them immediately to the company.

(b) If a derivative action under W.S. 17-29-902 is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees and costs, from the recovery of the limited liability company.

ARTICLE 10  
MERGER, CONVERSION, CONTINUANCE, TRANSFER AND  
DOMESTICATION

**17-29-1001. Definitions.**

(a) As used in this chapter:

(i) "Constituent limited liability company" means a constituent organization that is a limited liability company;

(ii) "Constituent organization" means an organization that is party to a merger;

(iii) "Converted organization" means the organization into which a converting organization converts pursuant to W.S. 17-29-1006;

(iv) "Converting limited liability company" means a converting organization that is a limited liability company;

(v) "Converting organization" means an organization that converts into another organization pursuant to W.S. 17-29-1006;

(vi) "Governing statute" means the statute that governs an organization's internal affairs;

(vii) "Organization" means a general partnership, including a limited liability partnership, limited partnership, including a limited liability limited partnership, limited liability company, business trust, statutory trust, corporation or any other person having a governing statute. The term includes a domestic or foreign organization regardless of whether organized for profit;

(viii) "Organizational documents" means:

(A) For a domestic or foreign general partnership, its partnership agreement;

(B) For a limited partnership or foreign limited partnership, its certificate of limited partnership and partnership agreement;

(C) For a domestic or foreign limited liability company, its certificate or articles of organization and operating agreement, or comparable records as provided in its governing statute;

(D) For a business or statutory trust, its agreement of trust, declaration of trust or certificate of trust;

(E) For a domestic or foreign corporation for profit, its articles of incorporation, bylaws and other agreements among its shareholders which are authorized by its governing statute or comparable records as provided

in its governing statute; and

(F) For any other organization, the basic records that create the organization and determine its internal governance and the relations among the persons that own it, have an interest in it or are members of it.

(ix) "Personal liability" means liability for a debt, obligation or other liability of an organization which is imposed on a person that co-owns, has an interest in or is a member of the organization:

(A) By the governing statute solely by reason of the person co-owning, having an interest in or being a member of the organization; or

(B) By the organization's organizational documents under a provision of the governing statute authorizing those documents to make one (1) or more specified persons liable for all or specified debts, obligations or other liabilities of the organization solely by reason of the person or persons co-owning, having an interest in or being a member of the organization.

(x) "Surviving organization" means an organization into which one (1) or more other organizations are merged whether the organization preexisted the merger or was created by the merger.

**17-29-1002. Merger.**

(a) A limited liability company may merge with one (1) or more other constituent organizations pursuant to this section, W.S. 17-29-1003 through 17-29-1005 and a plan of merger, if:

(i) The governing statute of each of the other organizations authorizes the merger;

(ii) The merger is not expressly prohibited by the law of a jurisdiction that enacted any of the governing statutes;

(iii) Each of the other organizations complies with its governing statute in effecting the merger; and

(iv) No member of a domestic limited liability company that is a party to the merger will, as a result of the merger, become personally liable for the liabilities or obligations of any other person or entity unless that member approves the plan of merger and otherwise consents to becoming personally liable.

(b) A plan of merger shall be in a record and shall include:

(i) The name and form of each constituent organization;

(ii) The name and form of the surviving organization and, if the surviving organization is to be created by the merger, a statement to that effect;

(iii) The terms and conditions of the merger, including the manner and basis for converting the interests in each constituent organization into any combination of money, interests in the surviving organization or other consideration;

(iv) If the surviving organization is to be created by the merger, the surviving organization's organizational documents that are proposed to be in a record; and

(v) If the surviving organization is not to be created by the merger, any amendments to be made by the merger to the surviving organization's organizational documents that are, or are proposed to be, in a record.

**17-29-1003. Action on plan of merger by constituent limited liability company.**

(a) Subject to W.S. 17-29-1014, a plan of merger shall be consented to by all the members of a constituent limited liability company.

(b) Subject to W.S. 17-29-1014 and any contractual rights, after a merger is approved, and at any time before articles of merger are delivered to the secretary of state for filing under W.S. 17-29-1004, a constituent limited liability company may amend the plan or abandon the merger:

(i) As provided in the plan; or

(ii) Except as otherwise prohibited in the plan, with the same consent as was required to approve the plan.

**17-29-1004. Filings required for merger; effective date.**

(a) After each constituent organization has approved a merger, articles of merger shall be signed on behalf of:

(i) Each domestic constituent limited liability company, as provided in W.S. 17-29-203(a); and

(ii) Each other constituent organization, as provided in its governing statute.

(b) Articles of merger under this section shall include:

(i) The name and form of each constituent organization and the

jurisdiction of its governing statute;

(ii) The name and form of the surviving organization, the jurisdiction of its governing statute and, if the surviving organization is created by the merger, a statement to that effect;

(iii) The date the merger is effective under the governing statute of the surviving organization;

(iv) If the surviving organization is to be created by the merger:

(A) If it will be a limited liability company, the company's articles of organization; or

(B) If it will be an organization other than a limited liability company, the organizational document that creates the organization that is in a public record.

(v) If the surviving organization preexists the merger, any amendments provided for in the plan of merger for the organizational document that created the organization that are in a public record;

(vi) A statement as to each constituent organization that the merger was approved as required by the organization's governing statute;

(vii) If the surviving organization is a foreign organization not authorized to transact business in this state, the street and mailing addresses of an office that the secretary of state may use for the purposes of W.S. 17-29-1005(b); and

(viii) Any additional information required by the governing statute of any constituent organization.

(c) Each constituent limited liability company shall deliver the articles of merger for filing in the office of the secretary of state.

(d) A merger becomes effective under this chapter:

(i) If the surviving organization is a limited liability company, upon the later of:

(A) Compliance with subsection (c) of this section; or

(B) Subject to W.S. 17-29-205(c), as specified in the articles of merger;  
or

(ii) If the surviving organization is not a limited liability company, as provided by the governing statute of the surviving organization.

(e) If the secretary of state finds that the articles of merger comply with the requirements of law, that all required fees have been paid and a certificate has been requested, he shall issue a certificate of merger.

**17-29-1005. Effect of merger.**

(a) When a merger becomes effective:

(i) The surviving organization continues or comes into existence;

(ii) Each constituent organization that merges into the surviving organization ceases to exist as a separate entity;

(iii) All property owned by each constituent organization that ceases to exist vests in the surviving organization;

(iv) All debts, obligations or other liabilities of each constituent organization that ceases to exist continue as debts, obligations or other liabilities of the surviving organization;

(v) An action or proceeding pending by or against any constituent organization that ceases to exist may be continued as if the merger had not occurred;

(vi) Except as prohibited by other law, all of the rights, privileges, immunities, powers and purposes of each constituent organization that ceases to exist vest in the surviving organization;

(vii) Except as otherwise provided in the plan of merger, the terms and conditions of the plan of merger take effect;

(viii) Except as otherwise agreed, if a constituent limited liability company ceases to exist, the merger does not dissolve the limited liability company for the purposes of article 7 of this chapter;

(ix) If the surviving organization is created by the merger:

(A) If it is a limited liability company, the articles of organization becomes effective; or

(B) If it is an organization other than a limited liability company, the organizational document that creates the organization becomes effective; and

(x) If the surviving organization preexisted the merger, any amendments provided for in the articles of merger for the organizational document that created the organization become effective.



(b) A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation or other liability owed by a constituent organization. A surviving organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its agent for service of process for the purposes of enforcing a debt, obligation or other liability under this subsection.

**17-29-1006. Conversion.**

An organization other than a limited liability company may be converted to a limited liability company pursuant to chapter 26 of this title and the organization's governing statutes.

**17-29-1007. Reserved.**

**17-29-1008. Reserved.**

**17-29-1009. Effect of conversion.**

(a) The effect of an organization other than a limited liability company converting to a limited liability company shall be as provided in chapter 26 of this title and the organization's governing statutes.

(b) A converted organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation or other liability for which the converting limited liability company is liable. A converted organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its agent for service of process for purposes of enforcing a debt, obligation or other liability under this subsection.

**17-29-1010. Continuance.**

(a) Subject to subsection (b) of this section, any organization organized for any purpose except acting as an insurer as defined in W.S. 26-1-102(a)(xvi), or acting as a financial institution as described by W.S. 13-1-101(a)(ix) under the laws of any foreign jurisdiction may, if the foreign jurisdiction will acknowledge that the organization's domicile has terminated in the foreign jurisdiction, apply to the secretary of state for registration under this act. The secretary of state may issue a certificate of registration upon receipt of an application supported by articles of continuance as provided by this act together with the statements, information and documents set out in subsection (c) of this section. The certificate of registration may then be issued continuing the organization in Wyoming as if it had been organized as a limited liability company in this state. The certificate of registration may be subject to any

limitations and conditions as may appear proper to the secretary of state.

(b) The secretary of state shall cause notice of issuance of a certificate of registration to be given forthwith to the proper officer of the foreign jurisdiction in which the organization was previously organized.

(c) The articles of continuance filed by a foreign organization with the secretary of state shall contain:

(i) A certified copy of its original articles of organization and all amendments thereto or its equivalent basic charter;

(ii) The names of the organization and the foreign jurisdiction in which it has previously been lawfully organized;

(iii) The date of organization;

(iv) The address of its principal mailing address;

(v) The name and address of the proposed registered agent in this state;

(vi) Reserved;

(vii) The names and respective business addresses of its members or, if the organization has a manager or managers, the names and respective business addresses of the manager or managers;

(viii) A statement that the organization will abide by the constitution and laws of this state;

(ix) Any additional information necessary or appropriate to enable the secretary of state to determine whether the organization is entitled to a certificate of registration evidencing its authority to transact business in the state and to determine and assess any fees and taxes under the laws of this state;

(x) Any additional information permitted in articles of organization under W.S. W.S. 17-29-201.

(d) The application shall be executed by the manager or managers if any or by any member who is authorized to execute the application on behalf of the organization and shall be verified by the officer signing the application.

(e) The provisions of the articles of continuance may, without expressly so stating, vary from the provisions of the organization's articles of organization or equivalent basic charter or other authorization, if the

variation is one which a company organized under the Revised Uniform Limited Liability Company Act could effect by way of amendment to its articles of organization. Upon issuance of a certificate of continuance by the secretary of state, the articles of continuance shall be deemed to be the articles of organization of the continued organization. The organization may elect to incorporate by reference in the articles of continuance its basic charter or other authorization which has been adopted by it in the foreign jurisdiction, in order to permit the same to continue to act as the articles of organization, provided, however, that the basic charter or other authorization shall be deemed amended to the extent necessary to make the same conform to the laws of Wyoming and to the provisions of the articles of continuance.

(f) Except for the purpose of W.S. 16-6-101 through 16-6-118, the existence of any organization heretofore or hereafter issued a certificate of continuation under this act shall be deemed to have commenced on the date the organization commenced its existence in the jurisdiction in which it was first formed, organized or otherwise came into being. The laws of Wyoming shall apply to an organization continuing under this act to the same extent as if it had been organized under the laws of Wyoming from and after the issuance of a certificate of continuation under this act by the secretary of state. When a foreign organization is continued under this act, the continuance shall not affect the ownership of its property, or its liability for any existing obligations, causes of action, claims, pending or threatened prosecution or civil or administration actions, convictions, rulings, orders or judgments.

(g) Continuance under this act does not deprive a member of any right or privilege that he claims under, or relieve any member of any liability in respect of, his membership.

**17-29-1011. Transfer of a Wyoming limited liability company to another jurisdiction.**

(a) A limited liability company created, domesticated or continued under this chapter may, if authorized by resolution duly adopted as set forth in subsection (f) of this section, and by the laws of any other jurisdiction, within or without the United States, apply to the proper officer of the other jurisdiction for a certificate of registration, and to the secretary of state of this state for a certificate of transfer. The application for certificate of transfer shall set forth the following:

(i) The name of the limited liability company immediately prior to the transfer, and if that name is unavailable for use in the foreign jurisdiction or the limited liability company desires to change its name in connection with the transfer, the name by which the limited liability company will be known in the foreign jurisdiction;

(ii) A statement of the jurisdiction to which the limited liability company is to be transferred;

(iii) A statement that the limited liability company shall surrender its articles of organization under this chapter upon the effectiveness of the transfer;

(iv) A statement that the transfer was duly approved by the members in the manner required under subsection (f) of this section; and

(v) Any other terms and conditions of the transfer, including any desired amendments to the articles of organization of the limited liability company following its transfer.

(b) The secretary of state shall require that the limited liability company maintain within the state an agent for service of process for at least one (1) year after the transfer is effected and shall impose any conditions he considers appropriate for the protection of creditors, including the provision of notice to the public of the application described in subsection (a) of this section, the provision of a bond or a deposit of funds in an appropriate depository located in Wyoming and subject to the jurisdiction of the courts of Wyoming, and if such conditions are not met, the secretary of state may refuse to issue a certificate of transfer.

(c) The secretary of state, upon compliance by the applicant and the secretary with subsections (a) and (b) of this section and receipt of payment of the special toll charge prescribed by subsection (e) of this section shall immediately transmit a notice of issuance of a certificate of transfer to the proper officer of the jurisdiction to which the limited liability company is transferred.

(d) Upon issuance of a certificate of transfer, the limited liability company shall be continued as if it had been organized under the laws of the other jurisdiction and becomes a limited liability company under the laws of the other jurisdiction upon issuance by such jurisdiction of a certificate of registration.

(e) Every limited liability company organized, domesticated or continued under the laws of this state in order to receive a certificate of transfer pursuant to subsection (c) of this section shall pay to the secretary of state, in addition to all other statutory taxes and fees, a special toll charge of fifty dollars (\$50.00).

(f) A resolution to transfer the limited liability company to another jurisdiction shall be adopted by the members.

(g) The limited liability company may represent to the proper officer of the jurisdiction to which the limited liability company is transferred that

the laws of the state of Wyoming permit such transfer, and may describe the permission extended by this section as authorizing the domestication, continuance or other transfer of domicile as may be required by the laws of the foreign jurisdiction in order for the limited liability company to be accepted in that jurisdiction, provided that the limited liability company may not misrepresent the requirements or effects of the provisions of this section.

**17-29-1012. Domestication of foreign limited liability companies.**

Any limited liability company created under the laws of any of the several states of the United States for any purpose except acting as an insurer as defined in W.S. 26-1-102(a)(xvi), or acting as a financial institution as described by W.S. 13-1-101(a)(ix) may become a domestic limited liability company of this state by delivering or causing to be delivered to the secretary of state articles of domestication. Upon filing the articles of domestication, the secretary of state shall issue to the foreign limited liability company a certificate of domestication which shall continue the company as if it had been created under this chapter. The articles of domestication, upon being filed by the secretary of state, constitute the articles of the domesticated foreign limited liability company and it shall thereafter have all the powers and privileges and be subjected to all the duties and limitations granted and imposed upon domestic limited liability companies under the provisions of the Revised Uniform Limited Liability Company Act.

**17-29-1013. Application for certificate of domestication; articles of domestication.**

(a) A foreign limited liability company, in order to procure a certificate of domestication shall file articles of domestication with the secretary of state, which articles shall include and set forth:

(i) A certified copy of its original articles of organization and all amendments thereto or its equivalent basic charter or other authorization, and a certificate of good standing not more than thirty (30) days old;

(ii) The name of the company and the jurisdiction under the laws of which it is created;

(iii) The date of organization and the period of duration of the company;

(iv) The address of the principal office of the company and the jurisdiction under the laws of which it is created;

(v) The address of the proposed registered office of the company in this state, and the name of its proposed registered agent in this state at that address;

(vi) The purpose or purposes of the company which it proposes to pursue in the transaction of business in this state;

(vii) The names and addresses of the members and managers of the company;

(viii) A statement that the company accepts the constitution of this state in compliance with the requirement of article 10, section 5 of the Wyoming constitution;

(ix) Any additional information as may be necessary or appropriate to enable the secretary of state to determine whether the company is entitled to a certificate of domestication evidencing its authority to transact business in this state, and to determine and assess the fees and license taxes under the laws of this state.

**17-29-1014. Restrictions on approval of mergers, conversions, continuances, transfers and domestications.**

(a) If a member of a constituent, converting, continuing, transferring or domesticating limited liability company will have personal liability with respect to a surviving, converted, continued, transferred or domesticated organization, approval or amendment of a plan of merger, conversion, continuance, transfer or domestication are ineffective without the consent of the member, unless:

(i) The company's operating agreement provides for approval of a merger, conversion, continuance, transfer or domestication with the consent of fewer than all the members; and

(ii) The member has consented to the provision of the operating agreement.

(b) A member does not give the consent required by subsection (a) of this section merely by consenting to a provision of the operating agreement that permits the operating agreement to be amended with the consent of fewer than all the members.

**17-29-1015. Article not exclusive.**

This article does not preclude an entity from being merged, converted, continued, transferred or domesticated under law other than this chapter.

ARTICLE 11  
MISCELLANEOUS PROVISIONS

**17-29-1101. Uniformity of application and construction.**

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**17-29-1102. Secretary of state powers.**

The secretary of state has the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this chapter.

**17-29-1103. Application to existing domestic limited liability companies.**

(a) Except as provided in subsection (b) of this section, this chapter applies to domestic limited liability companies in existence on its effective date that were organized under any general statute of this state providing for organization of limited liability companies if power to amend or repeal the statute under which the limited liability company was organized was reserved.

(b) For limited liability companies organized in Wyoming prior to the effective date of this chapter, the management provisions contained in former W.S. 17-15-116, the division of profits provisions contained in former W.S. 17-15-119, the distribution of assets upon dissolution provisions contained in former W.S. 17-15-126 and the stated term provisions contained in former W.S. 17-15-107(a)(ii) are continued for a period of four (4) years from the effective date of this chapter unless the limited liability company amends its articles of organization to provide otherwise.

**17-29-1104. Applications to qualified foreign limited liability companies.**

A foreign limited liability company authorized to transact business in this state on the effective date of this chapter is subject to this chapter but is not required to obtain a new certificate of authority to transact business under this chapter.

**17-29-1105. Saving provisions.**

(a) Except as provided in subsection (b) of this section, the repeal of a statute by this act does not affect:

(i) The operation of the statute or any action taken under it before its repeal;

(ii) Any ratification, right, remedy, privilege, obligation or liability

acquired, accrued or incurred under the statute before its repeal;

(iii) Any violation of the statute, or any penalty, forfeiture or punishment incurred because of the violation, before its repeal; or

(iv) Any proceeding or dissolution commenced under the statute before its repeal, and the proceeding or dissolution may be completed in accordance with the statute as if it had not been repealed.

(b) If a penalty or punishment imposed for violation of a statute repealed by this act is reduced by this act, the penalty or punishment if not already imposed shall be imposed in accordance with this act.

**Section 2.** W.S. 17-16-1115(d)(intro), 17-16-1533, 17-25-102(a), 17-25-103(b) and 17-25-105 are amended to read:

**17-16-1115. Conversion of corporation to limited liability company.**

(d) After the conversion is approved by the shareholders, the limited liability company shall file articles of organization which satisfy the requirements of W.S. ~~17-15-107~~ 17-29-201 and include:

**17-16-1533. Applicability of chapter 29 to foreign limited liability companies.**

To the extent not inconsistent with the Wyoming Limited Liability Company Act, W.S. ~~17-15-101 through 17-15-144~~ 17-29-101 through 17-29-1102, a limited liability company organized in another jurisdiction may do business in Wyoming by complying with W.S. 17-16-1501 through 17-16-1507, 17-16-1520, 17-16-1530 through 17-16-1532 and 17-28-101 through 17-28-111. The certificate of organization of a limited liability company organized in another jurisdiction may be revoked as provided in W.S. 17-16-1530 through 17-16-1532.

**17-25-102. Application of Wyoming Limited Liability Company Act.**

(a) The Wyoming Limited Liability Company Act applies to close limited liability companies to the extent not inconsistent with the provisions of this chapter and the powers provided the secretary of state by W.S. ~~17-15-137~~ 17-29-1102 shall apply to this supplement.

**17-25-103. Definition and election of close limited liability company status.**

(b) A limited liability company formed under W.S. ~~17-15-101 through 17-15-144~~ 17-29-101 through 17-29-1102 may convert to a close limited



liability company by amending its articles of organization to include the statement required by subsection (a) of this section.

**17-25-105. Articles of organization.**

The articles of organization of a close limited liability company shall include a statement that the company is a close limited liability company and shall set forth the matters required by W.S. ~~17-15-107(a)~~ except paragraphs (viii) and (x) 17-29-201.

**Section 3.** W.S. 17-15-101 through 17-15-147 and 17-25-109 are repealed.

**Section 4.**

(a) In exercising the authority granted under W.S. 28-8-105(a)(v) the legislative service office is directed to renumber the provisions of the Wyoming Limited Liability Company Act to correspond as nearly as possible to the numbering of the Revised Limited Liability Company Act of 2006 in accordance with the following:

(i) The renumbering shall conform with the provisions of W.S. 8-1-105;

(ii) Provisions of the Wyoming Limited Liability Company Act shall be renumbered regardless of whether the provisions are contained within this act;

(iii) Internal citations within the Wyoming Limited Liability Company Act and within other provisions of Wyoming statutes shall be conformed;

(iv) No action taken pursuant to this section shall alter the meaning;

(v) Where it is not feasible to follow the numbering of the Revised Limited Liability Company Act of 2006 for sections and subsections, reference to the Revised Limited Liability Company Act of 2006 numbers shall be provided either in the section headings or in annotations following the section or subsection as appropriate.

**Section 5.** This act is effective July 1, 2010.

Approved March 9, 2010.

**Chapter 95****STATE ACTIVE DUTY MEDICAL EXPENSE REIMBURSEMENT**

Original Senate File No. 22

AN ACT relating to the national guard; providing for the reimbursement of uncompensated medical expenses incurred during specified types of service; providing exceptions; granting rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 19-9-210(a) and 19-9-403(a) are amended to read:

**19-9-210. State active duty without pay.**

(a) Members of the Wyoming national guard may voluntarily request to be placed upon orders for state active duty, without pay, when assistance has been requested from an agency or political subdivision of this state or the federal government and such assistance has been approved by the adjutant general. Members shall receive from the requesting agency pay and allowances equal to the greater of their military pay or that of civilians employed by the requesting agency in the same or similar positions and reimbursement of uncompensated medical expenses as provided in W.S. 19-9-403(a).

**19-9-403. Pay and allowances of officers and enlisted men in active state service and state active duty; worker's compensation coverage for national guard members; no pension denied by reason of service.**

(a) Officers and enlisted men while in active state service shall receive the same pay and allowances as are paid for the same rank and grade for service in the armed forces of the United States. While serving in state active duty, officers and enlisted men are entitled to receive reimbursement for reasonable medical expenses paid by the officer or enlisted man as a direct consequence of state active duty. Medical expenses paid by any third party on behalf of the officer or enlisted man, shall not be eligible for reimbursement. The adjutant general shall determine, pursuant to rules and regulations adopted under this subsection, whether medical expenses incurred by an officer or enlisted man are the consequence of state active duty.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 96****HEALTH INSURANCE REFORM-2**

Original Senate File No. 61

AN ACT relating to health insurance; creating a health care reform demonstration project using the board and administrative structure of the Wyoming health insurance pool as specified; providing for a benefit design committee; authorizing payment of committee members' expenses as specified; providing for the design of the benefits package and plan of operation of the project; providing for eligibility; providing definitions; providing for evaluation of the project comparing project health costs to Medicaid costs if participants had been enrolled in Medicaid; providing for a repeal date; requiring reports; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 26-43-201 through 26-43-207 are created to read:

**ARTICLE 2****HEALTH CARE REFORM DEMONSTRATION PROJECT****26-43-201. Health care reform demonstration project created.**

The health care reform demonstration project is hereby created. The health care programs and services offered to people participating in the demonstration project shall be referred to as healthy frontiers.

**26-43-202. Definitions.**

(a) The definitions provided in W.S. 26-43-101 shall apply to this article except to the extent they are specifically inconsistent with subsection (b) of this section.

(b) As used in this article:

(i) "Administrator" means as defined in W.S. 26-43-101 unless a different individual or entity is selected pursuant to W.S. 26-43-203(d);

(ii) "Demonstration project" or "the project" means the health care reform project created pursuant to this article;

(iii) "Participant" means an eligible individual enrolled in the project. No person shall be a participant who does not elect to be a participant;

(iv) "Personal health account" means an account provided in the benefit design and the plan of operations designed to pay qualified health expenses including deductibles and copayments as directed by the participant. The account may or may not be a health savings account or other federally tax advantaged account. The account may be portable to the individual;

(v) "Plan of operation" means a plan governing the demonstration project to implement this article, including articles, bylaws and operating policies adopted pursuant to this article. The plan of operation includes the benefit design;

(vi) "Primary care" means care provided by a family practice physician, pediatrician, internist, obstetrician or an advanced practice registered nurse or physician's assistant in a similar practice except for technical procedures specified in the benefit design. Surgical and radiological procedures are not primary care. The benefit design may include similar services of a primarily consultative and advisory nature provided by other specialists or providers as primary care. Particular preventive services and invasive diagnostic procedures shall be considered primary care to the extent authorized in the benefit design;

(vii) "Specialty care" means care not included in primary care.

### **26-43-203. Benefit design and operations.**

(a) There is created a benefit design committee of at least three (3) and no more than seven (7) persons appointed by the governor. Members of the committee other than state employees shall receive per diem and mileage allowance as allowed to state employees, when actually engaged in committee activities.

(b) The benefit design committee shall create and modify as necessary the schedule of health care benefits and other related services available to participants under this article. The benefit design shall include the following elements:

(i) Preventive services. Preventive services shall be paid by the project with no or nominal cost to the participant to promote better health and identify chronic disease at the earliest possible stage. Preventive services shall include cost effective, evidence based and clinically proven screening tests, age appropriate wellness exams and maintenance prescriptions as specified in the benefit design. The benefit design may provide incentives to encourage participants to obtain appropriate preventive services;

(ii) Clinical prevention services. Clinical prevention services shall assist certain participants with chronic disease or complicated health conditions and provide information and resources to the participant, the primary care provider and other relevant providers to better manage the participant's illness and improve the participant's quality of life. The services shall be made available at little or no cost to the participant and may include personal health support services provided by health care providers or other individuals, including advanced practice nurses and clinical pharmacists or members of similar health care organizations. In priority order, clinical prevention services shall be provided first to assist the participant in getting the care he needs, provided second to help the participant take steps to improve his health and avoid the need for expensive health care, provided third to help the participant avoid care that is unlikely to improve the participant's overall health and provided fourth to minimize the cost

of the care;

(iii) A personal health account funded by contributions from the participant and a state contribution. Participant contributions may be determined on a sliding scale based on income and may be modified pursuant to paragraph (i) of this subsection. The benefit design for the personal health account:

(A) Shall provide that the primary purpose of the account is to pay for health care used by the participant, including deductibles and copayments;

(B) Shall provide that the individual may retain the balance in the account upon leaving the project for use as specified in the benefit design;

(C) May allow the use of the account for health care related needs when the account balance exceeds an amount set in the benefit design, when the account balance remains after a length of time set in the benefit design, or both. The account may be used under this subparagraph for medical copayments, deductibles or premiums for specified family members not otherwise enrolled in the demonstration project;

(D) May provide that the state retains an interest in the account as necessary to ensure that any state-funded balance in an account reverts to the state:

(I) Upon the death of the participant, after paying any outstanding health care expenses of the participant or any enrolled member of the participant's household; and

(II) Following the expiration of a time specified in the benefit design, not to exceed ten (10) years, after a participant leaves the project.

(E) May provide that the participant may, under conditions specified in the benefit design, roll the balance in the account into a health savings account or similar federally tax advantaged account after leaving the project;

(F) May include any provisions needed to avoid or minimize any adverse federal tax consequences for the participant;

(G) May allow the state to advance money to an individual personal health account to enable the participant to meet deductibles and copayments for needed health care if the funds in the participant's account are insufficient for that purpose. Any advance shall be repaid over time, as practical and as specified in the benefit design. The benefit design may provide that the individual's contribution to the health account shall be increased until the advance is repaid.

(iv) An insurance plan, the coverage package of which qualifies as creditable coverage under the federal Health Insurance Portability and Accountability Act, 42 U.S.C. 1320d et seq., or subsequent similar federal

enactment, or a similar qualification specified in the benefit design if the federal provision is repealed. The insurance plan shall provide for premium cost sharing between the participant and the state based on income as determined in the benefit design committee. The participant may pay premiums directly from the participant's personal health account. Deductibles and copayments may be paid from the personal health account at the discretion of the participant. For health care services not included in the prevention package, a system of copayments shall be required and shall be lower for primary care and higher for specialty care. The benefit design committee in devising the sliding scale shall seek to create an incentive to join the project and leave Medicaid or other government programs. The benefit design shall seek to create an incentive to obtain a job that includes eligibility for employer provided health coverage. The insurance plan shall be limited in coverage and designed to work in conjunction with the design provisions identified in this section. The insurance plan may be provided directly by the project, may be purchased from the private sector or may be provided through the pool which is hereby authorized to provide this plan;

(v) To the extent the benefit design committee deems appropriate, provide financial or other incentives to participants or providers to encourage them to participate in appropriate features of the program, including preventive services.

(c) The benefit design shall be recommended by the benefit design committee to the board. Upon approval by the board, the benefit design shall be forwarded to the governor as part of the plan of operation for the governor's final approval. Amendments to the benefit design shall be approved in the same manner except that the governor may delegate his final approval authority, in whole or in part, to the board.

(d) The administrator shall serve as the administrator of the project provided that financial arrangements satisfactory to the board and the commissioner can be agreed to with the administrator. If the financial arrangements cannot be made, the commissioner, with the advice and consent of the board, shall contract with a different administrator to administer this act.

(e) It shall be the duty of the board to manage the project so that the expenses of the project do not exceed the available appropriations plus premiums received. The board shall have the power to limit enrollment in the project to avoid overspending the appropriation. Except as provided in subsections (b) and (f) of this section and except for shared administrative expenses, the resources of the Wyoming health insurance pool created by W.S. 26-43-102 shall not be used for the expenses of the project.

(f) The administrator, with the approval of the board, may purchase insurance or reinsurance for expenses in excess of an amount determined by the administrator with the advice and consent of the board or in the plan of operations. The insurance or reinsurance may be purchased from commercial sources or may be purchased from the pool which is hereby authorized to sell insurance or reinsurance to the demonstration project.

(g) The plan of operation for the demonstration project shall:

(i) Establish procedures for handling, investing and accounting of assets and monies of the project;

(ii) Contain provisions useful in implementing the benefit design;

(iii) Develop and implement a program to publicize and to maintain public awareness of the existence of the project, the eligibility requirements and procedures for enrollment;

(iv) Provide as necessary for audits of the project and the administration of the project;

(v) Include the benefit design approved by both the benefit design committee and the board;

(vi) Provide procedures for enrolling participants and their families consistent with the eligibility requirements of this article. Insurance agents licensed to sell insurance in Wyoming may be allowed to enroll participants in the project and be paid a commission or fee for their related services.

**26-43-204. Eligibility.**

(a) Participants at the time of enrollment shall have family income not exceeding two hundred percent (200%) of the federal poverty level and shall be working at least twenty (20) hours per week or the equivalent. Participants may lose eligibility for failure to continue to work as specified in the benefit design.

(b) Priority in enrollment of participants shall be given to the following:

(i) Individuals who have completed a vocational readiness or work preparation program through the department of workforce services, any other Wyoming state agency or a Wyoming community college;

(ii) Individuals who have been participants in the Medicaid program or other state assistance program and who have become ineligible for that program due to increased earnings or whose income is less than or equal to one hundred fifty percent (150%) of the federal poverty level;

(iii) Individuals whose children are enrolled in Medicaid or the state children's health insurance program.

(c) Participants enrolled pursuant to this section may elect family coverage, provided all individuals are eligible, except that a spouse of an eligible participant shall not be required to work pursuant to subsection (a) of this section. Children of participants shall be referred to the state children's health insurance program or Medicaid and shall not be enrolled in the demonstration project if eligible for one of those programs.

(d) After the expanded enrollment pursuant to W.S. 26-43-205 has been occurring for at least three (3) months, the board may determine that the maximum enrollment authorized by W.S. 26-43-205 is not likely using the priority categories set forth in subsection (b) of this section and may authorize the enrollment of a limited number of individuals who are eligible under subsection (a) of this section but who are not in a priority category.

(e) Participants' eligibility shall be reviewed at least once per year. If a participant's family income exceeds two hundred fifty percent (250%) of the federal poverty level, the participant shall be disenrolled from the program after ninety (90) days. If the participant has not worked at least twenty (20) hours per week on average for the preceding eight (8) weeks, the participant may be disenrolled from the program after ninety (90) days unless the participant becomes employed for at least twenty (20) hours per week before the expiration of the ninety (90) day time period. The administrator may waive the work requirement of this subsection due to extended illness of the participant.

**26-43-205. Structure and enrollment limits.**

(a) The project shall be structured as follows:

(i) There shall be an initial enrollment of no more than five hundred (500) persons counting both the participants and their enrolled family members, as appropriate to test the feasibility of implementing the initial benefit design. Enrollment shall begin after approval of the plan of operation by the board and the governor. Enrollment may begin after July 1, 2010;

(ii) After October 1, 2011 and approval by the board and the governor of a revised benefit plan and plan of operations based on experience with the initial enrollment, the project may enroll an additional two thousand five hundred (2,500) persons counting both the participants and their enrolled family members and such additional participants to maintain stable project enrollment of three thousand (3,000) persons until July 1, 2014. The board in accepting participants for the project shall seek to have at least five hundred (500) participants who use the federally designated community health centers for their primary care and at least five hundred (500) participants who use primary health care providers in private practice for their primary care. The board shall seek to have enrollees representing sufficient communities within the state to demonstrate the statewide feasibility of the project.

**26-43-206. Evaluation.**

(a) The department of health shall have the primary responsibility for the evaluation of the demonstration project and shall report its evaluation publicly to the governor, the joint labor, health and social services interim committee and the joint corporations, elections and political subdivisions interim committee annually beginning October 1, 2010. The board shall



also provide the governor, the joint labor, health and social services interim committee and the joint corporations, elections and political subdivisions interim committee with its evaluation as appropriate.

(b) The department of health in its evaluation of the project shall consider:

(i) Whether the project provides participants with adequate health care;

(ii) The extent to which participant turnover interferes with management and evaluation of the project and obtaining the expected benefits of the project;

(iii) Whether the project provides health coverage at a cost which is less than could be provided by other means, both public and private, including the Medicaid program. When comparing with other public programs, the comparison shall both:

(A) Assume reimbursement at the public program rates; and

(B) Assume reimbursement at rates comparable to private reimbursement rates.

(iv) The extent to which the project reduces the rate of increase in medical costs;

(v) The extent to which the health of participants and their enrolled family members is improved due to participation in the project.

(c) No later than July 1, 2010, the department of health, after consultation with the administrator, shall provide the commissioner a list of those data elements which the department determines necessary to evaluate the project as required by this section. Upon approval of the list by the commissioner and after consultation with the board, the department of health may award one (1) or more contracts to collect any listed data not routinely collected by the board or other state agencies and to integrate that data as appropriate with related data collected by the board and other state agencies.

(d) To assist in the evaluation of the demonstration project, the administrator shall make a projection of the project's itemized expenses and shall revise the projection after enrollment of an adequate proportion of the expected total enrollment. The projection shall assume all costs associated with the provisions of W.S. 26-43-203. At appropriate intervals, the project shall be compared to actual experience. Itemized expenses shall include:

(i) The cost of services and care for participants using federally designated community health centers for their primary care;

(ii) The cost of services and care for participants using for their primary care providers practicing in the traditional fee for service environment;

(iii) The costs of services and care for participants using for their primary care other providers, including managed care, if any, and those without regular primary care providers;

(iv) Any other categories necessary to effectively manage the demonstration project;

(v) Any other categories identified by the board or department of health as necessary to evaluate the demonstration project.

(e) In collecting, evaluating and using the data collected pursuant to subsection (d) of this section and any other management data, the administrator may use the services of outside consultants. In comparing project expectations and results, the administrator shall identify and consider any limitations on statistical significance of data due to small numbers of participants in any category.

(f) The department of health, in consultation with the board, shall consider the feasibility and ethics of using a control group to facilitate the evaluation of the program. The board and the department of health are authorized to construct and utilize a control group.

(g) The department of health shall provide to the joint labor, health and social services interim committee, the joint corporations, elections and political subdivisions interim committee and the governor an interim evaluation report by October 1, 2012 and a final evaluation report by December 31, 2014. To improve the statistical validity of the report, no new enrollment in the project shall be permitted after July 1, 2014. The report shall include any recommendations on whether the demonstration project should be discontinued, expanded to a larger population, expanded to obtain more statistically valid results or continued for a longer time with a stable enrollment to obtain more valid results. Unless the report recommends abandonment of the project, it shall include any recommendations on program alterations needed to achieve the objectives of the demonstration project as expressed in the evaluation criteria of subsection (b) of this section.

#### **26-43-207. Sunset.**

W.S. 26-43-201 through 26-43-206 are repealed effective December 31, 2015 and all participants shall be disenrolled effective July 1, 2015. The board shall use the period from April 1, 2015 to December 31, 2015 to fully discharge the affairs of the demonstration project.

**Section 2.** W.S. 26-43-102(d) by creating a new paragraph (vii) and (f) by creating a new paragraph (v) is amended to read:

#### **26-43-102. Operation of the pool; board membership; board**

**powers and duties.**

(d) The board shall:

(vii) Manage the demonstration project pursuant to article 2 of this chapter.

(f) The board may:

(v) Provide an insurance plan or reinsurance to the demonstration project authorized by article 2 of this chapter.

**Section 3.**

(a) There is appropriated twenty-five thousand dollars (\$25,000.00) from the tobacco settlement trust income account to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2011. This appropriation shall only be expended for the purpose of collecting and evaluating data related to the health care reform demonstration project. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

(b) There is appropriated seven hundred fifty thousand dollars (\$750,000.00) from the tobacco settlement trust income account to the insurance department. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2011. This appropriation shall only be expended for the purpose of contracting with the board of directors of the Wyoming health insurance pool to implement the health care reform demonstration project. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

(c) The project may, with the consent of the governor, accept federal funds or private funds for the purposes of this act provided the conditions on receipt of the federal funds or private funds are not inconsistent with this act, do not impair the integrity of the pilot project under this act and do not create any obligations, other than reporting obligations, in addition to those created by 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 10, 2010.

## Chapter 97

### REGULATION OF WIND ENERGY FACILITIES

Original House Bill No. 72

AN ACT relating to siting and regulation of wind energy facilities; requiring permitting by boards of county commissioners; establishing minimum standards for wind energy facilities; providing for the review of county permitting decisions; allowing counties to adopt requirements; providing for referrals to the industrial siting council; amending the industrial siting council's jurisdiction; requiring rulemaking; providing penalties; requiring fees; requiring financial assurances; providing an appropriation; authorizing the reclassification and filling of a vacant position; requiring counties to promulgate rules; providing conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 18-5-501 through 18-5-513 are created to read:

#### ARTICLE 5 WIND ENERGY FACILITIES

##### **18-5-501. Definitions.**

(a) As used in this article:

(i) "Industrial siting council" or "council" means the council created by W.S. 35-12-104;

(ii) "Wind energy facility" or "facility" means any wind powered electrical generation development consisting of an individual wind turbine or multiple wind turbines rated by the manufacturer to generate more than one-half (0.5) megawatt of electricity and includes all contiguous lands where the owner or developer has rights to erect wind turbines;

(iii) "Enlarge" or "enlargement" means adding additional wind turbines which are not permitted as part of an original permitting process;

(iv) "Owner" means the surface owner of land.

##### **18-5-502. County regulation of wind energy projects; exceptions.**

(a) It is unlawful to locate, erect, construct, reconstruct or enlarge a wind energy facility without first obtaining a permit from the board of county commissioners in the county in which the facility is located.

(b) If a wind energy facility is to be located in two (2) or more counties, a permit shall be obtained in each county in which the wind energy facility is to be located.

(c) No wind energy facility constructed or being constructed prior to July 1, 2010 shall be required to have the permit required by this section. No wind energy facility for which an application for a permit has been made to the industrial siting council, or that has received findings of fact, conclusions of law and an order from the industrial siting council, prior to July 1, 2010 shall be required to have the permit required by this section.

(d) Any wind energy facility which is not required to have a permit pursuant to subsection (c) of this section shall be required to obtain a permit for any enlargement of the facility after July 1, 2010.

**18-5-503. Application.**

(a) To obtain the permit required by W.S. 18-5-502, the owner or developer of a wind energy facility shall submit an application to the board of county commissioners. The application shall:

(i) Certify that reasonable efforts have been undertaken to provide notice in writing to all owners of land within one (1) mile of the proposed wind energy facility and to all cities and towns located within twenty (20) miles of the wind energy facility. Notice shall include a general description of the project including its location, projected number of turbines and the likely routes of ingress and egress;

(ii) Certify that notice of the proposed wind energy facility will be published in a newspaper of general circulation in all counties in which the facility will be located at least twenty (20) days prior to the public hearing required by W.S. 18-5-506. The notice shall include a brief summary of the wind energy facility, invite the public to submit comments and identify the time and date of the hearing;

(iii) Certify that the proposed wind energy facility will comply with all the standards required by W.S. 18-5-504;

(iv) Certify that the proposed wind energy facility will comply with all applicable zoning and county land use regulations, which regulations shall be no less stringent than the standards required by this article;

(v) Certify that a written emergency management plan has been submitted for review and comment to the county fire warden, county emergency management coordinator and the county sheriff. If the permit is granted, the plan shall be supplemented and revised following construction of the facility and prior to its operation if there are any

variations in the facility's construction which would materially impact the original emergency management plan;

(vi) Provide a waste management plan that includes an inventory of estimated solid wastes and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed wind energy facility;

(vii) Provide evidence sufficient for the board of county commissioners to determine if the proposed wind energy facility has adequate legal access. The application also shall describe how private roadways within the facility will be marked as private roadways and shall acknowledge that no county is required to repair, maintain or accept any dedication of the private roadways to the public use. The application also shall include a traffic study of any public roadways leading to and away from the proposed facility and the board of county commissioners may require the applicant to enter into a reasonable road use agreement for the use of county roads prior to construction of the facility;

(viii) Provide a project plan indicating the proposed roadways, tower locations, substation locations, transmission, collector and gathering lines and other ancillary facility components. If the application is granted, the board of county commissioners shall require that the project plan be revised to show the final location of all facilities;

(ix) Certify that there shall be no advertising or promotional lettering on any tower, turbine, nacelle or blade beyond the manufacturer's or the applicant's logo on the nacelle of the turbine;

(x) Provide a site and facility reclamation and decommissioning plan which indicates the planned life of the wind energy facility and the means by which the facility and its site will be decommissioned and reclaimed at the end of the facility's life and which certifies that any owner of land within the wind energy facility and its site who is not the applicant has been consulted in development of the reclamation and decommissioning plan. Such plan shall comply with all requirements adopted by the industrial siting council under W.S. 35-12-105(d). If the permit is granted, the plan shall be updated every five (5) years until site reclamation and decommissioning is complete;

(xi) For wind energy facilities not meeting the definition of a facility as defined in W.S. 35-12-102(a)(vii), provide a detailed summary of any significant adverse environmental, social or economic effects that the proposed wind energy facility may have together with any preliminary plans developed to alleviate any of the adverse effects.

(b) A wind energy facility subject to this article shall meet the requirements adopted pursuant to W.S. 35-12-105(d) and (e) regardless of whether the

facility is referred to the industrial siting council pursuant to W.S. 18-5-509 or is otherwise subject to the industrial siting act.

**18-5-504. Minimum standards; incorporation into other processes.**

(a) No board of county commissioners shall issue a permit for a wind energy facility if that facility:

(i) Does not comply with standards properly adopted by the board of county commissioners for the construction of wind energy facilities, which standards shall not be less stringent than the standards required by this article;

(ii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any property line contiguous or adjacent to the facility, unless waived in writing by the owner of every property which would be located closer than the minimum distance;

(iii) Would locate the base of any tower at a distance of less than one hundred ten percent (110%) of the maximum height of the tower from any public road right-of-way;

(iv) Would construct any tower or other structure, other than underground structures, transmission lines, roadways and structures appurtenant to roadways, at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from any platted subdivision unless this restriction is waived in writing by the owners of all lands included within the distance specified in this paragraph;

(v) Would locate the base of any tower at a distance of less than five and one-half (5.5) times the maximum height of the tower, but in no event less than one thousand (1,000) feet from a residential dwelling or occupied structure, unless waived in writing by the person holding title to the residential dwelling or occupied structure;

(vi) Would locate the base of any tower at a distance of less than one-half (1/2) mile from the limits of any city or town.

(b) No rule, regulation or law promulgated or applied by any county in this state shall adopt a standard less stringent than the minimum standards established in subsection (a) of this section. The minimum standards stated in subsection (a) of this section shall be incorporated into every existing or future county permitting or licensing process to which they are applicable so that no applicant for a permit under this article is required to submit more than one (1) application addressing these standards to any county.

(c) No board of county commissioners shall issue a permit under W.S. 18-5-502(a) until that county has adopted rules and regulations governing the notice that the application for a permit must provide to the record owners and claimants of mineral rights located on and under lands where the wind energy facility will be constructed. The rules shall conform to rules adopted by the industrial siting council for the same purpose pursuant to W.S. 35-12-105.

**18-5-505. Complete applications; notice.**

Upon receipt of an application, the board of county commissioners shall conduct a review of the application to determine if it contains all the information required by W.S. 18-5-503 and any applicable rules and regulations. If the board of county commissioners determines that the application is incomplete, it shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information from the board. When the board of county commissioners determines that the application is complete it shall notify the applicant that the application is complete and shall provide notice of the date and time at which the hearing required by W.S. 18-5-506 will be conducted.

**18-5-506. Hearing and public comment.**

Any board of county commissioners receiving an application to permit a wind energy facility shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comment on the application shall be accepted by the board of county commissioners for not less than forty-five (45) days after determining that the application is complete.

**18-5-507. Decision of the board; findings necessary.**

(a) Within forty-five (45) days from the date of completion of the hearing required by W.S. 18-5-506, the board shall make complete findings, issue an opinion, render a decision upon the record either granting or denying the application and state whether or not the applicant has met the standards required by this article. The decision shall be subject to the remedies provided in W.S. 18-5-508. The board shall grant a permit if it determines that the proposed wind energy facility complies with all standards properly adopted by the board of county commissioners and the standards required by this article.

(b) No permit shall be granted if the application is incomplete or if all notices required by W.S. 18-5-503 have not been timely given.



(c) A copy of the decision shall be served upon the applicant.

**18-5-508. Remedies.**

(a) Any party aggrieved by the final decision of the board of county commissioners may have the decision reviewed by the district court pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure.

(b) When a decision is issued after hearing on an application for a permit under this article, the decision is final for purposes of judicial review.

**18-5-509. Referral.**

(a) Any board of county commissioners which receives an application to permit a wind energy facility which does not meet the definition of a facility as defined in W.S. 35-12-102(a)(vii) may refer the facility to the industrial siting council for additional permitting consistent with the requirements of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, but the provisions of W.S. 39-15-111 and 39-16-111 shall not apply. A referral shall be made only when a board of county commissioners finds there are potentially significant adverse environmental, social or economic issues which the county board of commissioners does not have the expertise to consider or authority to address.

(b) Any facility referred to the industrial siting council under this section may apply to the council for a waiver of permit application pursuant to W.S. 35-12-107.

(c) Upon receiving a referral pursuant to this section and within fifteen (15) days after receipt of the referral, the director of the department of environmental quality may reject the referral by giving written notice of the rejection to the county making the referral and the applicant. No appeal from the decision of the director under this subsection shall be allowed.

(d) A referral made pursuant to this section shall not relieve a board of county commissioners from its obligation to consider whether the proposed wind energy facility should be permitted under the standards required by this article.

(e) A referral made pursuant to this section shall be made no later than thirty (30) days after an application is deemed complete pursuant to W.S. 18-5-505.

**18-5-510. Binding effect.**

Upon referral of a facility to the industrial siting council pursuant to W.S.

18-5-509, the facility shall not be withdrawn from the council's consideration without consent of the council. Any decision by the council shall be final except as provided in this article or pursuant to the remedies provided to other facilities permitted by the council.

**18-5-511. Revocation or suspension of permit.**

(a) A permit may be revoked or suspended for:

(i) Any material false statement in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted the refusal to grant a permit;

(ii) Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure;

(iii) Violation of this article, the rules and regulations adopted pursuant to this article or valid orders of the board of county commissioners or the industrial siting council;

(iv) Failure of the proposed wind energy facility to receive a required permit from the industrial siting council pursuant to the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119; or

(v) Failure of the permitted wind energy facility to:

(A) Transmit electricity created by wind energy for a period of two (2) consecutive years or more;

(B) Maintain land rights necessary to operate the wind energy facility.

**18-5-512. Penalties for violations.**

(a) No person shall:

(i) Commence to construct a wind energy facility on or after July 1, 2010 without first obtaining a permit required by this article;

(ii) Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a wind energy facility, after having first obtained a permit, other than in specific compliance with the permit; or

(iii) Cause any of the acts specified in this subsection to occur.

(b) Any person violating subsection (a) of this section is liable for a civil penalty of not more than ten thousand dollars (\$10,000.00) for each violation.

Each day of a continuing violation constitutes a separate offense.

(c) Any wind turbine tower or wind generator erected in violation of this article shall subject the owner of the tower or generator to a penalty of seven hundred fifty dollars (\$750.00) per day for every tower or generator so erected.

(d) Any penalties collected pursuant to this section shall be paid and credited as provided by W.S. 8-1-109.

**18-5-513. Fees.**

(a) A board of county commissioners which receives an application under this article for the permitting of a wind energy facility may charge the applicant a reasonable fee which shall not exceed the reasonably anticipated costs of processing and considering the application and conducting public hearings.

(b) The board of county commissioners also may collect a reasonable building permit fee prior to commencement of construction which shall not exceed the reasonably anticipated administrative costs of issuing the building permit and overseeing compliance with permit conditions and requirements.

**Section 2.** W.S. 35-12-102(a)(vii)(C) and by creating a new subparagraph (E), 35-12-105 by creating new subsections (d) through (f) and 35-12-106(a) are amended to read:

**35-12-102. Definitions.**

(a) As used in this chapter:

(vii) "Industrial facility" or "facility" means any industrial facility with an estimated construction cost of at least ninety-six million nine hundred thousand dollars (\$96,900,000.00) as of May 30, 1987. Exempt activities shall not be included in the estimated construction cost of an industrial facility. The council shall adjust this amount, up or down, each year using recognized construction cost indices as the council determines to be relevant to the actual change in construction cost applicable to the general type of construction covered under this chapter. "Facility" also includes, regardless of construction cost:

(C) Any commercial radioactive waste management facility defined by W.S. 35-11-103(d)(v); ~~and~~

(E) Any facility over which a board of county commissioners has authority to issue the permit required by W.S. 18-5-502 and which facility the board of county commissioners has referred to the council under W.S.

18-5-509.

**35-12-105. Appointment and duties of administrator; staff; rules and regulations.**

(d) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing decommissioning and site reclamation standards for wind energy facilities permitted under W.S. 35-12-102(a)(vii)(E) and other facilities permitted by boards of county commissioners pursuant to W.S. 18-5-502. Such standards shall preempt county rules or regulations concerning decommissioning and reclamation and shall be designed to assure the proper decommissioning and site reclamation of wind energy facilities at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The council's regulation shall only preempt those facilities regulated under this act. In the event of any conflict between a standard applied under this subsection and a valid order of the Wyoming public service commission, the order of the public service commission shall be applied.

(e) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing financial assurance requirements for facilities permitted by it pursuant to W.S. 35-12-102(a)(vii)(E) and other facilities permitted by boards of county commissioners pursuant to W.S. 18-5-502. These rules and regulations shall not apply to facilities regulated by the Wyoming public service commission. These rules and regulations shall preempt county rules and regulations concerning financial assurances and shall be designed to provide adequate assurance that the permitted facilities will be properly reclaimed and decommissioned at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The elements to consider when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear upon the decision to accept the financial assurance. The financial assurance may be in any form acceptable to the council and can include a corporate guarantee, letter of credit, bond, deposit account or insurance policy.

(f) The council may adopt such rules and regulations, including fee structures, as are appropriate to accept and consider applications referred by any board of county commissioners under W.S. 18-5-509.

**35-12-106. Permit from council required prior to commencing construction of facility; electronic permitting; amendments; exceptions.**

(a) No person shall commence to construct a facility, as defined in this

chapter, in this state without first obtaining a permit for that facility from the council. Any facility, for which a permit is required, shall be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained in the permit. A permit may only be issued pursuant to this chapter or pursuant to the provisions of W.S. 18-5-501 through 18-5-513 for facilities referred to the council.

### **Section 3.**

(a) Notwithstanding section 2 of this act, if 2010 Senate File 0066 is enacted into law, the amendment to W.S. 35-12-105 by creating new subsections (d) through (f) made by section 2 of this act shall not be effective and, instead, W.S. 35-12-105 by creating new subsections (d) through (f) is amended to read:

#### **35-12-105. Appointment and duties of administrator; staff; rules and regulations.**

(d) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing decommissioning and site reclamation standards for facilities permitted under W.S. 35-12-102(a)(vii)(E) and (F). Such standards shall preempt county rules or regulations concerning decommissioning and reclamation and shall be designed to assure the proper decommissioning and interim and final site reclamation of commercial facilities generating electricity from wind and wind energy facilities during construction and operation of the facility, at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The council's regulation shall only preempt those facilities regulated under this act. In the event of any conflict between a standard applied under this subsection and a valid order of the Wyoming public service commission, the order of the public service commission shall be applied.

(e) In addition to the rules and regulations adopted under subsection (b) of this section, the council shall promulgate rules and regulations prescribing financial assurance requirements for facilities permitted by it pursuant to W.S. 35-12-102(a)(vii)(E) and (F). These rules and regulations shall not apply to facilities that are public utilities and regulated by the Wyoming public service commission. These rules and regulations shall preempt county rules and regulations concerning financial assurances and shall be designed to provide adequate assurance that the permitted facilities will be properly reclaimed and decommissioned

at the end of their useful life, upon revocation of a permit authorizing their operation or upon the happening of any event which causes operations to cease. The elements to consider when establishing adequate levels of financial assurance shall include credit worthiness, financial strength, credit history, credit rating and any other factors that reasonably bear upon the decision to accept a financial assurance. The financial assurance may be in any form acceptable to the council and may include a corporate guarantee, letter of credit, bond, deposit account or insurance policy.

(f) The council may adopt such rules and regulations, including fee structures, as are appropriate to accept and consider applications referred by any board of county commissioners under W.S. 18-5-509.

(b) This section shall not be effective if 2010 Senate File 0066 is not enacted into law.

**Section 4.** There is appropriated three hundred thirty-five thousand seven hundred fifty-four dollars (\$335,754.00) from the general fund to the department of environmental quality. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of carrying out the department's duties under this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

**Section 5.** The department of environmental quality is authorized to reclassify and fill one (1) natural resource analyst full-time equivalent position which is vacant as of February 17, 2010, to a principal economist full-time equivalent position for purposes of carrying out the department's duties under this act. The appropriation in section 3 of this act shall be reduced dollar for dollar by any funds appropriated in 2010 House Bill 0001 to the department for the vacant position reclassified pursuant to this section.

**Section 6.** This act is effective July 1, 2010.

**Editor's note: In reference to section 3 of this chapter, 2010 Senate File 0066 was enacted into law. See 2010 Wyoming Session Laws, Chapter 47.**

Approved March 10, 2010.

**Chapter 98****AQUATIC INVASIVE SPECIES-2**

Original House Bill No. 18

AN ACT relating to game and fish and the department of state parks and cultural resources; providing for control of aquatic invasive species; providing for inspection of conveyances; providing for decontamination orders; providing for impoundment and quarantine; providing for rules; providing for inspection fees; providing civil and criminal penalties; authorizing the filling of a vacant position; providing an appropriation; providing a continuous appropriation; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 23-4-201 through 23-4-205 are created to read:

ARTICLE 2  
AQUATIC INVASIVE SPECIES

**23-4-201. Definitions.**

(a) As used in this article:

(i) “Aquatic invasive species” means exotic or non-native aquatic organisms that have been determined by the commission to pose a significant threat to the aquatic resources, water supplies or water infrastructure of the state;

(ii) “Conveyance” means a motor vehicle, boat, watercraft, raft, vessel, trailer or any associated equipment or containers, including but not limited to live wells, ballast tanks, bilge areas and water hauling equipment that may contain or carry an aquatic invasive species;

(iii) “Decontaminate” means to wash, drain, dry or chemically, thermally or otherwise treat a conveyance in accordance with rules promulgated by the commission in order to remove or destroy an aquatic invasive species;

(iv) “Equipment” means an article, tool, implement or device capable of containing or transporting water or aquatic invasive species;

(v) “Inspect” means to examine a conveyance pursuant to procedures established by the commission in order to determine whether an aquatic invasive species is present, and includes examining, draining or treating water in the conveyance;

(vi) “Water sport toy” means a sailboard, float tube, kite board or any aid to swimming or fishing that is not designed primarily for navigation.

**23-4-202. Prohibition on aquatic invasive species; mandatory conveyance checks; reporting.**

(a) No person shall:

(i) Launch any conveyance into the waters of this state without first complying with aquatic invasive species prevention requirements established by commission rule;

(ii) Possess, import, export, ship, transport or cause to be possessed, imported, exported, shipped or transported an aquatic invasive species in this state, except as authorized by the commission;

(iii) Introduce an aquatic invasive species into any waters of the state;  
or

(iv) Refuse to comply with the inspection requirements or any order issued under this article.

(b) A person who knows that an unreported aquatic invasive species is present at a specific location in this state shall immediately report that knowledge and all pertinent information to the commission or a peace officer.

**23-4-203. Enforcement.**

(a) In order to prevent, control, contain, monitor and whenever possible eradicate aquatic invasive species from the waters of this state, the commission and the department of state parks and cultural resources shall promulgate rules and regulations to administer and enforce the provisions of this article and to establish, operate and maintain aquatic invasive species check stations in order to inspect conveyances.

(b) Every conveyance shall stop at authorized mandatory aquatic invasive species check stations in accordance with rules established by the commission and the department of state parks and cultural resources. Upon probable cause that an aquatic invasive species may be present, a peace officer may:

(i) Require the owner of a conveyance to decontaminate the conveyance;  
or

(ii) Decontaminate or impound and quarantine the conveyance as provided in this section.

(c) The commission, in consultation with the department of state parks and cultural resources, may restrict watercraft usage on waters of the state as provided in W.S. 41-13-211(b) upon a finding that a specific body of



water is threatened with the imminent introduction of an aquatic invasive species or an aquatic invasive species has been introduced to the specific body of water.

(d) Any peace officer is authorized to stop and inspect for the presence of aquatic invasive species or for proof of required inspection any conveyance:

(i) Immediately prior to a boat, vessel or watercraft being launched into waters of the state;

(ii) Prior to departing from the waters of this state or a boat, vessel or watercraft staging area;

(iii) That is visibly transporting any aquatic plant material; or

(iv) Upon a reasonable suspicion that an aquatic invasive species may be present.

(e) A peace officer may order the decontamination of a conveyance upon a determination that an aquatic invasive species is present after conducting an inspection as provided in this section.

(f) A peace officer may impound and quarantine a conveyance if:

(i) The peace officer finds that an aquatic invasive species is present after conducting an inspection authorized by this section;

(ii) The person transporting the conveyance refuses to submit to an inspection authorized by this section; or

(iii) The person transporting the conveyance refuses to comply with an order authorized by this section to decontaminate the conveyance.

(g) An impoundment and quarantine of a conveyance may continue for the reasonable period necessary to inspect and decontaminate the conveyance and to ensure that the aquatic invasive species has been completely eradicated from the conveyance or is no longer living.

**23-4-204. Rulemaking authority; fees.**

(a) The commission and the department of state parks and cultural resources shall promulgate rules to administer and enforce the provisions of this article.

(b) The commission and the department of state parks and cultural resources shall establish and collect fees in accordance with the following:

(i) An annual fee shall be collected by the commission or the department of state parks and cultural resources for every watercraft before the watercraft enters the waters of the state. Payment of the fees shall be evidenced by a sticker placed on the bow of the watercraft and no person shall operate nor shall the owner permit the operation of any watercraft on the waters of the state without payment of the fees provided in this section and display of the sticker on the bow of the watercraft. For purposes of this paragraph, "watercraft" means any contrivance used or designed primarily for navigation on water but does not include personal flotation devices or water sport toys;

(ii) Fees shall be established by commission rule or regulation promulgated in accordance with the Wyoming Administrative Procedure Act;

(iii) Fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required under this article.

(c) The department of state parks and cultural resources may collect fees and shall transfer those fees collected to the commission for deposit in the account created pursuant to W.S. 23-1-501(g).

#### **23-4-205. Penalties.**

(a) Any person who violates the provisions of this article or any order under this article is guilty of a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

(b) In addition to any other criminal penalty provided in this section any person who violates any provision of this article, may be assessed civil penalties in an amount not to exceed the costs incurred by the commission and the department of state parks and cultural resources in enforcing the provisions of this article but shall not include costs associated with the eradication of an aquatic invasive species introduced into the waters of this state. The commission or the department of state parks and cultural resources may bring a civil action in any court of competent jurisdiction for civil penalties or injunctive relief.

**Section 2.** W.S. 23-1-501 by creating a new subsection (g) is amended to read:

#### **23-1-501. Game and fish fund.**

(g) An account within the game and fish fund is created. Revenues received pursuant to W.S. 23-4-204 shall be credited to the account and are continuously appropriated to the commission to be expended for

the prevention, surveillance, containment and direct and indirect costs associated with the administration of the aquatic invasive species program created under chapter 4, article 2 of this act.

**Section 3.** There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the game and fish department. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purposes of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the game and fish department's 2013-2014 standard biennial budget request. The department of state parks and cultural resources and the game and fish department shall, not later than November 1, 2010, jointly report to the joint appropriations committee and the joint travel, recreation, wildlife and cultural resources interim committee on the long term funding needed for the program created by this act.

**Section 4.** The game and fish department is authorized to fill one (1) biologist supervisor full-time equivalent position which is vacant as of the effective date of this act to serve as the coordinator of the program created by this act. The authorization under this section to fill the vacant position shall not be considered to be the filling of a vacant position for purposes of section 314 of 2010 House Bill 0001. The general fund appropriation to the game and fish department in section 3 of this act shall be reduced dollar for dollar by any funds appropriated in 2010 House Bill 0001 to the department for the vacant position filled pursuant to this section.

**Section 5.** The legislature recognizes that the program created by this act, in protecting the waters of this state from the deleterious effects of aquatic invasive species will be especially beneficial to the infrastructure owned by the United States bureau of reclamation in this state. Because of these benefits, the game and fish department is directed to make diligent efforts to obtain additional funding for the program created under this act from the United States bureau of reclamation and other federal sources.

**Section 6.**

(a) The state parks and cultural resources department shall, not later than October 1, 2011, report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations interim committee on the effective utilization of law enforcement resources and personnel.

(b) The game and fish commission shall, not later than October 1, 2011, report to the joint travel, recreation, wildlife and cultural resources interim

committee on the effectiveness of the aquatic invasive species program.

**Section 7.** 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, 2010.

## Chapter 99

### ILLEGAL FISH STOCKING

Original Senate File No. 78

AN ACT relating to game and fish; providing for civil penalties for illegal stocking of fish; providing exceptions; and providing for an effective date.

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

**Section 1.** W.S. 23-4-101 is amended to read:

**23-4-101. Fish stocking in waters without consent prohibited; penalties.**

(a) No person shall plant or release any fish or fish eggs in any public waters of Wyoming without the consent and under the supervision of the department or its authorized personnel.

(b) The escape of lawfully stocked fish or fish eggs does not constitute a violation of this section.

(c) Violation of this section constitutes a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

(d) The court may, in its discretion, revoke any license issued under this act to any person convicted of a violation of this section, for the remainder of the year in which the conviction occurs, and may suspend the person's privilege to purchase or receive any other license under this act or to take any wildlife for a period of time up to and including lifetime revocation.

(e) In addition to any other criminal penalty provided in this act, any person who violates this section may be assessed civil penalties in an amount not to exceed the costs incurred by the commission in removing the fish or fish eggs from the waters affected by the violation. The commission may bring a civil action in any court of competent jurisdiction for civil penalties or injunctive relief.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 100****TAXATION OF PROPERTY USED FOR ECONOMIC DEVELOPMENT**

Original House Bill No. 44

AN ACT relating to taxation and revenue; providing a property tax exemption for community development organizations as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-11-105(a) by creating a new paragraph (xxxviii) is amended to read:

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

(a) The following property is exempt from property taxation:

(xxxviii) Any improvements and land amenities, including but not limited to streets, curbs, gutters, utilities, sewer or water infrastructure that may contribute to the value of the land, on real property owned by a community development organization. The amount of the exemption shall be reported by the county assessor on the abstract submitted to the state board of equalization as prescribed by W.S. 39-11-102.1(c)(ii). This exemption shall cease to apply to improvements and land amenities on real property from and after the date the real property is sold or leased by the community development organization. As used in this paragraph, "community development organization" means a group of private citizens organized as a business entity authorized to do business in this state for the purpose of working with new, existing or expanding business for the creation of new jobs, capital investment and other economic or community development benefits throughout its community or county, which organization is authorized as a nonprofit commercially oriented organization under 26 U.S.C. section 501(c)(3) or (6). In addition, the executive head of the community development association shall certify under oath to the assessor that:

(A) The organization has no private stock and does not distribute profit to its owners or members;

(B) The organization utilizes the real property subject to this paragraph to attract new businesses to the community for the purpose of creating new jobs, capital investment and economic development;

(C) Each of the organization's officers, directors and employees has agreed in writing that proprietary information, confidential information and any other information which has not been publicly released shall not be used in any way for business, personal or family gain; and

(D) The lease, sale or other transfer of the real property subject to

this paragraph is open to potential prospects of the community development organization which will further the purposes specified in subparagraph (B) of this paragraph and is not limited to the members of the organization.

**Section 2.** This act is effective January 1, 2011.

Approved March 10, 2010.

## Chapter 101

### SUBDIVISIONS-PARCELS

Original Senate File No. 74

AN ACT relating to subdivisions; modifying a definition as specified; providing an exemption for the sale of lands that were separate when acquired as specified; and providing for an effective date.

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

**Section 1.** W.S. 18-5-302(a)(x) and 18-5-303(a) by creating a new paragraph (xiii) are amended to read:

#### **18-5-302. Definitions.**

(a) As used in this article:

(x) "Parcel" means a contiguous piece of property ~~under common ownership~~ lawfully created or conveyed of record as a single piece of property.

#### **18-5-303. Exemptions from provisions.**

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(xiii) The sale or disposition of separate parcels of land that were separate when lawfully created or conveyed and which have not been combined by a recorded instrument of conveyance signed by all of the owners.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 102****WYOMING INVESTMENT IN NURSING EXTENSION**

Original Senate File No. 32

AN ACT relating to the administration of government; extending the sunset date of the Wyoming investment in nursing program; and providing for an effective date.

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

**Section 1.** W.S. 9-2-123(o) is amended to read:

**9-2-123. Wyoming investment in nursing loan and grant program; eligibility criteria; procedures.**

(o) This program created by this section shall expire effective June 30, ~~2011~~ 2016.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 103****TEACHER SHORTAGE LOAN REPAYMENT PROGRAM**

Original Senate File No. 41

AN ACT relating to the Wyoming teacher shortage loan repayment program; extending the program for an additional five (5) years; and providing for an effective date.

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

**Section 1.** W.S. 21-7-601(o) is amended to read:

**21-7-601. Wyoming teacher shortage loan repayment program; eligibility criteria; procedures; program reporting.**

(o) This program created by this section shall expire effective June 30, ~~2011~~ 2016.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 104****CONTINUATION OF INSURANCE COVERAGE**

Original Senate File No. 34

AN ACT relating to insurance coverage; specifying the level of benefits required for continuance of coverage under a prior plan by a succeeding carrier; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 26-19-203(a)(ii)(A) is amended to read:

**26-19-203. Continuance of coverage where one carrier's contract replaces a plan of similar benefits of another carrier.**

(a) In those instances in which one (1) carrier's contract replaces a plan of similar benefits of another carrier:

(ii) The succeeding carrier is liable under the following circumstances:

(A) Each person covered under the prior carrier's plan shall be eligible for complete coverage in accordance with the succeeding carrier's plan of benefits, which shall include coverage for ninety (90) days for any complication caused as a result of a condition for which benefits were paid under the prior plan within ninety (90) days prior to termination of that plan. Copayment and deductible levels for coverage required under this subparagraph may be applied in a manner consistent with those provided by the succeeding carrier's plan;

**Section 2.** This act shall apply to any policy or plan that is delivered, issued, renewed, modified, amended or extended on or after July 1, 2010.

**Section 3.** This act is effective July 1, 2010.

Approved March 10, 2010.

**Chapter 105****TEXT-BASED COMMUNICATIONS PROHIBITED WHILE DRIVING**

Original Senate File No. 20

AN ACT relating to motor vehicles; prohibiting the use of handheld electronic wireless communication devices for sending text or electronic mail messages while operating a motor vehicle; providing exceptions; providing definitions; providing penalties; and providing for



an effective date.

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

**Section 1.** W.S. 31-5-237 is created to read:

**31-5-237. Use of handheld electronic wireless communication devices for electronic messaging prohibited; exceptions; penalties.**

(a) No person shall operate a motor vehicle on a public street or highway while using a handheld electronic wireless communication device to write, send or read a text-based communication. This section shall not apply to a person who is using a handheld electronic wireless communication device:

- (i) While the vehicle is lawfully parked;
- (ii) To contact an emergency response vehicle;

(iii) To write, read, select or enter a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call; or

- (iv) When using voice operated or hands free technology.

(b) This section shall not apply to a person operating an emergency response vehicle while making communications necessary to the performance of his official duties as an emergency responder.

(c) Any person who operates a motor vehicle in violation of this section is guilty of a misdemeanor punishable by a fine of not more than seventy-five dollars (\$75.00).

(d) As used in this section:

(i) "Electronic wireless communication device" means a mobile communication device that uses short-wave analog or digital radio transmissions or satellite transmissions between the device and a transmitter to permit wireless telephone communications to and from the user of the device within a specified area;

(ii) "Emergency response vehicle" means any ambulance, fire department, law enforcement or civil defense vehicle or other vehicle used primarily for emergency purposes;

(iii) "Voice operated or hands free technology" means technology that allows a user to write, send or read a text based communication without the use of either hand except to activate, deactivate or initiate a feature or

function;

(iv) "Write, send or read a text-based communication" means using an electronic wireless communications device to manually communicate with any person using text-based communication including, but not limited to, communications referred to as a text message, instant message or electronic mail.

**Section 2.** This act is effective July 1, 2010.

Approved March 10, 2010.

## Chapter 106

### SCHOOL DISTRICT HEALTH INSURANCE-2

Original Senate File No. 75

AN ACT relating to school district employee benefits; providing school districts an option to participate in the state employees' and officials' group insurance plan; specifying contribution procedures and implementing payment mechanisms for participating school districts; authorizing interfund loans to cover coverage costs; expanding the group insurance advisory panel as specified; providing an appropriation; authorizing positions; and providing for an effective date.

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

**Section 1.** W.S. 9-3-201(a), (c) and by creating new subsections (e) and (f), 9-3-203(a)(iv) and by creating a new paragraph (xv), 9-3-205 by creating a new subsection (e), 9-3-210(a) and by creating a new subsection (e), 9-3-211(a), 9-3-213(a), 9-3-217 and 21-7-301 are amended to read:

**9-3-201. Group prepaid plans authorized; agreements with insurance companies authorized; limitation on authorized plans and companies; payroll deductions; self-insurance programs; optional school district participation in plan.**

(a) The state of Wyoming and its political subdivisions and school districts may obtain group prepaid plans or insurance for life, health, accident or hospitalization for their employees and for elected officials, except for members of the legislature, and enter into agreements with prepaid plans or insurance companies to provide this coverage. On and after July 1, 2010, insurance coverage for school district employees meeting the definition of employee under W.S. 9-3-203(a)(iv), shall, if elected by the district under subsection (e) of this section, be provided through the state employees' and officials' group insurance plan in accordance with W.S. 9-3-202 through 9-3-218. On and after July 1, 2010, insurance coverage for retired school district employees shall, if elected by the district under subsection (e) of

this section and if the retired employee was continuously covered under the school district's insurance plan prior to the election, be provided through the state employees' and officials' group insurance plan in accordance with W.S. 9-3-202 through 9-3-218. If a school district elects to cease participation in the group insurance plan pursuant to subsection (f) of this section, the election shall apply to retired employees of that school district who are receiving coverage under this subsection.

(c) Upon a request in writing from any employee of the state of Wyoming, any covered political subdivision thereof or a participating school district, the state treasurer or the proper officer in any political subdivision or school district may deduct from the wages of the employee the amount of the premium which the employee has agreed to pay for the prepaid plans or insurance, and to pay or remit the payment directly to the prepaid plan or insurance company issuing the group plan or insurance.

(e) Any school district may elect to participate in the state employees' and officials' group insurance plan by filing notification of election with the department of administration and information on a form and in a manner as prescribed by the department. Participation in the plan for any electing district shall commence not less than one hundred twenty (120) days following the date on which the district filed notification under this subsection and shall be identical to plans and coverage provided other enrollees under this act. The department shall notify the electing district of the date on which the district is eligible to participate in the state group insurance plan. An election by a district to participate in the state group insurance plan under this subsection is irrevocable for a period of five (5) years from the date on which plan participation originally commenced. A district may renew its initial participation in the state group insurance plan without interruption upon submitting notification of renewal to the department prior to expiration of the initial five (5) year participation period. Renewal of plan participation shall be irrevocable for an additional period of not less than five (5) years.

(f) Any school district which has elected to participate in the state employees' and officials' group insurance plan under subsection (e) of this section may, upon expiration of the initial five (5) years of plan participation required under subsection (e) of this section, elect to cease participation in the state group insurance plan by filing notification of the election to the department on a form and in a manner prescribed by the department. An election under this subsection shall prohibit the school district from participation in the state group insurance plan for a period of five (5) years commencing on the date plan participation ceased. Participation in the plan for any district electing to cease plan participation under this subsection shall be discontinued on a date determined by the department in consultation with the school district, but in no event later than one hundred twenty (120) days following the date on which the district filed notification under this subsection.

### **9-3-203. Definitions.**

(a) As used in this act:

(iv) “Employee” means any employee of a participating school district whose salary is paid by school district funds, or any official or employee of the state of Wyoming whose salary is paid by state funds, including employees and faculty members of the University of Wyoming and various community colleges in the state, except persons employed on intermittent, irregular, or less than halftime basis and any at-will contract employee who does not meet the requirements established under W.S. 9-2-1022(a)(xi)(F)(III) or (IV). “Employee” shall not include employees of the agricultural extension service of the University of Wyoming who hold federal civil service appointments, are required to participate in federal civil service retirement and who elect to participate in the federal employees’ health benefit program as authorized in W.S. 9-3-210(d);

(xv) “Participating school district” means any school district which has elected to participate in the state employees’ and officials’ group insurance plan under W.S. 9-3-201(e) and which has not discontinued plan participation pursuant to an election under W.S. 9-3-201(f).

**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 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).

**9-3-210. Amount of state’s contribution; estimates submitted to state budget officer; specified employees participation in federal program; participating school district contribution.**

(a) Except for participating school districts, the state shall contribute monthly the amount established and appropriated by the legislature for each employee and official enrolled in the plan in accordance with subsections (b) and (c) of this section.

(e) A participating school district shall pay to the department the monthly premium established by the department for coverage of each eligible employee or official of that district electing to become covered by any portion of the group insurance plan. Monthly premiums shall be at minimum no less than rates assessed for coverage of other enrollees qualified under W.S. 9-3-203(a)(iv), and shall be based upon information reported by the participating district to the department, to be in a form and manner prescribed by the department.

**9-3-211. Deductions from salaries of monthly contributions by employees and officials; establishment of procedure.**

(a) The amount of monthly contribution to be made by eligible employees and officials enrolled in the group insurance plan for themselves and their dependents shall be deducted from the monthly salaries of the employees and officials by the various agencies or participating school districts and remitted to the department. The procedure for deductions and remittances shall be established by the department. If a flexible benefits plan is chosen, the employees' and officials' contribution shall be applied to the chosen benefits in an amount determined by the employee or official.

**9-3-213. Treasurer of monies; bond; deposit in an account of premium cost payments, dividend payments and return of premiums; expenditures; investment of excess portions.**

(a) The state treasurer shall be the treasurer of monies under this act, and his general bond to the state of Wyoming shall cover all liabilities for his acts as treasurer. The department shall remit to the treasurer for deposit into a separate account all payments received by the department for the group insurance premium costs from employees and officials, and the state agencies, departments, ~~and institutions~~ and participating school districts. The department shall also remit to the treasurer for deposit into the account any dividend payments and return of premium received by the department from any carrier underwriting the group insurance plan. All remittances shall be made as soon as possible after they are received.

**9-3-217. Advisory panel; composition; compensation.**

(a) The director of the department shall establish an advisory panel consisting of active plan participants employed by the state, participating school districts, the University of Wyoming and Wyoming community colleges and of retired employees who are plan participants. The panel shall consist of no more than ten (10) members if there are less than five (5) participating school districts or no more than twelve (12) members if there are at least five (5) participating school districts and, insofar as possible, shall proportionally represent the specified employee groups participating in the group health insurance plan. The advisory panel shall be consulted regarding plan benefits and costs. The director of the department shall, upon receiving notification from at least five (5) school districts electing group insurance plan participation under W.S. 9-3-201(e), appoint two (2) additional advisory panel members to increase the advisory panel to twelve (12) members as provided in this section.

(b) State, participating school district, university and community college employee members of the panel shall suffer no loss of wages for the time devoted to attending meetings of the panel called by the department. All members shall be provided per diem and travel expenses incurred for attending such meetings at the rates provided under W.S. 9-3-102 and 9-3-103.

**21-7-301. Insurance and other fringe and employment benefits.**

(a) The board of trustees of each school district within the state may provide health insurance, life insurance, and other fringe and employment benefits of all types for the teachers, administrative personnel and other employees of the school district to such extent as it deems such benefits to be in the best interest of the school district. Such Benefits under this subsection may be paid for entirely by the school district or partly by the school district and partly by the employee, the degree of participation of each being entirely within the discretion of the board of trustees. Benefits under this subsection may be in addition to any benefits obtained through the group insurance plan if elected by the school district under W.S. 9-3-201(e).

(b) The board of trustees of each school district which is a participating district in the state employees' and officials' group insurance plan, as defined under W.S. 9-3-203(a)(xv), shall provide insurance under the group plan for the teachers, administrative personnel and other employees meeting the definition of employee under W.S. 9-3-203(a)(iv), as provided by W.S. 9-3-202 through 9-3-218. Each participating school district shall report to the department of administration and information as specified by W.S. 9-3-205(e) and make payments for employer and employee contributions as provided by W.S. 9-3-210 and 9-3-211. The amount of contributions paid under W.S. 9-3-211 for each employee electing coverage shall be deducted from the employee's monthly salary in accordance with W.S. 9-3-211.

**Section 2.** Notwithstanding W.S. 9-3-207, any eligible employee of a school district electing participation in the state employees' and officials' group insurance plan under W.S. 9-3-205(e), as amended under section 1 of this act, shall have thirty-one (31) days from the date the school district becomes a participating school district and the district's employees are eligible for participation in the state plan, to elect to be enrolled or not be enrolled in the group insurance plan. A participating school district's employees shall become eligible on the date the school district's election is effective under W.S. 9-3-201(c), as amended under section 1 of this act.

**Section 3.** For the period beginning on the effective date of this section and ending June 30, 2012, up to one million one hundred sixty-five thousand dollars (\$1,165,000.00) is appropriated from the separate employee health insurance account established under W.S. 9-3-213(a) to the department of administration and information to implement and administer this act. From the appropriation under this section, the department is authorized up to fifteen (15) full-time permanent positions if those positions are necessary to administer this act and the positions are authorized to be filled by the governor.

**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 10, 2010.

**Chapter 107****RANGELAND HEALTH ASSESSMENTS**

Original Senate File No. 7

AN ACT relating to agriculture; creating the rangeland health assessment program; providing for rangeland health assessments; requiring matching funding; granting rulemaking authority; making conforming amendments; providing an appropriation; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 11-2-207 is created to read:

**11-2-207. Rangeland health assessments.**

(a) The rangeland health assessment program is hereby created. The director shall provide for the cooperation and participation with the University of Wyoming, state agencies, county governments, federal agencies and private landowners in the assessment of the condition of the health of Wyoming grazing lands. The rangeland health program shall include, but not be limited to:

(i) The necessity for a rangeland health assessment for a particular area of Wyoming grazing lands, including the impact on state, federal, local and private property;

(ii) The rangeland health assessment shall be done only with the voluntary cooperation and participation of all participants, including the private landowner, the state grazing lessee and the federal grazing permittee or lessee;

(iii) The rangeland health assessment shall be conducted on federal or state managed lands only under a memorandum of agreement with the federal or state land management agency and with the participation of that federal or state land management agency;

(iv) The rangeland health assessment shall include, as necessary, establishment of rangeland monitoring, compliance with federal agency standards and guidelines and participation in the incorporation of assessment outcomes into any federal or state decision affecting livestock grazing;

(v) The rangeland health assessment shall include any protections necessary for the management of soil erosion and vegetation loss.

(b) The director is authorized to contract with the University of Wyoming, institutions of higher education and other qualified state and

local governmental agencies to:

(i) Conduct rangeland health assessments as provided pursuant to subsection (a) of this section;

(ii) Conduct rangeland health assessments on previously established exclosures which exclude livestock grazing to determine what effect the elimination of grazing has had on the quality of the rangeland. These assessments may include an assessment of nearby grazed rangeland as provided in paragraph (i) of this subsection to assist in the evaluation of the effect of excluding grazing.

(c) The director shall establish matching funds for any contract entered into pursuant to subsection (b) of this section.

(d) The director may accept additional matching funds to augment the planned rangeland health assessment to:

~~(i) Facilitate multiple use of the resource;~~ **[LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 10, 2010.]**

(ii) Identify tools and strategies for resource use that best promote rangeland health;

(iii) Facilitate the efficacy of the rangeland study.

(e) The director shall establish priorities for the distribution of available funding, including consideration of:

(i) Applications that include multiple resource partners;

(ii) Amount and variety of funding sources;

(iii) Timing and urgency of the project.

(f) The director is authorized to adopt rules and regulations necessary to implement this section.

**Section 2.** W.S. 9-4-218(a)(intro) and by creating a new paragraph (vi) is amended to read:

**9-4-218. Federal natural resource policy account created; purposes.**

(a) There is created an account known as the "federal natural resource policy account." Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection in response to federal



land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. Funds also may be expended for coordinating and participating in rangeland health assessments pursuant to W.S. 11-2-207. The governor may expend funds from the federal natural resource policy account for:

(vi) Development of rangeland health assessments in compliance with W.S. 11-2-207.

### **Section 3.**

(a) There is appropriated to the department of agriculture for the period beginning with the effective date of this act and ending June 30, 2012 the following amounts, and these appropriations shall only be expended for the purpose of providing for the coordination and participation by the department of agriculture in rangeland health assessments as follows:

(i) Twenty thousand dollars (\$20,000.00) from the federal natural resource policy account to the department of agriculture to develop the rangeland health assessment program;

~~(ii) Two hundred thousand dollars (\$200,000.00) from the general fund to the department of agriculture to participate in and to contract for rangeland health assessments; [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 10, 2010.]~~

(iii) One hundred thousand dollars (\$100,000.00) from the general fund to the department of agriculture to be expended to contract with the University of Wyoming to provide training and technical assistance relating to rangeland assessment and data collection and to assist in the education and promotion related to the coordination and participation in rangeland health assessments.

(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 as provided by law on June 30, 2012. Any request for an appropriation for this program shall be included in the department's exception budget request for the 2013-2014 biennium.

**Section 4.** No later than January 1, 2012, the department of agriculture shall report to the joint agriculture, public lands and water resources interim committee and joint appropriations interim committee regarding all amounts expended to implement this act as well as the department's

progress in implementing this act.

**Section 5.** This act is effective July 1, 2010.

Approved March 10, 2010.

## Chapter 108

### WYOMING FIREARMS FREEDOM ACT-2

Original House Bill No. 95

AN ACT relating to the Wyoming Firearms Freedom Act; establishing a Wyoming Firearms Freedom Act; providing that specified firearms that are manufactured, sold, purchased, possessed and used exclusively within Wyoming shall be exempt from federal regulation, including registration requirements; providing exceptions; creating offenses; providing penalties; authorizing the attorney general to defend specified actions; providing legislative findings and declarations of authority; establishing conditions for the possession and purchase of specified firearms; and providing for an effective date.

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

**Section 1.** W.S. 6-8-402 through 6-8-406 are created to read:

**6-8-402. Short title; applicability.**

(a) This act shall be known and may be cited as the “Wyoming Firearms Freedom Act”.

(b) This act shall apply to firearms, firearm accessories and ammunition that are manufactured in Wyoming.

**6-8-403. Definitions.**

(a) As used in this act:

(i) “Ammunition” means any projectile expelled by action of an explosive from a firearm but shall not include any projectile designed to pierce armor;

(ii) “Borders of Wyoming” means the boundaries of Wyoming as described in Section 2 of the Act of Admission of the state of Wyoming, 26 United States Statutes at Large, 222, chapter 664;

(iii) “Firearm” means any weapon which will or is designed to expel a projectile by the action of an explosive. “Firearm” shall not include any fully automatic weapon or any weapon designed to fire a rocket propelled grenade or any explosive projectile;

(iv) “Firearms accessories” means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including, but not limited to, telescopic or laser sights, magazines, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, optics for target identification and lights for target illumination;

(v) “Generic and insignificant parts” includes, but is not limited to, springs, screws, nuts and pins;

(vi) “Manufactured” means that a firearm, a firearm accessory or ammunition has been created from basic materials for functional usefulness, including, but not limited to forging, casting, machining, molding or other processes for working materials;

(vii) “This act” means W.S. 6-8-401 through 6-8-406.

**6-8-404. Regulation by state of firearms, firearms accessories and ammunition manufactured in Wyoming; exceptions.**

(a) A personal firearm, a firearm accessory or ammunition that is manufactured commercially or privately in Wyoming and that remains exclusively within the borders of Wyoming is not subject to federal law, federal taxation or federal regulation, including registration, under the authority of the United States congress to regulate interstate commerce. It is declared by the Wyoming legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory or ammunition that is manufactured in Wyoming from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state or foreign country. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories or ammunition, and their importation into Wyoming and incorporation into a firearm, firearm accessory or ammunition manufactured in Wyoming does not subject the firearm, firearm accessory or ammunition to federal regulation. It is declared by the Wyoming legislature that basic industrial materials, such as, but not limited to, polymers, unmachined metal, ferrous or nonferrous, bar stock, ingots or forgings and unshaped wood, are not firearms, firearms accessories or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories and ammunition under interstate commerce as if they were actually firearms, firearms accessories or ammunition. The authority of the United States congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearm accessories and ammunition made within Wyoming borders from those materials. Firearms accessories that are imported into Wyoming from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because the firearm accessory is attached to or used

in conjunction with a firearm in Wyoming.

(b) A firearm manufactured or sold in Wyoming under this act shall have the words, "made in Wyoming" clearly stamped, inscribed or otherwise marked on a central part of the firearm, such as the receiver or frame.

(c) To possess a firearm covered by this section a person shall:

(i) Not have been convicted of any felony in any state, territory or other jurisdiction of the United States;

(ii) Not currently be adjudicated to be legally incompetent; and

(iii) Not have been committed to a mental institution.

(d) To purchase a firearm covered by this section a person shall:

(i) Be at least:

(A) Twenty-one (21) years of age if the firearm is a handgun;

(B) Eighteen (18) years of age if the firearm is a shotgun or rifle.

(ii) Not have been convicted of any felony in any state, territory or other jurisdiction of the United States;

(iii) Not currently be adjudicated to be legally incompetent; and

(iv) Not have been committed to a mental institution.

**6-8-405. Offenses and penalties; defense of Wyoming citizens.**

(a) No public servant as defined in W.S. 6-5-101, or dealer selling any firearm in this state shall enforce or attempt to enforce any act, law, statute, rule or regulation of the United States government relating to a personal firearm, firearm accessory or ammunition that is manufactured commercially or privately in Wyoming and that remains exclusively within the borders of Wyoming.

(b) Any official, agent or employee of the United States government who enforces or attempts to enforce any act, order, law, statute, rule or regulation of the United States government upon a personal firearm, a firearm accessory or ammunition that is manufactured commercially or privately in Wyoming and that remains exclusively within the borders of Wyoming shall be guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for not more than one (1) year, a fine of not more than two thousand dollars (\$2,000.00), or both.

(c) The attorney general may defend a citizen of Wyoming who is prosecuted by the United States government for violation of a federal law relating to the manufacture, sale, transfer or possession of a firearm, a firearm accessory or ammunition manufactured and retained exclusively within the borders of Wyoming.

**6-8-406. Legislative findings and declaration of authority.**

(a) The legislature declares that the authority for W.S. 6-8-402 through 6-8-406 is the following:

(i) The tenth amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and the people of Wyoming certain powers as they were understood at the time that Wyoming was admitted to statehood in 1890. The guaranty of those powers is a matter of contract between the state and people of Wyoming and the several states comprising the United States as of the time the Act of Admission was agreed upon and adopted by Wyoming and the several states comprising the United States in 1889;

(ii) The ninth amendment to the United States constitution guarantees to the people rights not granted in the constitution and reserves to the people of Wyoming certain rights, as they were understood at the time Wyoming was admitted to statehood in 1890. The guaranty of those rights is a matter of contract between the state and people of Wyoming and the several states comprising the United States as of the time the Act of Admission was agreed upon and adopted by Wyoming and the United States in 1889;

(iii) The regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States constitution, particularly if not expressly preempted by federal law pursuant to article 1, section 8 of the United States constitution. The United States congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories and ammunition;

(iv) The second amendment to the United States constitution reserves to the people the right to keep and bear arms as that right was understood at the time the original states ratified the bill of rights to the United States constitution, and the guaranty of the right is a matter of contract between the state and people of Wyoming and the United States as of the time the Act of Admission was agreed upon and adopted by Wyoming and the United States in 1889;

(v) Article 1, section 24, of the Wyoming constitution secures the right of citizens the right to keep and bear arms and this right shall not be denied. This right predates the United States constitution and the Wyoming constitution and is unchanged from the 1890 Wyoming constitution, which was approved by congress and the people of Wyoming, and the right exists, as it was agreed upon and adopted by Wyoming and the United States in

the Act of Admission;

(vi) Article 1, section 1, of the Wyoming constitution provides that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for all the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper;

(vii) Article 1, section 7, of the Wyoming constitution provides that absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority;

(viii) Article 1, sections 1 and 7, of the Wyoming constitution clearly provide that the people of the state have the sole and exclusive right of governing themselves as a free, sovereign and independent state, and do so and forever hereafter shall exercise and enjoy every power, jurisdiction and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America;

(ix) The declaration of independence clearly provides that government derives its power directly from the consent of the governed and Wyoming affirms the language of the second paragraph of the declaration of independence which states "We hold these truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed..."

**Section 2.** W.S. 6-8-401 by creating a new subsection (a) and by amending and renumbering (a) as (c) is amended to read:

**6-8-401. Firearm, weapon and ammunition regulation and prohibition by state.**

(a) The Wyoming legislature finds that the right to keep and bear arms is a fundamental right. The Wyoming legislature affirms this right as a constitutionally protected right in every part of Wyoming.

~~(a)(c)~~ The sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the state, and regulation thereof is preempted by the state. Except as authorized by W.S. 15-1-103(a)(xviii), no city, town, ~~or~~ county, political subdivision or any other entity shall authorize, regulate or prohibit the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use, carrying or possession of firearms, weapons, ~~and accessories, components or~~ ammunition except as specifically provided by this chapter. This section shall not affect zoning or other ordinances which encompass firearms businesses along with other businesses. Zoning

and other ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are prohibited.

**Section 3.** W.S. 6-8-401(b) is repealed.

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

Approved March 11, 2010.

## Chapter 109

### LEGAL SERVICES FUNDING

Original House Bill No. 61

AN ACT relating to indigent civil legal services; providing for additional fees to fund indigent civil legal services; establishing an indigent civil legal services account; creating and providing for administration of an indigent civil legal services program; authorizing rulemaking; establishing priorities for provision of legal services; authorizing the expenditure of funds for the program as specified; providing for reports; and providing for an effective date.

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

**Section 1.** W.S. 5-2-121 and 5-2-122 are created to read:

**5-2-121. Indigent civil legal services account created; purposes.**

(a) There is created the indigent civil legal services account to be administered by the supreme court. The account shall receive all funds paid to the state treasurer from the fees imposed to support indigent civil legal services, pursuant to W.S. 2-2-401, 5-2-202, 5-3-205, 5-3-206, 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102 and 6-10-103. Funds within the account shall be used by the supreme court for the establishment and operation of a statewide program to provide civil legal services to indigent individuals within the state. Interest accruing to this account shall be retained in the account and shall be expended for the purposes provided in this section. No funds shall be expended from the account until the legislature appropriates the funds.

(b) For the fiscal biennium commencing July 1, 2012 and each fiscal biennium thereafter, the supreme court shall include in its proposed budget a biennial budget and plan for the account. Each biennial plan and proposed budget shall be submitted to the joint appropriations interim committee and the joint judiciary interim committee. Each biennial plan

submitted under this subsection beginning with the biennium commencing July 1, 2012 shall include case statistics and program costs for the preceding biennium. The joint judiciary interim committee may submit any comments it deems appropriate to the joint appropriations interim committee.

(c) The supreme court shall provide for the conduct of audits of the account on a biennial basis beginning July 1, 2011. The audits shall be available for public review.

**5-2-122. Indigent civil legal services program created; purposes.**

(a) An indigent civil legal services program is created to be operated in accordance with the following:

(i) The supreme court shall develop a comprehensive plan for funding a statewide program of civil legal services to the indigent from the account. By November 1, 2010 and again by May 1, 2011, the court shall submit to the joint appropriations interim committee and the joint judiciary interim committee reports on the plan of operation for the program;

(ii) The supreme court may operate the program directly, or contract with a nonprofit organization to operate the program;

(iii) The court shall adopt rules and regulations for the program prior to implementation subject to the following:

(A) In adopting rules and regulations governing the program the court shall set the following priorities, which are not intended to be exclusive, but to provide direction on the management and operation of the program:

(I) Cases in which an indigent individual is a defendant in a lawsuit;

(II) Cases in which an indigent individual is seeking to enforce a court order;

(III) Cases involving domestic relations and family law;

(IV) Matters involving general legal advice to indigent individuals.

(B) In adopting rules and regulations governing the program, the court shall prohibit the program from providing legal representation in the following areas:

(I) Cases seeking tort damages;



(II) Criminal defense;

(III) Cases against public agencies or political subdivisions seeking to change or overturn existing rules, regulations and policies. This prohibition shall not limit the program's ability to represent indigent individuals who are seeking benefits that may be owed them by public entities.

(iv) The rules shall establish eligibility standards for the receipt of services. The eligibility standards shall require that civil legal services be funded from the account only for individuals whose total household income does not exceed two hundred percent (200%) of the federal poverty level;

(v) The program shall be operated in coordination with other publicly or privately funded programs providing civil legal services to the indigent with a goal of developing an integrated system for the delivery of indigent civil legal services on a statewide basis by July 1, 2011;

(vi) The program shall be coordinated with the Wyoming state bar and other entities on private attorney involvement, pro bono civil legal services and educational programs;

(vii) For funding under the program, the program shall establish a statewide single point of entry for indigent civil legal services or establish other operations that allow for simplified and easily available access to the program;

(viii) The program may grant funds to existing eligible programs to assist in providing civil legal services and may be used to enhance the civil legal services that the existing programs are providing;

(ix) The program may receive grants and donations which shall be deposited to the account;

(x) The program shall establish uniform standards for the delivery of civil legal services and operate programmatic and fiscal management programs to ensure accountability for all funds.

**Section 2.** W.S. 2-2-401(a) by creating a new paragraph (iv), 5-2-202, 5-3-205, 5-3-206(a)(i), (vii) and (x), 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102 and 6-10-103 are amended to read:

**2-2-401. Schedule; additional charges.**

(a) For probate matters filed or commenced, the clerk of the district court shall collect fees as follows:

(iv) In addition to the original filing fee under paragraph (a)(i) of this

subsection, an indigent civil legal services fee in the amount of ten dollars (\$10.00), which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121.

**5-2-202. Collection of fees.**

The clerk of the supreme court shall collect the following fees from the plaintiff in error or appellant, or in case of an original proceeding the plaintiff or relator shall, at the time of filing the petition in error or record on appeal or when commencing the cause in this court, the sum of twenty-five dollars (\$25.00). At the time of filing, the clerk also shall collect a court automation fee in the amount of ten dollars (\$10.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121. Other fees or charges to be assessed within the clerk's office are to be determined under rules of the supreme court.

**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; ~~except that the clerk shall remit the court automation fee prescribed by W.S. 2-2-401(a)(iii), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the judicial systems automation account established by W.S. 5-2-120 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:

(i) The court automation fee prescribed by W.S. 2-2-401(a)(iii), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the judicial systems automation account established by W.S. 5-2-120 at the end of each month;

(ii) The indigent civil legal services fee prescribed by W.S. 2-2-401(a)(iv), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the indigent civil legal services account established by W.S. 5-2-121 at the end of each month.

**5-3-206. Fees.**

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of ~~sixty dollars (\$60.00)~~ seventy dollars (\$70.00) which shall be paid by the plaintiff. This fee shall apply to original actions commenced and to actions that are reopened after a final

decree previously has been entered. Ten dollars (\$10.00) of the filing fee ~~of sixty dollars (\$60.00)~~ shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(vii) For all transcripts in cases appealed to the supreme court, ~~sixty dollars (\$60.00)~~ seventy dollars (\$70.00), including certificates, seals and transmission. Ten dollars (\$10.00) of the fee ~~of sixty dollars (\$60.00)~~ under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a justice's court, ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00), and for docketing any transcript of judgment from justice's court upon the judgment and execution dockets, ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. Ten dollars (\$10.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

#### **5-6-108. Costs.**

(a) Each city or town in the state of Wyoming may prescribe by ordinance such costs in all trials before municipal courts as may be necessary or deemed expedient. However, the costs shall not exceed ten dollars (\$10.00). All costs collected shall be turned into the treasury of the city or town. By ordinance a city or town may prescribe:

(i) A court automation fee of ten dollars (\$10.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance;

(ii) An indigent civil legal services fee of ten dollars (\$10.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance.

#### **5-6-204. Fines and penalties to be paid to city treasurer; report of cases; failure to comply with section.**

All fines and penalties collected and arising from a breach of a city ordinance shall be deposited with the city treasurer, and the municipal judge shall report at the end of each calendar month a list of all cases for violations of city ordinances instituted in his court, and the disposition thereof, with a statement of the fines, penalties and costs received. At the end of each month the judge shall deposit with the city treasurer all fines, penalties and costs received. If the municipal judge fails to report and deposit all fines, penalties and costs for a period of twenty-five (25) days, his office shall be declared vacant. If a city enacts an ordinance prescribing a court

automation fee as provided in W.S. ~~5-6-108~~ 5-6-108(a)(i), the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a city enacts an ordinance prescribing the indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

#### **5-6-303. Disposition of fines and penalties.**

All fines and penalties collected, arising from a breach of the ordinances of the town, shall be paid into the town treasury. If a town enacts an ordinance prescribing a court automation fee as provided in W.S. ~~5-6-108~~ 5-6-108(a)(i), the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a town enacts an ordinance prescribing an indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

#### **5-9-135. Filing fee.**

For all civil matters the circuit court shall collect from the plaintiff an original filing fee of twenty dollars (\$20.00), ~~and a court automation fee of ten dollars (\$10.00), and an indigent civil legal services fee of ten dollars (\$10.00)~~ excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account and the indigent civil legal services fee shall be deposited into the indigent civil legal services account as provided by W.S. 5-9-144.

#### **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.

#### **6-10-102. Imposition of fine for any felony; maximum fine where**

**not established by statute; court automation fee; indigent civil legal services fee.**

The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00). The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301 or 35-7-1037. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**6-10-103. Penalties for misdemeanors where not prescribed by statute; court automation fee; indigent civil legal services fee.**

Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**Section 3.** The supreme court is authorized to expend from the indigent civil legal services account up to two million five hundred thousand dollars (\$2,500,000.00) to operate the indigent civil legal services program for the period from July 1, 2010 through June 30, 2012. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose.

**Section 4.** This act is effective July 1, 2010.

Approved March 11, 2010.

**Chapter 110****MANDATORY MINIMUM SENTENCE FOR SEXUAL ABUSE OF A MINOR**

Original House Bill No. 64

AN ACT relating to crimes and offenses; establishing a mandatory minimum sentence for first degree sexual abuse of a minor when the actor is at least twenty-one years of age and the victim is less than thirteen years of age; and providing for an effective date.

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

**Section 1.** W.S. 6-2-314(b) and by creating a new subsection (c) is amended to read:

**6-2-314. Sexual abuse of a minor in the first degree; penalties.**

(b) Except as provided in subsection (c) of this section, a person convicted under subsection (a) of this section is subject to imprisonment for not more than fifty (50) years, unless the person convicted qualifies under W.S. 6-2-306(e).

(c) A person convicted under paragraph (a)(i) of this section, where the actor is at least twenty-one (21) years of age, is subject to imprisonment for not less than twenty-five (25) years nor more than fifty (50) years, unless the person convicted qualified under W.S. 6-2-306(e).

**Section 2.** This act is effective July 1, 2010.

Approved March 11, 2010.

**Chapter 111****RESIDENT CONTRACTOR PREFERENCES**

Original House Bill No. 89

AN ACT relating to construction contracts with public entities; clarifying application of preference requirements to specified construction project delivery methods; requiring alternative delivery method bids to be opened in public; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 16-6-102(a) and 16-6-708 are amended to read:

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

(a) If a contract is let by the state, any department thereof, or any county, city, town, school district, community college district or other public corporation of the state for the erection, construction, alteration or repair of any public building, or other public structure, or for making any addition thereto, or for any public work or improvements, the contract shall be let, if advertisement for bids or request for proposal is not required, to a resident of the state. ~~Unless an alternate design and construction delivery method is used, If advertisement for bids or request for proposal is required,~~ the contract shall be let to the responsible certified resident making the lowest bid if the certified resident's bid is not more than five percent (5%) higher than that of the lowest responsible nonresident bidder.

**16-6-708. Responsibilities under alternative delivery contracts.**

(a) Any construction manager agent, construction manager at risk or design-builder contract awarded shall comply with any reporting and administrative requirements as required by the public entity of the recipient of a design, bid and build contract, including retainage, payment and performance bonding and default of contract.

(b) All bids let under this section including subcontractor bids, shall be opened in public following reasonable public notice.

**Section 2.** This act shall only apply to any contract initially offered or advertised for bids or request for proposal on or after the effective date of this act.

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

Approved March 11, 2010.

## Chapter 112

### WORKERS' COMPENSATION-FIREFIGHTERS

Original Senate File No. 59

AN ACT relating to workers' compensation; providing that coverage for firefighters includes competition during employer sanctioned training events and other ancillary activities as specified; and providing for an effective date.

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

**Section 1.** W.S. 27-14-108(a)(ii)(S)(I)(1)c., (d) by creating a new paragraph (xviii), (e)(i)(E), (F) and by creating a new subparagraph (G) is amended to read:

**27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.**

(a) This act applies to the following, which shall be deemed extrahazardous employment:

(ii) Regardless of individual occupation, all workers employed in the following sectors, subsectors, industry groups and industries, as each is defined in the most recent edition of the North American Industry Classification System (NAICS) manual:

(S) Public administration, sector 92:

(I) Subsector 922, justice, public order and safety activities:

(1) Industry group 9221, justice, public order and safety activities:

c. NAICS industry 92215, fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in fire protection activities, fundraising, civic affairs or other similar authorized activities.

(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:

(xviii) Fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in the fire protection activities, fundraising, civic affairs or similar authorized activities.

(e) Specifically enumerated volunteers to whom this act applies are:

(i) Firefighters while:

(E) Training for the activities enumerated in subparagraphs (A) through (D) and (F) of this paragraph, including while engaged in competition at employer sanctioned training events; ~~or~~

(F) Constructing, maintaining or improving equipment or facilities utilized in the activities enumerated in subparagraphs (A) through (E) of this paragraph; ~~or~~

(G) Performing under the direction of a duly authorized officer in



charge and engaged in fundraising, civic affairs or other similar authorized activities.

**Section 2.** This act is effective July 1, 2010.

Approved March 11, 2010.

## Chapter 113

### SMALL BUSINESS INVESTMENT CREDIT

Original House Bill No. 106

AN ACT relating to economic development; providing definitions; providing requirements for certification as a small business investment company; providing requirements for participating investors; providing a credit against certain taxes for certain investments; requiring reports; amending related provisions; and providing for an effective date.

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

**Section 1.** W.S. 9-12-1301 through 9-12-1312 are created to read:

### ARTICLE 13

#### WYOMING SMALL BUSINESS INVESTMENT CREDIT

**9-12-1301. Short title.**

This article shall be known and may be cited as the “Wyoming small business investment credit program”.

**9-12-1302. Definitions.**

(a) As used in this article:

(i) “Affiliate” means any person who, directly or indirectly, owns, controls or holds power to vote fifteen percent (15%) or more of the outstanding voting securities or other voting ownership interest of a Wyoming small business investment company or insurance company licensed in this state and includes any person if fifteen percent (15%) or more of the outstanding voting securities or other voting ownership interest of that person are directly or indirectly owned, controlled or held with power to vote by a Wyoming small business investment company or insurance company licensed in this state. “Affiliate” does not include an investment by a participating investor in a Wyoming small business investment company pursuant to an allocation of premium tax credits under this article;

(ii) "Allocation date" means the date credits under W.S. 9-12-1305 are allocated to participating investors in a Wyoming small business investment company;

(iii) "Council" means the Wyoming business council or any designated subcommittee of its members;

(iv) "Designated capital" means an amount of money that:

(A) Is invested by a participating investor in a Wyoming small business investment company; and

(B) Fully funds the purchase price of a participating investor's qualified debt instrument issued by a Wyoming small business investment company.

(v) "Participating investor" means any insurer licensed in this state with a tax liability under W.S. 26-4-103;

(vi) "Qualified business" means a business which:

(A) Is independently owned and operated;

(B) Is headquartered in Wyoming, its principal operations are located in Wyoming, at least sixty percent (60%) of the employees are employed in Wyoming or the business has committed in writing to move to Wyoming as a condition of the investment;

(C) Has provided evidence acceptable to the council of its intent to remain in Wyoming after receipt of the qualified investment;

(D) Has one hundred (100) employees or less;

(E) Is not a franchise of and has no financial relationship with a Wyoming small business investment company or any affiliate of a Wyoming small business investment company prior to a Wyoming small business investment company's first qualified investment in the business; and

(F) Is not predominately engaged in:

(I) Professional services provided by accountants, doctors or lawyers;

(II) Banking or lending except a bank holding company as defined in W.S. 13-1-101(a)(iii) which is authorized to establish a small business investment company;

(III) Insurance;

(IV) Direct gambling activities; or

(V) Making loans to or investments in a Wyoming small business investment company or an affiliate.

(vii) “Qualified debt instrument” means a debt instrument issued by a Wyoming small business investment company which:

(A) Is issued at par value or a premium;

(B) Has an original maturity date of at least four (4) years from the date of issuance and a repayment schedule which is not faster than a level principal amortization over four (4) years; and

(C) Satisfies the rating criteria to qualify as “NAIC 1” as determined by the securities valuation office of the national association of insurance commissioners.

(viii) “Qualified distribution” means any distribution or payment made by a Wyoming small business investment company in connection with:

(A) The costs and expenses of forming, syndicating and organizing the Wyoming small business investment company, including any fee paid for professional services, and the costs of financing and insuring the obligations of the Wyoming small business investment company;

(B) An annual management fee not to exceed three percent (3%) of designated capital on an annual basis to offset the costs and expenses of managing and operating a Wyoming small business investment company;

(C) Reasonable and necessary fees in accordance with industry custom for ongoing professional services, including, but not limited to, legal and accounting services related to the operation of a Wyoming small business investment company;

(D) An increase or projected increase in federal or state taxes, including penalties and related interest, of the equity owners of a Wyoming small business investment company resulting from the earnings or other tax liability of a Wyoming small business investment company to the extent that the increase is related to the ownership, management or operation of a Wyoming small business investment company; and

(E) Payments of principal and interest to holders of qualified debt instruments issued by a Wyoming small business investment company.

(ix) “Qualified investment” means the investment of money by a Wyoming small business investment company in a qualified business for

the purchase of any debt, debt participation, equity or hybrid security of any nature and description, including a debt instrument or security which has the characteristics of debt but provides for conversion into equity or equity participation instruments such as options or warrants, but shall not include any purchase of a guaranteed portion of a federally guaranteed loan;

(x) "State premium tax liability" means a liability incurred by an insurer under W.S. 26-4-103, or in the case of a repeal or reduction of the liability imposed by W.S. 26-4-103, any other tax liability imposed upon a participating investor by the state;

(xi) "Wyoming small business investment company" means a partnership, corporation, trust or limited liability company organized on a for-profit basis which is certified by the council pursuant to W.S. 9-12-1303.

**9-12-1303. Certification.**

(a) The Wyoming business council shall provide a form for applying for certification as a Wyoming small business investment company.

(b) An applicant to be certified as a Wyoming small business investment company shall:

(i) File an application with the council and pay a nonrefundable fee equal to the annual certification fee provided under W.S. 9-12-1308(b);

(ii) Submit as part of the application an audited balance sheet which contains an unqualified opinion of an independent certified public accountant issued not more than sixty (60) days before the application date and includes a statement that the applicant has an equity capitalization of five hundred thousand dollars (\$500,000.00) or more in the form of unencumbered cash, marketable securities or other liquid assets; and

(iii) Have at least two (2) principals or persons, employed or engaged to manage the funds who each have a minimum of five (5) years of money management experience in the venture capital or private investment industry or five (5) years of experience as an officer in a commercial bank and acceptable business qualifications as determined by the council in consultation with the Wyoming state banking commissioner.

(c) The council may certify a partnership, corporation, trust or limited liability company which is organized on a for-profit basis and submits an application to be designated as a Wyoming small business investment company if:

(i) The applicant is located, headquartered and licensed or registered

to conduct business in Wyoming;

(ii) The applicant has as its primary business the activity of investing cash in qualified businesses;

(iii) After a review of the organizational documents and the business history of each applicant the council determines that the officers and the board of directors, general partners, trustees, managers or members of the applicant are acquainted with the requirements of this article; and

(iv) The applicant has complied with the requirements set forth in subsection (b) of this section for a Wyoming small business investment company and is otherwise qualified pursuant to the provisions of this article.

(d) Not more than forty-five (45) days after the receipt of an application under this section, the council shall issue a certification as a Wyoming small business investment company or refuse to issue the certification and provide to the applicant the grounds for the refusal and any information that may allow the applicant to obtain certification.

(e) The council shall begin accepting applications for certification as a Wyoming small business investment company not later than January 1, 2011.

(f) The council may contract with an independent third party to review, investigate and certify that the applications under this section and requests under W.S. 9-12-1307(j) and 9-12-1310(c) comply with the provisions of this article.

#### **9-12-1304. Requirements.**

(a) An insurance company or affiliate of an insurance company or insurer shall not, directly or indirectly:

(i) Own, whether through rights, options, convertible interest, or otherwise, fifteen percent (15%) or more of the voting securities or other voting ownership interest of a Wyoming small business investment company;

(ii) Manage a Wyoming small business investment company; or

(iii) Control the direction of investments for a Wyoming small business investment company.

(b) A Wyoming small business investment company may obtain one (1) or more guaranties, indemnities, bonds, insurance policies or other payment undertakings for the benefit of its participating investors from any entity,

except that in no case shall more than one (1) participating investor of the Wyoming small business investment company, including any affiliates of the participating investor, be entitled to provide such guaranties, indemnities, bonds, insurance policies or other payment undertakings in favor of the participating investors of the Wyoming small business investment company and its affiliates.

(c) This section shall not be construed to preclude a participating investor, insurance company or other party from exercising its legal rights and remedies including, without limitation:

(i) Interim management of a Wyoming small business investment company in the event that a Wyoming small business investment company is in default of its statutory obligations or its contractual obligations to such participating investor, insurance company or other party;

(ii) Monitoring a Wyoming small business investment company to ensure its compliance with this section; or

(iii) Disallowing any investments that have not been approved by the council pursuant to this article.

**9-12-1305. Wyoming small business investment credit.**

(a) A participating investor under this article shall earn a credit against any state premium tax liability as provided in this section up to one hundred percent (100%) of the participating investor's investment of designated capital in a Wyoming small business investment company.

(b) A participating investor may claim in the year immediately following a credit under this section for tax years 2013, 2014, 2015, 2016, 2017, 2018 and 2019 in an amount equal to fourteen and two thousand eight hundred fifty-seven ten-thousandths percent (14.2857%) of the participating investor's investment of designated capital.

(c) The credit for any tax year shall not exceed the participating investor's state premium tax liability for that tax year. If the amount of the credit determined under this section for any tax year exceeds the liability for tax under this chapter, the credit may be carried forward to future tax years without limitation. The premium tax credits provided by W.S. 26-19-312, 26-42-111 and 26-43-105, and deposits to the volunteer firemen's pension account pursuant to W.S. 26-4-102(b)(ii), shall take priority over the premium tax credits provided by this section and shall be calculated using the gross premium tax before the credits provided by this section.

(d) A credit under this section may be used in connection with both final payments and prepayments of a participating investor's state premium tax liability.

(e) A participating investor claiming a credit under this section shall not be required to pay any additional tax or fee as a result of claiming a credit under this article.

(f) If the payment of state premium tax liability by a participating investor would result in a credit against or reduction in any other tax imposed by this state, the amount of such credit or reduction shall not be affected by the issuance of a credit under this section.

(g) Final decertification of a Wyoming small business investment company under W.S. 9-12-1310 shall result in the disallowance and the recapture of a credit under this section. The amount to be disallowed and recaptured shall be assessed as follows:

(i) If decertification of a Wyoming small business investment company is within four (4) years of its allocation date and prior to meeting the requirements of W.S. 9-12-1310(c), all credits under this section are disallowed. To the extent any credit had been taken, the tax shall be immediately due and payable and the collecting authority is authorized to collect the tax;

(ii) If decertification of a Wyoming small business investment company occurs after the company has met the requirements of W.S. 9-12-1310(c), no credits under this section are disallowed and no credits that were previously taken under this section shall be recaptured.

(h) A participating investor shall not transfer, agree to transfer, sell or agree to sell a credit under this section until one hundred eighty (180) days or more from the date on which the participating investor invested designated capital. One hundred eighty (180) days or more from the date of investment, a participating investor, or subsequent transferee, may transfer credits based upon rules adopted by the council in consultation with the department of insurance to facilitate such transfers. Any transfer or sale of credits shall not affect the time schedule for claiming a credit. Any tax credit required to be repaid under this section shall remain the liability of the participating investor that actually applied the credit towards its tax liability.

**9-12-1306. Aggregate limitations on investment tax credits; allocation.**

(a) The aggregate amount of investment tax credits to be allocated to all participating investors of Wyoming small business investment companies under this article shall not exceed thirty million dollars (\$30,000,000.00). No Wyoming small business investment company, on an aggregate basis with its affiliates, shall file credit allocation claims that exceed thirty million dollars (\$30,000,000.00).

(b) Tax credits shall be allocated to participating investors in the order that the credit allocation claims are filed with the council, provided that all credit allocation claims filed with the council on the same day shall be treated as having been filed contemporaneously. Any credit allocation claims filed with the council prior to the initial credit allocation claim filing date shall be deemed to have been filed on such initial credit allocation claim filing date. The council shall set the initial credit allocation claim filing date to be not less than ninety (90) days and not more than one hundred twenty (120) days after the council begins accepting applications for certification as a Wyoming small business investment company under W.S. 9-12-1303(e).

(c) If two (2) or more Wyoming small business investment companies which are qualified under the provisions of this act file credit allocation claims with the council on behalf of their respective participating investors on the same day and the aggregate amount of credit allocation claims exceeds the lesser of the aggregate limit of investment tax credits under this section or the amount of credits that remain unallocated on that day, the credits shall be allocated among the participating investors who filed on that day on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one (1) participating investor is the product obtained by multiplying a fraction, the numerator of which is the amount of the credit allocation claim filed on behalf of a participating investor and the denominator of which is the total of all credit allocation claims filed on behalf of all participating investors on that day, by the lesser of the aggregate limit of credits under this section or the amount of credits that remain unallocated on that day.

(d) Not more than ten (10) business days after the council receives a credit allocation claim filed by a Wyoming small business investment company on behalf of one (1) or more of its participating investors, the council shall notify the Wyoming small business investment company of the amount of credits allocated to each of the participating investors of that Wyoming small business investment company. In the event a Wyoming small business investment company does not receive an investment of designated capital from each participating investor required to earn the amount of credits allocated to such participating investor within ten (10) business days of the Wyoming small business investment company's receipt of a notice of allocation, it shall notify the council on or before the next business day and the credits allocated to such participating investor of the Wyoming small business investment company shall be forfeited. The council shall reallocate credits forfeited under this subsection among the participating investors of the other Wyoming small business investment companies on a pro rata basis with respect to the credit allocation claims filed on behalf of the participating investors.

(e) The council may impose a civil penalty of not more than fifty thousand



dollars (\$50,000.00) upon a participating investor which does not invest the full amount of designated capital required to fund the credits allocated to it by the council in accordance with the credit allocation claim filed on its behalf. The council shall provide by rule, notice and opportunity for hearing prior to imposing a civil penalty under this subsection. In determining the amount of the penalty the council shall consider the direct and indirect cost to the state as a result of the investor's failure to invest the full amount of designated capital.

(f) No participating investor, individually or on an aggregate basis with its affiliates, shall file an allocation claim for more than twenty-five percent (25%) of the maximum amount of investment tax credits authorized under this article regardless of whether such claim is made in connection with one (1) or more Wyoming small business investment companies.

(g) The council shall annually certify by January 31, the amount of investment tax credits for which each participating investor qualifies under this article as of December 31 of the previous year. The certification shall be made to the insurance commissioner, and to the entity otherwise authorized to collect the tax due if the credit is allowed against another tax liability to the state.

**9-12-1307. Requirements for continuance of certification.**

(a) To maintain certification under this article, a Wyoming small business investment company shall make qualified investments as follows:

(i) Within two (2) years after the allocation date, a Wyoming small business investment company shall invest an amount equal to at least twenty-five percent (25%) of its designated capital in qualified investments; and

(ii) Within four (4) years after the allocation date, a Wyoming small business investment company shall invest an amount equal to at least fifty percent (50%) of its designated capital in qualified investments.

(b) Before making a proposed qualified investment in a specific business, a Wyoming small business investment company shall request from the council a written determination that the proposed investment is a qualified investment in a qualified business. The council shall notify a Wyoming small business investment company within ten (10) business days from the receipt of a request of its determination and an explanation thereof. If the council does not notify the Wyoming small business investment company of its determination within ten (10) business days, the proposed investment is deemed to be a qualified investment in a qualified business.

(c) Any designated capital not invested in qualified investments by a Wyoming small business investment company shall be held or invested in

such manner as the Wyoming small business investment company, in its discretion, deems appropriate.

(d) Designated capital and proceeds of designated capital returned to a Wyoming small business investment company after being originally invested in qualified investments may be invested again in qualified investments and such investment shall be considered under the requirements of subsections (a), (e) and (f) of this section for the purposes of making investments of designated capital in qualified investments.

(e) If, within six (6) years after its allocation date, a Wyoming small business investment company has not invested at least seventy percent (70%) of its designated capital in qualified investments, neither the Wyoming small business investment company nor its affiliates shall be permitted to receive management fees.

(f) If, within eight (8) years after its allocation date, a Wyoming small business investment company has not invested one hundred percent (100%) of its designated capital in qualified investments, neither the Wyoming small business investment company nor its affiliates shall be permitted to receive management fees.

(g) A Wyoming small business investment company shall not invest more than twenty percent (20%) of its designated capital in any one (1) qualified business without the specific approval of the council.

(h) For purposes of calculating the investment percentages in this section, the cumulative amount of all qualified investments made by a Wyoming small business investment company from the allocation date shall be considered.

(j) A Wyoming small business investment company may, at any time but not more than once every two (2) years, request that the council determine if the Wyoming small business investment company is in compliance with the requirements of this section. Upon a request under this subsection, the council shall, not later than sixty (60) days after receipt of a request under this subsection, certify that the Wyoming small business investment company has satisfied the requirements of this section as of the date of the request or provide notice of noncompliance and an explanation of the deficiencies. If the council does not provide such notification within the sixty (60) day period, the Wyoming small business investment company shall be deemed to have met the applicable requirements of this section as of the date of the request.

**9-12-1308. Wyoming small business investment company reporting requirements.**

(a) Each Wyoming small business investment company shall report the

following to the council:

(i) As soon as practicable after the receipt of designated capital:

(A) The name of each participating investor from which the designated capital was received, including such participating investor's national association of insurance commissioners (NAIC) identification number;

(B) The amount of each participating investor's investment of designated capital; and

(C) The date on which the designated capital was received.

(ii) On or before January 31 of each year:

(A) The amount of the Wyoming small business investment company's remaining uninvested designated capital at the end of the immediately preceding fiscal year;

(B) Whether the Wyoming small business investment company has invested more than twenty percent (20%) of its total designated capital in any one (1) business;

(C) All qualified investments that the Wyoming small business investment company has made in the previous fiscal year, including the number of employees of each qualified business in which it has made investments at the time of such investment and as of December 1 of the preceding fiscal year; and

(D) For any qualified business where the Wyoming small business investment company no longer has an investment, the Wyoming small business investment company shall provide employment figures for that company as of the last day before the investment was terminated.

(iii) Any information that the council may require by rule and regulation:

(A) Which will help the council ascertain the impact of the Wyoming small business investment company program directly and indirectly on the economy of the state of Wyoming including, without limitation, the number of jobs created by qualified businesses that have received qualified investments; or

(B) Information on the operations of the Wyoming small business investment company that the council requires to determine compliance with the requirements of this article.

(iv) Within ninety (90) days of the close of its fiscal year, annual audited financial statements of the Wyoming small business investment company which shall include the opinion of an independent certified public accountant.

(b) The business council shall set annual certification fees through rule and regulation in the manner provided in W.S. 33-1-201(a). A Wyoming small business investment company shall submit to the council the annual, nonrefundable certification fee on or before April 1 of each year. The council shall transfer the fee to the state treasurer for deposit into the general fund. The annual certification fee shall not be required for the year if the payment date under this subsection is within six (6) months of the date a Wyoming small business investment company is first certified by the council under W.S. 9-12-1303.

**9-12-1309. Distributions.**

(a) A Wyoming small business investment company may make a qualified distribution at any time. In order for a Wyoming small business investment company to make a distribution other than a qualified distribution to its equity holders, the cumulative amount of all qualified investments of the Wyoming small business investment company shall equal or exceed one hundred percent (100%) of its designated capital.

(b) A Wyoming small business investment company shall transfer to the state treasurer for deposit into the general fund an amount equal to ten percent (10%) of all distributions to the equity holders of the Wyoming small business investment company, other than qualified distributions and distributions of paid-in capital contributed to a Wyoming small business investment company by the equity holders. A Wyoming small business investment company shall make all contributions required under this subsection concurrently with distributions to its equity owners by payment to the Wyoming business council. The council shall upon receiving payment from the Wyoming small business investment company transmit the funds to the state treasurer for deposit into the general fund. Nothing in this subsection shall be construed to affect qualified distributions.

(c) If, more than ten (10) years after the allocation date, a Wyoming small business investment company has failed to cumulatively invest an amount equal to at least one hundred percent (100%) of its designated capital in qualified investments, the percentage of distributions that a Wyoming small business investment company is required to contribute to the state of Wyoming general fund under subsection (b) of this section shall be twenty-five percent (25%) of all distributions to the equity holders of the Wyoming small business investment company, other than qualified distributions and distributions of paid-in capital contributed to a Wyoming small business investment company by the equity holders.

**9-12-1310. Decertification; certification of compliance.**

(a) The council shall conduct an annual review of each Wyoming small business investment company to determine if each Wyoming small business investment company is abiding by the requirements of this article and to ensure that no investment has been made in violation of this article. The cost of the annual review and other determinations under this article including certifications requested under W.S. 9-12-1307(j) and subsection (c) of this section shall be paid by each Wyoming small business investment company according to a fee schedule adopted by the council sufficient to cover actual direct and indirect costs of the review or certification.

(b) Any material violation of this article, including any material misrepresentation made to the council in connection with the application process, is a basis for decertification of a Wyoming small business investment company and the disallowance of credits under W.S. 9-12-1305, provided that in all instances the council shall provide notice to the Wyoming small business investment company of the grounds of a proposed decertification and the opportunity to cure any violation of this article before the decertification becomes effective.

(c) A Wyoming small business investment company may request that the council certify that the company has invested an amount cumulatively equal to one hundred percent (100%) of its designated capital in qualified investments as provided in W.S. 9-12-1307 and has complied with all other requirements provided under this article. Upon a request under this subsection, the council shall notify a Wyoming small business investment company not later than sixty (60) days after receipt of a request under this subsection:

(i) That it has achieved certification under this subsection; or

(ii) That it has not met the requirements of this article, provide a reason for the determination that the company has been determined not to have met the requirements of this article and decertify the company if applicable under subsection (b) of this section.

(d) If the council certifies a Wyoming small business investment company under subsection (c) of this section, the company shall no longer be subject to regulation by the council and shall not be subject to the reporting requirements under W.S. 9-12-1308. If the council does not provide notification within the sixty (60) day period as required in subsection (c) of this section, the Wyoming small business investment company shall be deemed to be certified as provided in subsection (c) of this section.

(e) The council shall provide written notice of any decertification proceedings under this section to the insurance commissioner and to the address of each participating investor whose tax credit may be subject to

recapture or forfeiture, using the address shown on the last filing submitted to the council.

**9-12-1311. Registration requirements.**

Each investment by a participating investor for which a tax credit is awarded under this article shall be registered or specifically exempt from registration in accordance with applicable state or federal law.

**9-12-1312. Reports to the governor and legislature.**

(a) The council shall make an annual report to the governor, the joint appropriations interim committee and the joint minerals, business and economic development interim committee for review and comment. The report shall include:

(i) The number of Wyoming small business investment companies holding designated capital;

(ii) The amount of designated capital invested in each Wyoming small business investment company;

(iii) The cumulative amount that each Wyoming small business investment company has invested;

(iv) The cumulative amount of follow-on capital that the investments of each Wyoming small business investment company have created in terms of capital invested in qualified businesses at the same time or subsequent to investments made by a Wyoming small business investment company in such businesses by sources other than Wyoming small business investment companies;

(v) The total amount of investment tax credits applied under this article for each year;

(vi) The performance of each Wyoming small business investment company with regard to the requirements for continued certification;

(vii) The classification of the companies in which each Wyoming small business investment company has invested according to industrial sector and size of company;

(viii) The gross number of jobs created by investments made by each Wyoming small business investment company and the number of jobs retained;

(ix) The location of the companies in which each Wyoming small business investment company has invested;

(x) Those Wyoming small business investment companies that have been decertified, including the reasons for decertification; and

(xi) Other related information as necessary to evaluate the effect of this article on economic development.

**Section 2.** W.S. 9-12-102(a)(viii) and 26-4-103 by creating a new subsection (m) are amended to read:

**9-12-102. Definitions.**

(a) As used in this act, the following terms have the following meanings, except where the context clearly indicates otherwise:

(viii) "This act" means W.S. 9-12-101 through ~~9-12-1203~~ 9-12-1312.

**26-4-103. Premium taxes; generally; preemption by state.**

(m) The amount of tax credits for which an insurer qualifies under W.S. 9-12-1301 through 9-12-1312 shall be allowed as a credit against premium tax owed by the insurer under this section.

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

Approved March 11, 2010.

## Chapter 114

### TANNING SALONS-MINORS

Original House Bill No. 63

AN ACT relating to ultraviolet tanning devices; prohibiting allowing the use of ultraviolet tanning devices by minors under fifteen (15) years of age unless a parent or legal guardian is present; requiring parental consent as specified for use of ultraviolet tanning devices by minors between fifteen (15) and eighteen (18) years of age; providing definitions; providing a criminal penalty; and providing for an effective date.

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

**Section 1.** W.S. 14-3-108 is created to read:

**14-3-108. Use of ultraviolet tanning devices by persons who have not reached the age of majority; presence required; consent required; penalty.**

(a) No person other than the minor's parent or legal guardian shall knowingly allow a minor who has not reached fifteen (15) years of age to use an ultraviolet tanning device, unless the minor's parent or legal guardian consents in writing to the use and is present the entire time of use. No person shall knowingly allow a minor age fifteen (15) years to the age of majority to use an ultraviolet tanning device, except with written consent obtained from the minor's parent or legal guardian. Any person other than the minor's parent or legal guardian allowing the use of an ultraviolet tanning device by a minor shall demand proof of age prior to allowing the use of an ultraviolet tanning device. A motor vehicle driver's license, a registration card issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming or the Northern Arapahoe tribe of Wyoming or an identification card issued by the department of transportation is prima facie evidence of the age and identity under this section. Proof that the person allowing the use of the ultraviolet tanning device demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification and proof of age is a defense to any criminal prosecution under this section.

(b) Any person violating this section is guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

(c) As used in this section:

(i) "Consent" means that the parent or legal guardian appears at the first time the minor uses the ultraviolet tanning device and signs a written consent form in the presence of the owner or an employee of the facility. The minor's parent or legal guardian may withdraw this consent at any time. Unless so withdrawn, this consent shall be valid for twelve (12) months from the date the written consent form is signed. The parent or legal guardian must repeat the written consent process annually until the minor reaches the age of majority;

(ii) "Present" means being physically present at the facility at which the tanning device is being used, but does not require the presence in the tanning room or booth being used;

(iii) "Ultraviolet tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers used for tanning of the skin, including, but not limited to, a sunlamp, tanning booth or tanning bed, but does not include equipment that emits ultraviolet radiation used by a health care professional in the treatment of disease or used pursuant to a prescription.

**Section 2.** This act is effective July 1, 2010.



Approved March 11, 2010.

## Chapter 115

### GILLETTE MADISON WATER PROJECT

Original Senate File No. 36

AN ACT relating to water development; providing amendments to the Gillette Madison pipeline project; providing authorization; specifying conditions; providing appropriations and funding; and providing for an effective date.

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

**Section 1.** W.S. 99-3-1405(e)(i)(A) and by creating new subsections (g) and (h) is amended to read:

**99-3-1405. Gillette Madison pipeline project; definitions; description; purposes; authorization; finances; conditions.**

(e) Project financing: The following shall apply:

(i) Project budget:

(A) Total project budget: ~~Two hundred twenty-six million six hundred thousand dollars (\$226,600,000.00)~~ Two hundred seventeen million six hundred thousand dollars (\$217,600,000.00);

(g) General authorization: The following shall apply:

(i) The commission shall contract with the sponsor for the construction engineering and construction for Phase I of the project which includes an expanded Madison well field, including five (5) wells, pumps and piping, the southwest treated water transmission pipeline, and appurtenances necessary to make Phase I of the project function in the manner intended in a manner consistent with this section and to administer the contract on behalf of the state of Wyoming;

(ii) Upon execution of the contract outlined in paragraph (i) of this subsection, the sponsor may complete construction engineering and construction for Phase I of the project in a manner consistent with the terms and conditions outlined in the contract.

(h) Project financing: The following shall apply:

(i) Project budget:

(A) Total project budget: Two hundred seventeen million six hundred

thousand dollars (\$217,600,000.00);

(B) Partial budget authorized by this section: Twenty-four million five hundred thousand dollars (\$24,500,000.00).

(ii) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for the construction engineering and construction for Phase I of the project an amount not to exceed sixteen million four hundred fifteen thousand dollars (\$16,415,000.00) or sixty-seven percent (67%) of the actual costs, whichever is less;

(iii) Project loan: The state of Wyoming shall loan to the sponsor from the permanent Wyoming mineral trust fund through the commission for the construction engineering and construction for Phase I of the project an amount not to exceed eight million eighty-five thousand dollars (\$8,085,000.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(iv) Appropriations and funding:

(A) There is appropriated from water development account III to the commission sixteen million four hundred fifteen thousand dollars (\$16,415,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this subparagraph shall revert to the budget reserve account on July 1, 2015. From available surplus funds, the governor shall make a recommendation in the supplemental budget request to reimburse water development account III for any amount expended from that account for this project;

(B) The state treasurer shall make available from the permanent Wyoming mineral trust fund to the commission eight million eighty-five thousand dollars (\$8,085,000.00) or as much thereof as is necessary to carry out the purpose of this section.

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

Approved March 11, 2010.

**Original House Joint Resolution No. 8**

A JOINT RESOLUTION requesting Congress to oppose House Resolution 980, titled the Northern Rockies Ecosystem Protection Act.

WHEREAS, H.R. 980 was introduced in the United States House of Representatives on February 11, 2009; and

WHEREAS, H.R. 980 would designate an additional six million five hundred fourteen thousand (6,514,000) acres to the national wilderness system in the Greater Yellowstone Ecosystem, regardless of their unsuitability and failure to meet the wilderness criteria outlined in the 1964 Wilderness Act; and

WHEREAS, these additions to the National Wilderness System will have tremendous negative impacts to the economies of the counties in which they occur and ultimately to the economy of surrounding counties and the State of Wyoming; and

WHEREAS, the continuance of all multiple use activities, including motorized recreation, outfitting, grazing, timber harvesting activities and mineral development is crucial to the long term economic diversity of all Wyoming counties and the State of Wyoming; and

WHEREAS, the Wyoming congressional delegation, representing a state heavily impacted by the proposed wilderness expansion, is not on record in support of the designation; and

WHEREAS, the United States Congress does not customarily make wilderness designations without first seeking concurrence with the states affected.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Legislature of the State of Wyoming is adamantly opposed to the Northern Rockies Ecosystem Protection Act, H.R. 980, and hereby requests that the United States House of Representatives Natural Resources Committee oppose this legislation.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

Approved March 4, 2010.

**Original House Joint Resolution No. 2**

A JOINT RESOLUTION demanding Congress cease and desist from enacting mandates that are beyond the scope of the enumerated powers granted to Congress by the Constitution of the United States.

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, Section 4, Article IV, of the Constitution says, “The United States shall guarantee to every State in this Union a Republican Form of Government,” and the Ninth Amendment states that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”; and

WHEREAS, Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, the United States Congress frequently considers and enacts laws, and the executive agencies of the federal government frequently promulgate regulations, the constitutional authority for which is either absent or tenuous, including, without limitation, the Real ID Act, which imposes significant unfunded mandates upon the states with respect to the traditional state function of drivers licensing, the Endangered Species Act, which, as construed by the United States Fish & Wildlife Service, authorizes a federal executive agency to require specific state legislation related to the traditional state function of wildlife management, the Clean

Water Act, which, as construed by the Environmental Protection Agency, authorizes a federal executive agency to exercise regulatory jurisdiction over waters that are not subject to federal regulation, the Federal Land Policy and Management Act, which implements a policy of federal lands retention in derogation of the “equal footing” doctrine.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the State of Wyoming Legislature claims sovereignty on behalf of the State of Wyoming and for its citizens under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.

**Section 2.** That the rights and liberties of Wyoming, its costates and their respective citizens must be protected from any dangers by declaring that Congress is limited by the Tenth Amendment to the Constitution of the United States and that this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

**Section 3.** That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, from enacting mandates that are beyond the scope of these constitutionally delegated powers. The state of Wyoming will not enforce such mandates.

**Section 4.** That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions be prohibited or repealed.

**Section 5.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

Approved March 8, 2010.

**Original House Joint Resolution No. 9**

A JOINT RESOLUTION demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; and, to amend the tenth amendment and the interstate commerce clause in article 1, section 8 of the United States Constitution.

WHEREAS, the tenth amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.;" and

WHEREAS, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

WHEREAS, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;" and

WHEREAS, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

WHEREAS, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

WHEREAS, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

WHEREAS, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, article 4, section 4, of the Constitution of the United States says: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the ninth amendment to the Constitution of the United States adds "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

WHEREAS, Congress may not simply commandeer the legislative and regulatory processes of the states.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

**Section 2.** That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

The powers not expressly delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.

**Section 3.** That Congress amend the interstate commerce clause, article 1 section 8, of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

To directly regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;

**Section 4.** That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1 section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

**Section 5.** That this state calls on its costates for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

**Section 6.**

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

Approved March 11, 2010.



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